



# Public Document Pack

James Ellis  
Head of Legal and Democratic Services

**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : THURSDAY 23 MARCH 2023  
**TIME** : 2.00 PM

## PLEASE NOTE TIME AND VENUE

This meeting will be live streamed on the Council's YouTube page:

<https://www.youtube.com/user/EastHertsDistrict>

## **MEMBERS OF THE COMMITTEE**

Councillor B Deering (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, R Fernando, I Kemp, S Newton, T Page, C Redfern, P Ruffles and T Stowe (Vice-Chairman)

## **Substitutes**

|                         |  |
|-------------------------|--|
| Conservative Group:     | Councillors S Bull, A Huggins and S Rutland-Barsby |
| Liberal Democrat Group: | Councillor J Dumont                                |
| Labour:                 | Councillor M Brady                                 |
| Green:                  | Councillor J Frecknall                             |

*(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)*

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A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

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## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Chairman's Announcements

### 3. Declarations of Interest

To receive any Members' declarations of interest.

### 4. Minutes - 28 February and 8 March 2023

To confirm the Minutes of the meeting of the Committee held on:

Tuesday 28 February 2023 – 'To Follow'

Wednesday 8 March 2023 – 'To Follow'

### 5. Planning Applications for Consideration by the Committee (Pages 6 - 9)

#### (A) 3/19/2124/OUT - Outline planning application at Land Off Church Lane, North of the A414, Hunsdon and Eastwick, Hertfordshire (Pages 10 - 570)

Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures, and erection of a residential led mixed use development comprising: up to 1,500 residential market and affordable homes; a mixed use local village centre; retail, business, commercial and community uses; primary school, early years and nursery facilities; leisure and sports facilities including a football hub; provision for 8 no. pitches for Gypsies & Travellers; open spaces, ecological areas, woodlands and public realm; pedestrian, cycle and vehicular accesses and

network within the site; associated drainage, utilities, energy and waste facilities and infrastructure; works to and realignment of the existing highway; other supporting works, facilities and infrastructure; other supporting works facilities and infrastructure; together with associated temporary enabling works or structures. With all matters reserved apart from detailed works to the A414 Church Lane junction (phased development (each and every phase and or sub phase being a separate and severable part of the development). Application accompanied by an Environmental Statement.

Recommended for Approval

6. Items for Reporting and Noting (Pages 571 - 607)

- (A) Appeals against refusal of Planning Permission/ non-determination.
- (B) Planning Appeals Lodged.
- (C) Planning Appeals: Inquiry and Informal Hearing Dates.
- (D) Planning Statistics.

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

# Agenda Item 5

## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 23 March 2023

**Report by:** Sara Saunders, Head of Planning and Building Control

**Report title:** Planning Applications for Consideration by the Committee

**Ward(s) affected:** All

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### Summary

- This report is to enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

### RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

**A recommendation is detailed separately for each application and determined by the Committee, as appropriate, or as set out for each agenda item.**

#### 1.0 **Proposal(s)**

1.1 The proposals are set out in detail in the individual reports.

#### 2.0 **Background**

2.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the

individual reports.

### **3.0    Reason(s)**

3.1    No.

### **4.0    Options**

4.1    As detailed separately in relation to each matter if any are appropriate.

### **5.0    Risks**

5.1    As detailed separately in relation to each matter if any are appropriate.

### **6.0    Implications/Consultations**

6.1    As detailed separately in relation to each matter if any are appropriate.

### **Community Safety**

As detailed separately in relation to each matter if any are appropriate.

### **Data Protection**

As detailed separately in relation to each matter if any are appropriate.

### **Equalities**

As detailed separately in relation to each matter if any are appropriate.

### **Environmental Sustainability**

As detailed separately in relation to each matter if any are appropriate.

**Financial**

As detailed separately in relation to each matter if any are appropriate.

**Health and Safety**

As detailed separately in relation to each matter if any are appropriate.

**Human Resources**

As detailed separately in relation to each matter if any are appropriate.

**Human Rights**

As detailed separately in relation to each matter if any are appropriate.

**Legal**

As detailed separately in relation to each matter if any are appropriate.

**Specific Wards**

As detailed separately in relation to each matter if any are appropriate.

**7.0 Background papers, appendices and other relevant material**

- 7.1 The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

7.2 Display of Plans

7.3 Plans for consideration at this meeting are available online. An Officer will be present from 1 pm to advise on any plans relating to schemes on strategic sites. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they view the full range of plans online prior to the meeting.

7.4 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:  
<https://publicaccess.eastherts.gov.uk/online-applications/>

**Contact Member** Councillor Jan Goodeve, Executive Member for Planning and Growth  
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**Report Author** Peter Mannings, Democratic Services Officer, Tel: 01279 502174  
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# Agenda Item 5a

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT – MARCH 2023

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/19/2124/OUT   |
| <b>Proposal</b>           | Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures, and erection of a residential led mixed use development comprising: up to 1,500 residential market and affordable homes; a mixed use local village centre; retail, business, commercial and community uses; primary school, early years and nursery facilities; leisure and sports facilities including a football hub; provision for 8 no. pitches for Gypsies & Travellers; open spaces, ecological areas, woodlands and public realm; pedestrian, cycle and vehicular accesses and network within the site; associated drainage, utilities, energy and waste facilities and infrastructure; works to and realignment of the existing highway; other supporting works, facilities and infrastructure; other supporting works facilities and infrastructure; together with associated temporary enabling works or structures. With all matters reserved apart from detailed works to the A414 Church Lane junction (phased development (each and every phase and or sub phase being a separate and severable part of the development). Application accompanied by an Environmental Statement. |
| <b>Location</b>           | Land Off Church Lane, North of the A414, Hunsdon and Eastwick, Hertfordshire.   |
| <b>Parish</b>             | Hunsdon and Eastwick Parishes   |
| <b>Ward</b>               | Hunsdon   |

|  |                               |
|--|-------------------------------|
| <b>Date of Registration of Application</b> | 18 <sup>th</sup> October 2019 |
| <b>Target Determination Date</b>           | 23 <sup>rd</sup> March 2023   |
| <b>Reason for Committee Report</b>         | Major application             |
| <b>Case Officer</b>                        | Emily Harvey                  |

## RECOMMENDATION

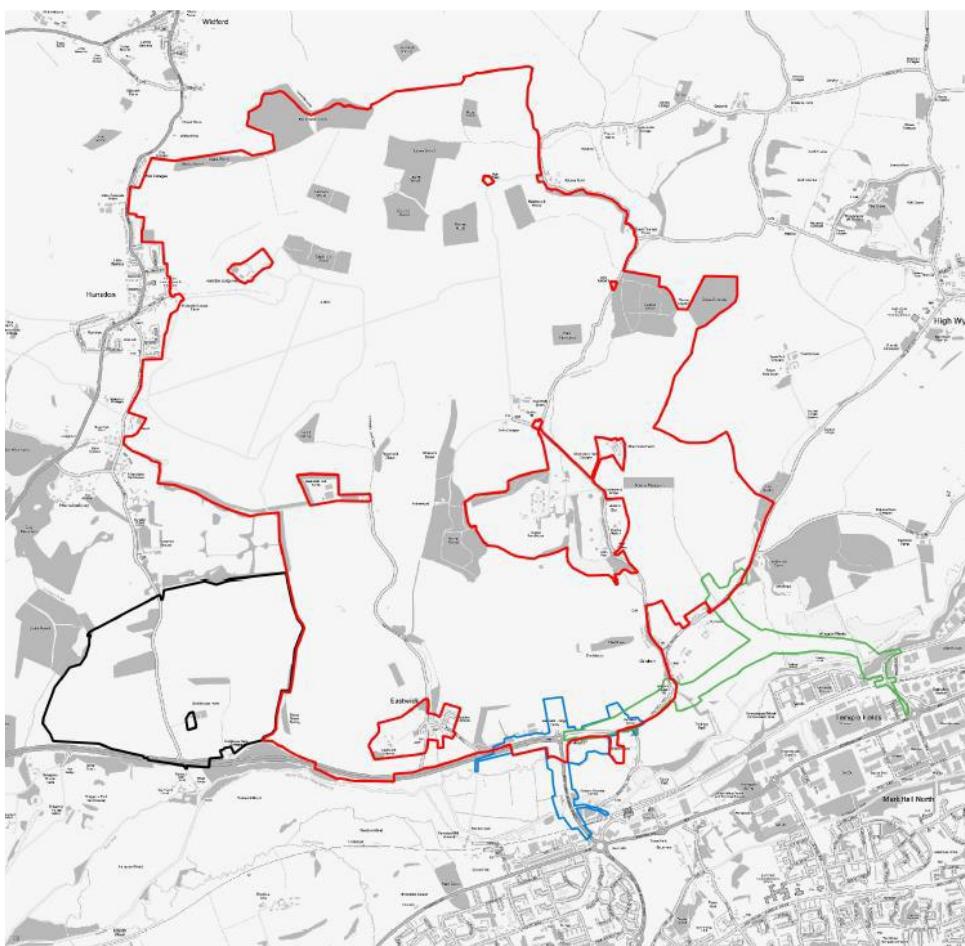
That planning permission be **GRANTED**

- a. Subject to a S.106 legal agreement first being entered into and the proposed conditions set out at the end of this report.

- b. That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the S.106 Legal Agreement and draft planning conditions annexed (including delegated authority to add to, amend or delete conditions).

## 1.0 Summary

- 1.1 Background and context – The application site forms part of the Gilston Area which is allocated (GA1) in the East Herts District Plan 2018 to deliver a mixed-use development of 10,000 homes and supporting infrastructure.
- 1.2 The application site forms part of the Harlow and Gilston Garden Town (HGGT), as designated by government (Jan 2017). The HGGT seeks to deliver housing growth and infrastructure across new neighbourhoods near Harlow; as well as within new villages in the Gilston Area.
- 1.3 The application was submitted by Briggens Estate 1 Ltd. The application site was bought by Taylor Wimpey and Taylor Wimpey took over this application which is now in their name and they are the applicant.
- 1.4 The application site comprises the part of the GA1 allocation known as 'Village 7'; The site known as 'Villages 1 to 6' is the subject of a separate planning application (ref no: 3/19/1045/FUL). East Herts Development Management Committee resolved to grant planning permission for this application in February 2023, subject to completion of a s106 legal agreement and conditions.
- 1.5 Part of the central-southern portion of the site is excluded from the application. This contains the Grade II listed Brickhouse Farmhouse, stables and walled garden. This is not within the control of Taylor Wimpey.
- 1.6 Alongside the V1-6 Outline Planning Application, Places for People submitted full planning applications for the development of the Central and Eastern River Stort Crossings respectively and jointly to EHC and Harlow Council ("HC") (local authority references 3/19/1046/FUL / HW/CRB/19/00220 and 3/19/1051/FUL / HW/CRB/19/00221) along with a related Listed Building Consent application submitted to EHC (local authority reference 3/19/1049/LBC). These applications were approved by East Hertfordshire and Harlow Council's on 18<sup>th</sup> March 2022.
- 1.7 Figure 1 below illustrates the application area, edged in black and its relationship to the neighbouring application for Villages 1 to 6 which is shown edged red. The river crossings are shown edged in green and blue.

**Figure 1: Application Area**

1.8 *The matters seeking permission at this stage of the planning process* - This is an outline planning application with all matters reserved for future consideration, except the A414/ Church Lane access. Outline Applications seek to establish whether the scale and nature of a proposed development are acceptable, before fully detailed proposals for development phases or development plots are put forward.

1.9 A414/Church Lane junction – This existing junction will form the western end of the proposed Sustainable Transport Corridor (STC). It will be signalised to accommodate new dedicated turning lanes into and out of the Site via Church Lane and to provide formal at-grade pedestrian and cycle crossing facilities over the A414, which will improve pedestrian and cyclist connectivity between the Site and the Stort Valley notably as well as functioning as an attractive amenity space with dedicated pedestrian and cyclist routes.

1.10 *The documents submitted for approval* - The documents submitted for approval are:

- six *Parameter Plans*: Establish the limits to which development must comply.

- *Development Specification*: Provides the supporting narrative to the information shown in the Parameter Plans and establishes principles for how development must be come forward.
- *Strategic Design Guide*: Sets out high level design principles for the Gilston Area allocation
- A414/Church lane junction detailed design: The detail for the part of the application that has been submitted in detail (access).

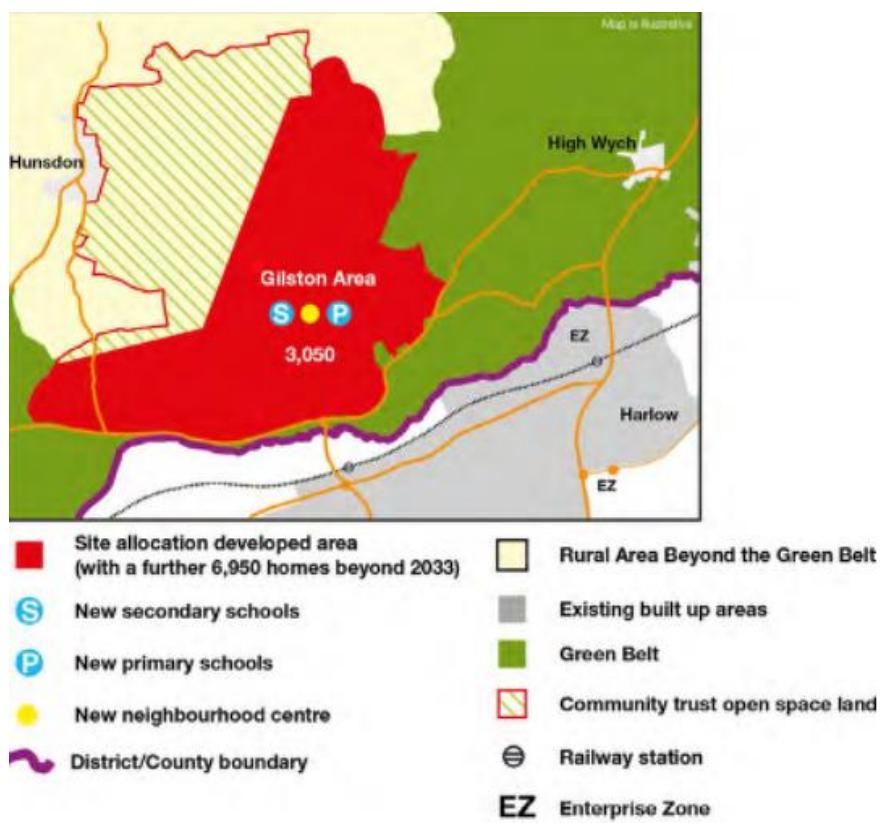
1.11 The application is supported by a wide range of supporting information in accordance with the Council's validation requirements.

1.12 *Environmental Statement* – A scoping report was submitted on 26<sup>th</sup> May 2017 in accordance with the EIA regulations. A scoping Opinion was adopted by EHDC on 30<sup>th</sup> August 2017. An ES accompanies the application to establish whether there would be any likely significant environmental effects arising from the development and how this could reasonably be mitigated. The ES is based on worst case scenario assumptions and takes account of impacts arising from the development should it come forward on its own, or alongside other planned development, including Villages 1 to 6 (3/19/1045/OUT).

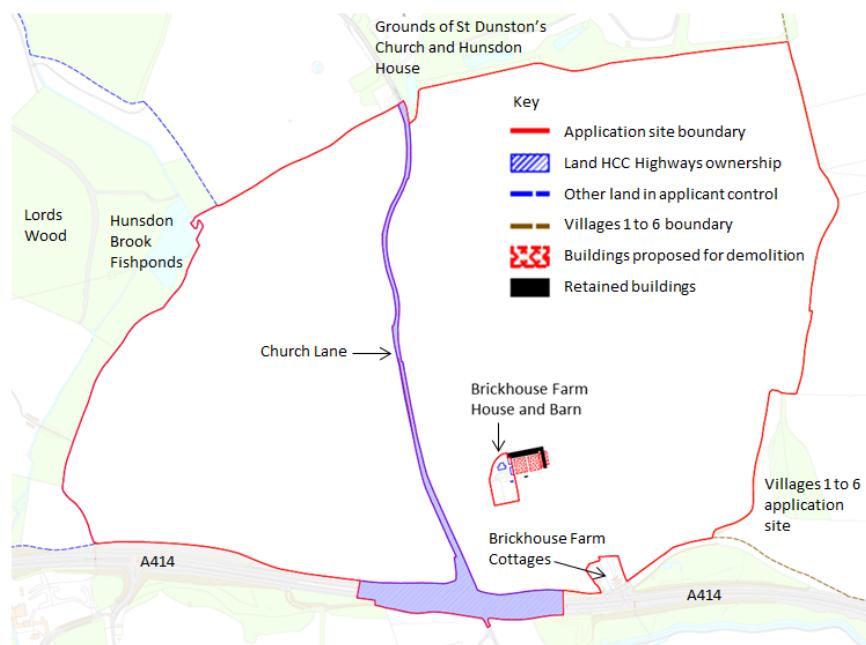
1.13 *Amended/ Additional Information* - To positively respond to comments arising through the course of the application, the proposals have been subject to several revisions. Revised information was submitted during submitted Jan 2021; August 2021; and Dec 2022/January 2023 and consulted upon. The amendments and associated consultation is discussed further below.

## **2.0 Site Description**

2.1 The site lies in the south eastern part of East Hertfordshire District Council's (EHDC) administrative area, to the east of Roydon and to the west of Sawbridgeworth. The site lies to the north of the A414 and River Stort wholly within EHDC's area, however, is close to the border with Harlow town, which lies within Harlow's administrative area and is broadly to the south east of the site.

**Figure 2: East Herts District Plan Allocation Map**

2.2 The application site itself comprises 117.4ha of land which lies to the south of the Hamlet of Hunsdonbury and Hunsdon Village, to the west of Eastwick Village and to the north of the A414.

**Figure 3: Site Application Area**

2.3 The land is principally in arable agricultural use. The site surrounds the Grade II listed Brickhouse Farm, stables, and walled garden. The associated Grade II listed barn and cattle shed do form part of the application site and are to be retained. There are concrete agricultural buildings to the south of Brickhouse Farm within the application site that are proposed to be demolished.

2.4 A public highway (Church Lane) bisects the site north/south. There is an existing Right of Way that runs along the western boundary of the site. Within the site are areas of established woodland, water features, notable and veteran trees and hedgerows.

**Table 1: Heritage, Nature Conservation and Landscape Assets**

| Category        | Relevant Assets<br>(the setting of assets outside of the application site boundary may also be relevant and is considered later in the report)   |
|-----------------|--|
| Historic Assets | <p>The following assets are within the site:</p> <ul style="list-style-type: none"> <li>• The barn and cattle shed at Brickhouse Farm (Grade II)</li> </ul> <p>The following assets are nearby:</p> <ul style="list-style-type: none"> <li>• Brickhouse Farm House and Barn (Grade II) (adjacent to the Site).</li> <li>• Hunsdon House (Grade I)</li> <li>• Parish Church of St Dunstan (Grade I)</li> <li>• Monuments in St Dunstan's Churchyard (Grade II)</li> <li>• Hunsdon Brook Fishponds (Scheduled Monument ref: 1457907)</li> <li>• Olives Farm House (Grade II*), along with four other associated listed buildings, including the stables (Grade II), attached granary (Grade II), barn (Grade II), and the Old Bungalow (Grade II).</li> <li>• Briggens Park, a Registered Park and Garden. This group of assets is centred around the Briggens House Hotel (Grade II) and includes a number of ancillary Grade II listed buildings.</li> <li>• Hunsdon Mill House, Pound House (Grade II), bridge and abutments and base of the former watermill (Grade II), which form a picturesque group along the River Stort.</li> <li>• Mead Lodge (Grade II) and coach house block at Mead Lodge (Grade II).</li> <li>• St Boltoph's Church (Grade II*) and six Grade II listed assets within Eastwick, as well as Eastwick Manor (Grade II), with separately listed stables and coach house (Grade II). There are two scheduled monuments at Eastwick: the moated site south of Eastwick Hall Farm, and the moated site and associated earthworks south-west of Home Wood.</li> <li>• There are three Areas of Archaeological Significance within the Site, located within the north-east corner.</li> </ul> |

|              |   |
|--------------|---|
| Biodiversity | <p>There are no assets within the site, however the following are in the vicinity of:</p> <ul style="list-style-type: none"> <li>• Lee Valley Special Protection Area (SPA) and Ramsar Site</li> <li>• Wormley-Hoddesdon Park Woods Special Area of Conservation (SAC) (including SSSI site)– 6.4km from site</li> <li>• Epping Forest SAC (including SSSI site) are - 10.8km from the Site</li> <li>• Rye Meads Site of Special Scientific Interest (SSSI) located 2.5km south-west of the Site</li> <li>• Amwell Quarry SSSI that lies approximately 3.1km west of the Site.</li> <li>• Further south in the Lee Valley is Turnford and Chestnut Pits SSSI and Walthamstow Reservoirs SSSI, which are also components of the Lee Valley SPA and Ramsar site.</li> <li>• Hunsdon Mead SSSI is approximately 210m from the southern boundary of the Site</li> <li>• Several Ancient Woodlands occur within 1km of the Site. The closest of these is Lord's Wood (also a Local Wildlife Site (LWS)) that lies adjacent to the western boundary.</li> <li>• There are three Local Nature Reserves (LNR) within 5km of the Site: <ul style="list-style-type: none"> <li>• Harlow Marsh LNR – the closest LNR at approx. 1.5km south-east;</li> <li>• Hawkenbury Meadow LNR; and</li> <li>• Nazeing Triangle LNR.</li> </ul> </li> <li>• Eastwick Mead LWS (notified for its fen and swamp habitat)</li> <li>• Lord's Wood LWS</li> <li>• LWS within 1km of the Site boundary: <ul style="list-style-type: none"> <li>• Hunsdon Churchyard LWS;</li> <li>• Stansted Bury Wood LWS;</li> <li>• Roydon Mead LWS;</li> <li>• Eastwick and Parndon Mead LWS;</li> <li>• Ram Gorse LWS;</li> <li>• Field W. of Eastwick Hall Lane LWS;</li> <li>• Pasture by Eastwick Hall Lane LWS;</li> <li>• Pasture N. of Eastwick LWS;</li> <li>• Bury Plantation (Hunsdonbury) LWS; and</li> <li>• Bonningtons LWS.</li> </ul> </li> </ul> |
| Landscape    | <p>Natural England locates the Site within NCA86 South Suffolk and North Essex Claylands National Character Area (NCA).</p> <p>The Site is identified within the Standstead and Pishiobury Parklands</p>  |

|  |  |
|--|--|
|  | <p>landscape character area as defined in the EHDC Landscape Character Assessment SPD (2007).</p> <p>The Site borders the River Stort character area.</p> <p>In respect of landscape, there are no designated sites within the application boundary.</p> |
|--|--|

2.5 Four residential properties (Brickhouse Farm Cottages) intersect the southern boundary of the site, accessed directly from the A414. These properties do not fall within the application site boundary.

2.6 To the north, beyond the boundary of the Site is the Grade I listed Hunsdon House (list entry number: 1347687) and further to the north is the hamlet of Hunsdonbury, with the village of Hunsdon lying further to the north of that. To the west of Hunsdon House is the Parish Church of St Dunstan, which is a Grade I listed building (list entry number: 1101973).

2.7 To the east of the Site lies open farmland, with Eastwick Manor and the village of Eastwick beyond that. To the immediate south is the A414, and to the immediate west lies Hunsdon Brook Fishponds, a designated schedule monument (list entry number 1457907) and a public footpath (Hunsdon Footpath 001), with Lord's Wood lying west of that. The land to the west forms part of the Green Belt.

2.8 The Site has access to existing local and community amenities in Harlow as well as two national rail railway stations nearby, Harlow Town and Roydon, which provide frequent services into London.

2.9 Brickhouse Farm lies outside of the application boundary, but centrally positioned in the context of the application site.

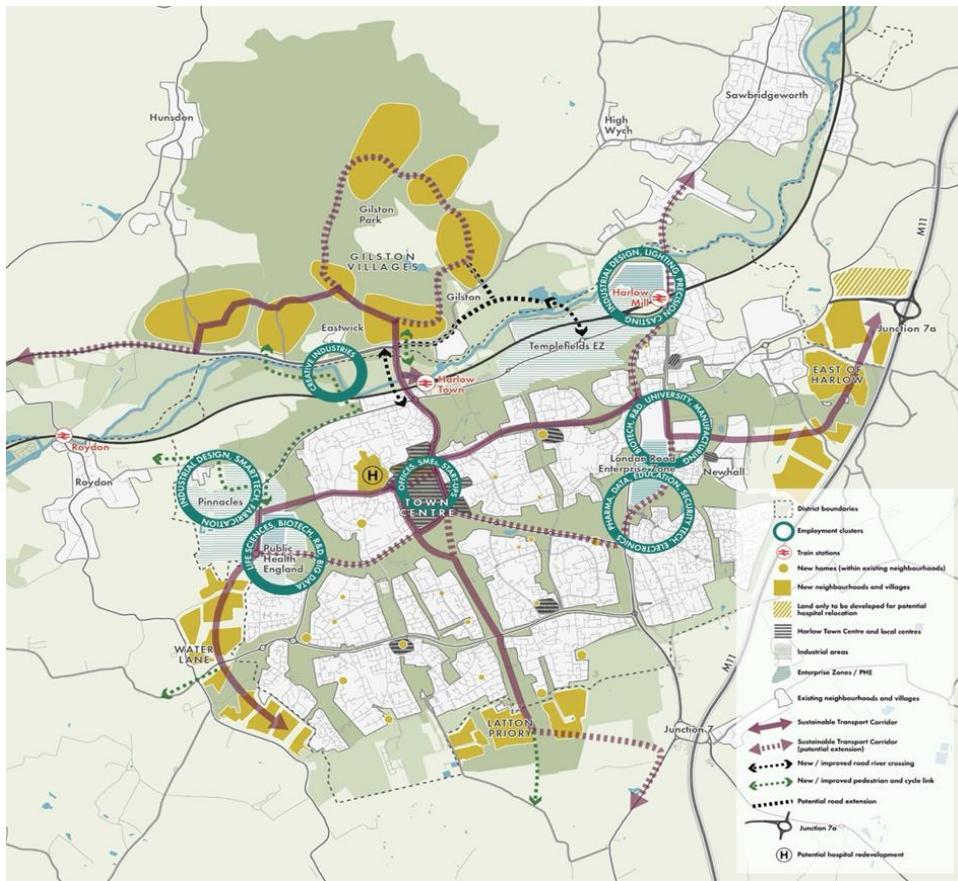
### **3.0 Application Context**

3.1 In January 2017 the Ministry for Homes, Communities and Local Government designated the Harlow and Gilston Area as a Garden Town. The Harlow and Gilston Garden Town (HGGT) involves partnership working between East Herts, Epping Forest and Harlow District Councils (being local planning authorities for land comprised in the Garden Town) and Essex and Hertfordshire County Councils (being the highways and education authorities) (hereinafter referred to as the HGGT partners) to deliver transformational growth in and around Harlow according to Garden City principles, to ensure that growth plans for the Garden Town support sustainable living and a healthy economy, provide a good quality of life for existing and future residents and to respond to local landscape and character.

3.2 The HGGT comprises new and existing communities in and around Harlow which are planned and promoted on Garden City principles. The strategic sites for the HGGT make up 16,500 new homes and includes: East Harlow; Latton Priory (south of Harlow); and the Water Lane Area (west of Harlow); and the Gilston Area (north of Harlow). Figure 4 below indicates the locations of each of these strategic sites. The Gilston Area allocation in East Herts represents the largest allocation in the Garden Town totalling 10,000 homes, of which approximately 3200 are intended to be delivered within the Plan period to 2033.

3.3 The Central Stort Crossing along with the Eastern Stort Crossing and the Gilston Area outline applications represent the first strategic planning applications to come forward within the HGGT area, and the two Crossing applications were the first to be determined. An application was made by a landowner (related to the ESC) to the High Court for permission to apply for judicial review of the decision by East Herts Council and Harlow Council to grant planning permission for the two crossings. Permission has been twice refused on the basis that the claim is unarguable, but the appellant has since applied to the Court of Appeal for permission to appeal the decisions of the High Court. There is no set timeframe for the Court of Appeal to determine the appeal.

**Figure 4: Strategic Development within the HGGT Vision**



3.4 The HGGT partners have published a Garden Town Vision. This sets out that the pioneering New Town at Gilston will grow into a Garden Town of enterprise, health and sculpture at the heart of the UK Innovation Corridor. It is to be adaptable, healthy, sustainable and innovative. A Quality Review Panel (QRP) has been established which can be convened to consider development proposals and documents coming forward. The QRP considered the illustrative masterplans put forward by the applicant at an early stage and the emerging masterplan proposals.

3.5 A successful application was made by HCC (acting as accountable body for the HGGT partners) for Government funding via Homes England towards the early delivery of infrastructure to support the Gilston Area development and the wider HGGT. Approximately £171 million funding is now available ("the Grant"), in principle (subject to detailed contractual requirements, including achieving milestones in relation to the proposed development).

3.6 The Grant is will not be repaid to Homes England provided that equivalent or higher quantums of developer contributions are secured and recovered by the Local Planning Authorities via planning agreements associated with the Outline development and other HGGT developments. Such developer contributions (which do not arise in connection with the Crossings but the outline development applications) would be ring-fenced to fund other HGGT infrastructure, in accordance with any planning obligations and relevant policy considerations.

3.7 The HIG funding is not considered to be a local financial consideration in the context of Section 70(2) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) nor a material consideration in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004 for the purposes of determining this application. The Grant is not deemed to serve a planning purpose connected with the character and use of the land or which is fairly and reasonably related to the development comprised in the application.

3.8 The viability of the proposed development, particularly in the context of the level of affordable housing to be provided, is a material consideration and the HIG funding contributes to scheme viability (along with a range of inputs). The availability of HIG funding contributes to the deliverability and likely delivery of the scheme (and therefore the benefits which flow from it). Thus, the availability of HIG funding forms part of the wider context and is relevant to the determination of applications to that extent. Beyond that, the grant by Homes England of HIG funding is not of itself a material consideration in considering the acceptability in planning terms of what is proposed.

3.9 For completeness, certain requirements concerning the repayment by the Applicant of HIG funding are required to be included in the planning obligation by Homes England. They are included in the Heads of Terms. These requirements follow from the grant of HIG funding and are therefore necessary for the funding to be secured but are not necessary to make the development acceptable in planning terms. These elements of the Heads of Terms are not therefore matters to be taken into account as reasons for granting planning permission.

## **4.0 Consultation and Amendment of the Application**

### **Pre-Application Discussions**

4.1 Prior to submission 7 pre-application meetings were held, the first of which took place on 24th April 2018 with the final meeting on 28th February 2019. A range of topics were explored including approach to the application(s), housing, heritage, design, education, noise, landscape and green infrastructure, drainage, access and connectivity, conservation, biodiversity, archaeology and employment. The feedback and learning from the pre-application meetings informed the submitted application approach and detail. Two further meetings were held (June and November 2018) on transport matters.

4.2 The applicant team presented draft proposals were presented to the Harlow and Gilston Quality Review Panel (QRP) on 19<sup>th</sup> July 2018 and 22<sup>nd</sup> February 2019 to seek their views on design quality. The feedback from the Harlow and Gilston QRP focused predominantly on the development parameters and Illustrative Masterplan. The engagement with the QRP provides a strong basis for development of the design detail post outline consent.

4.3 The applicant team held two public consultation events were held during March 2019. The events held at Harlow and Hunsdon sought to give the public opportunity to review and comment on draft proposals. The event was publicised to 45,547 addresses by way of a leaflet drop. Further consultation has been held by the applicant team by way of engagement with community groups including Gilston Area Steering Group, Hunsdon Parish Council and the local Neighbourhood Plan Group. There has been applicant attendance at the Gilston Garden Town Developer Forum.

### **Post Submission Engagement**

4.4 Following submission of the application in October 2019 the applicant has engaged further with the community by way of a dedicated website for the proposals, local newsletter, presentation and meetings with the Neighbourhood Plan Group, a community webinar and presentation at the Gilston Area Councillor's briefing.

4.5 The proposals were further presented to the QRP on 17<sup>th</sup> September 2020 focussing on the parameter Plans and Development Specification. The panel provided recommendations for the scheme

4.6 On 7 December 2020, the applicant team presented an overview of the proposed post-submission amendments to the members of East Herts District Council and Harlow District Council. The presentation formed part of a wider Gilston Area event, with the applicant team for Villages 1-6 also present. A range of transport related comments were made as well as comments on coordination of the applications across the allocation, affordable housing, climate change and employment needs.

4.7 Amendments to the application were submitted during January 2021. The amendments included a revised access drawing, parameter plans, illustrative plans, Development Specification Document, and a range of supporting technical documents. Further amendments were submitted in December 2022 and January 2023 which included further amendments to parameter plans, the Environmental Statement, the provision of a health impact assessment, strategic design guide and Development Specification Document. A Viability appraisal was also submitted during this time.

## **5.0 Environmental Impact Assessment ("EIA")**

5.1 The proposed development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 Category 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as an 'urban development project' likely to have significant effects on the environment by virtue of its nature, size or location.

5.2 A Scoping Report was submitted to the Council in May 2017 for the development of 10,000 homes and two river crossings, submitted jointly by the two landowners Places for People (PfP) and Briggens Estate (also known as City and Provincial Properties (CPP) who were landowners at the time of the submission) encompassing the proposed developments by the landowners for Villages 1-6, the two crossings, and as proposed by the landowner for Village 7 respectively. East Herts Council responded to this with a Scoping Opinion in August 2017.

5.3 The Environmental Statement (ES) was submitted as part of this outline planning application in October 2019. In line with the Scoping Opinions issued by the Councils, the ES assessed the effects of the development on the following environmental receptors and matters:

- Socioeconomics and Community Effects

- Human Health
- Transport and Access
- Air Quality
- Noise and Vibration
- Built Heritage
- Landscape and Visual
- Biodiversity
- Agriculture and Soils
- Ground Conditions
- Water Resource and Flood Risk
- Services and Utilities
- Light
- Climate Change
- Archaeology
- Cumulative Effects

5.4 On behalf of the LPA, East Herts Council appointed Barton Wilmore (BW) to assist the Council in ensuring the reliability of the Environmental Statement (ES), whether the assumptions made are reasonable and correct and to confirm whether it satisfies the requirements of the EIA Regulations.

5.5 Further information was offered by the applicants. The amended application and supporting information including a Comprehensive update to the ES was submitted in January 2021 with ES addenda submitted in August 2021 and December 2022/January 2023 and were subject to consultation.

5.6 East Herts Officers are satisfied that the further information together with the ES and ES Addendums provide sufficient information to assess the likely effects of the proposed Outline development in this regard, and that the ES is compliant with the requirements of the EIA Regulations.

5.7 The ES has considered whether there are any impacts and likely significant effects on the environment from the Development. Villages V1-6 and Village 7 are not a 'single project' in EIA terms. It is material because there is potentially a difference between assessing them as a single project in EIA terms and Village 7 assessing Villages 1-6 as part of a cumulative assessment, which is the approach taken by this application and that for villages 1-6. Where necessary, the ES highlights impacts that have relevance to the Outline proposal, therefore the ES provides a comprehensive assessment of the likely environmental impact to enable a decision to be made on this application on its own as well as considering the cumulative impact of other planned developments.

5.8 The ES identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other

associated site preparation activities) and operation of the proposed development. The Outline application has been designed with embedded mitigation (measures identified and adopted as part of the evolution of the project design) which is reflected in the assessment of effects. Likely effects are considered both with respect to:

- 'the Development' (Villages 7) as a stand-alone development, and
- When taken cumulatively with other consented and planned proposals, including the related Village 1-6 application and the crossings as part of the overall GA1 site, and
- Development allocations within the East Herts District Plan, applications within the Harlow area, development allocations within the Harlow Local Development Plan and within the emerging Epping Forest Local Plan.

5.9 In addition to the embedded mitigation, appropriate mitigation measures specific to the application proposal are recommended where adverse effects have been identified in the form of a mitigation route map. The LPA can of course decide that additional conditions and mitigations to those suggested in the ES are imposed upon the grant of any permission, where necessary and appropriate to do so. For clarity, the conditions forming part of the recommendation and detailed in the Schedule of Conditions appended to this Report are considered to provide effective mitigation for the application proposal, are necessary for planning reasons and are otherwise reasonable.

5.10 The ES, along with other relevant documentation submitted with the planning application, consultee responses and representations made by any other persons constitute the 'environmental information' which has been considered in this report and is required to be considered when determining this planning application. The environmental effects have been comprehensively assessed and are understood, such that Officers are able to form a planning judgement on the acceptability of the application and any necessary mitigation. The provision of an EIA does not absolve the LPA from making its own reasoned judgement based upon the information presented and material planning considerations.

5.11 The Local Planning Authority (LPA) has identified the impacts associated with the Outline application and the necessary mitigations, not only from the EIA material but also from site visits, engagement with and independent advice from technical experts and statutory bodies. For example, the ES (including the associated information submitted by the Applicant and proposed mitigation) has been subject to independent scrutiny and advice by environmental consultants Barton Willmore commissioned on behalf of the Council as Local Planning Authority.

## 6.0 Habitats Regulations Assessment ("HRA")

6.1 The Council, as Local Planning Authority is a competent authority in relation to the Directive 92/43/EEC of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'), and the European Parliament and Council Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive'), as transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) (the 'Habitats Regulations'). As such, the Council has undertaken a Habitats Regulations Assessment.

6.2 The Habitats Regulations Assessment (HRA) comprises a screening assessment and appropriate assessment of the likely significant effects of the Development upon the National Network Sites of the Lee Valley SPA/Ramsar, Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC. The screening considered whether the applications comprising the Development alone, when considered as a whole and when considered in combination with other relevant plans and programmes, were likely to have a significant effect on the National Network Sites. Where likely significant effects could not be ruled out without the need for mitigation, an appropriate assessment was undertaken on that potential impact.

6.3 Appendix A forms a part of this report and contains the Council's HRA in full. Table 1 below contains a summary of the screening and appropriate assessment conclusions for ease of references. However, the summary is not a substitute for the full HRA and committee members are advised to read the HRA in Appendix A for a full understanding of the findings and conclusions.

**Table 2: Screening and Appropriate Assessment Conclusion Summary**

| National Network Site | Impact Pathway       | Screened Out – No Likely Significant Effects | Appropriate Assessment Needed | Appropriate Assessment Conclusion   |
|-----------------------|----------------------|--|-------------------------------|---|
| Lee Valley SPA/Ramsar | Recreational Impacts | No Likely Significant Effects                |                               |   |
|                       | Air Quality Impacts  |  | Yes                           | Contribution to critical loads less than 1%, improving nutrient levels, no adverse effect on habitats supporting species. No adverse effect on integrity of site or conflict with |

|                                  |                                | Conservation Objectives       |     |   |
|----------------------------------|--------------------------------|-------------------------------|-----|---|
|                                  | Water Quality/Quantity Impacts |                               | Yes | New homes require connections to Rye Meads Waste Water Treatment Works. Condition on V1-6 Outline required to mitigate development post 2036. CTEMP conditions required on Crossings to prevent harm to water quality. With conditions no adverse effect on integrity of site or conflict with Conservation Objectives  |
| Wormley-Hoddesdon-park Woods SAC | Recreational Impacts           |                               | Yes | Due to lack of site management plan V7 Outline required to provide strategic greenspace. With design mitigation no adverse effect on integrity of site or conflict with Conservation Objectives   |
|                                  | Air Quality Impacts            | No Likely Significant Effects |     |   |
|                                  | Water Quality/Quantity Impacts | No Likely Significant Effects |     |   |
| Epping Forest SAC                | Recreational Impacts           | No Likely Significant Effects |     |   |
|                                  | Air Quality Impacts            |                               | Yes | Contribution of Development to critical loads is 0.1% above the ammonia threshold at kerb side. This represents an exceedance although minor. In-combination with other plans and projects a delay in achieving improvements. No adverse effect on habitats supporting species. No adverse effect on integrity of site or conflict with Conservation Objectives |
|                                  | Water                          | No Likely                     |     |   |

|  | Quality/<br>Quantity<br>Impacts | Significant<br>Effects |  |  |
|--|---------------------------------|------------------------|--|--|
|--|---------------------------------|------------------------|--|--|

6.4 Any likely significant effects which were identified or could be at the screening stage, were subject to an 'appropriate assessment' as to whether they would have an adverse effect on the integrity of a National Network Site, considering the features of and conservation objectives of each site. The appropriate assessment considers the applications comprising the Development alone, in combination with each other and in combination with other plans and projects, including villages 1 – 6 of the Gilston Area allocation.

6.5 Engagement has been carried out with, and inputs have been made to this HRA from chartered ecologists at Hertfordshire Ecology (as advisors to the Council), Barton Willmore (as advisors to the Councils), chartered ecologists at EPR Consulting (as advisors to the Applicants) and Weightmans LLP (as legal advisors to the Council). Furthermore, Natural England has been consulted during the preparation of this HRA and has not expressed concerns.

6.6 The appropriate assessment concludes that having taken account of relevant information and considering that mitigation measures will be adequately secured as part of any conditions attached to the planning permissions, and which are expected to be effective (with no reasonable scientific doubt), the Council is satisfied that the proposed outline planning application, when considered either alone and in combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site nor conflict with relevant Conservation Objectives for the National Network sites.

## 7.0 Equalities and Human Rights

7.1 Under the Equality Act 2010, the Local Planning Authority are required to have regard to the impacts of planning decisions on equality. The Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. As part of the Equality Act, a public sector equality duty applies to all public authorities including those developing planning policies and applying them. The public sector equality duty requires that decisions take account of individuals with protected characteristics that might lead people to experience discrimination and inequality. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.

7.3 Public authorities must also have regard to the requirements of the Human Rights Act 1998, which transposed the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society.

7.4 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a manner incompatible with the European Convention on Human Rights. Various convention rights are relevant and potentially engaged in the context of the current applications, namely: -

- *Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Convention Article 6)*. This can include property rights and opportunities to be heard in the consultation process. It is noted that ample opportunities for consultation have been afforded to the public in connection with the current proposals, including in respect of the ES information submitted and any material amendments to the proposals. Further, constitutional processes of the LPA for determination of major applications of this scale afford applicants and objectors the right to be heard in public by decision makers. Following determination further rights to be heard are available to both applicants and the public.
- *Peaceful enjoyment of possessions (First Protocol Article 1)* - This right is subject to the state's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. It is noted that land assembly, potentially including by compulsory acquisition, will be required in connection with implementation of the development proposals, and such decisions on whether to proceed with compulsory purchase orders (CPO) will be subject to separate decisions and consideration of Human Rights and Equalities implications in the context of any exercise of compulsory purchase powers. The application will deliver vital infrastructure required to enable the delivery of homes comprised in the Gilston Area (EHDP Policy GA1) allocation, as well as wider planned growth in the HGGT. Therefore, the general interest in the promotion of planned growth to meet the needs of local communities by

providing infrastructure to enable the delivery of homes is a legitimate aim and any interference with Protocol 1 rights would be proportionate to such aims in the public interest.

- *Right to respect for, private and family life (Convention Article 8)* – This right is also a qualified right in respect of which the likely health impacts of the proposals have been considered in evaluating the Outline scheme. A very thorough EIA process has been undertaken to consider the likely significant impacts of the Outline application in combination with other related developments (as a single project) and cumulatively with others in assessing human health and noise impacts (among others). Officers are satisfied that sufficient information has been provided, including in relation to the likely significant health impacts of the proposals and all appropriate mitigation has been included such that it is possible to conclude that no unlawful interference with Article 8 rights is anticipated. In addition, enabling the delivery of future homes for local communities in need and which will enable active and sustainable transport choices with attendant positive impacts on health, wellbeing and quality of life promotes respect for the private and family life of existing and future residents of the HGGT.

7.5 The courts recognise that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be considered in the exercise of the Council's powers to determine these applications in accordance with the recommendation to grant permission. Any interference with a Convention right must be necessary and proportionate. Officers consider that no unacceptable or unlawful interference with convention rights would arise and any interference would be necessary and proportionate in the wider public interest in granting permission for the application which would deliver planned housing growth in the Council's Development Plan as well as new community facilities and job opportunities accessible by active and sustainable modes of transport.

7.6 Considerations of human rights and equalities impact has been incorporated as part of the planning assessment of the planning application against all relevant national and local planning policies, and relevant legislation and/or guidance. The Council therefore considers that no conflicts with the requirements of the Equality Act 2010 or the Human Rights Act 1998 are anticipated from this development. Being an Outline application with all matters reserved except for the main access points to the development, the highways aspects of the scheme will be required to meet relevant industry standards such as those set out in the Design Manual for Roads and Bridges (DMRB), which ensure regard and respect for the rights of those with disabilities and other vulnerable road users to ensure

the safety of all users. Likewise, Hertfordshire County Council's Roads in Hertfordshire: A Design Guide (2011) and Local Transport Plan 4 (2018-2031) also set the design principles for highways infrastructure, in line with the provisions of the DMRB and have been applied in respect of the proposals. The subsequent detailed masterplans that will follow the application will be designed to respond to the HGGT Transport Strategy which is a relevant material consideration to the determination of the Crossings applications. Both the DMRB and Transport Strategy documents were subject to an EQIA process when they were produced. This report incorporates considerations of the above requirements within the body of the report where relevant and secures appropriate mitigations via conditions.

## **8.0 Planning History**

8.1 The substantive part of the Gilston Area site allocation directly to the east of Village 7 was the subject of a separate outline application submitted by different landowner/applicant *Places for People* (application ref no: 3/19/1045/FUL). The application proposed up to 8,500 new homes across six villages with supporting infrastructure. EHDC Development Management Committee resolved to grant planning permission for this application on 28<sup>th</sup> February 2023.

8.2 Places for People also submitted two full applications for new and upgraded pedestrian, cycle, and vehicle crossings over the River Stort known as the Eastern Stort Crossing (ref. 3/19/1051/FUL) and Central Stort Crossing (ref. 3/19/1046/FUL). This infrastructure is required to support the population growth arising from the development of the Gilston Area and within the wider Harlow and Gilston Garden Town. The East Herts and Harlow Development Management Committees resolved to grant planning permission for both these applications in February 2022. Planning Permission for both crossings was issued on 18<sup>th</sup> March 2022.

8.3 Listed Building consent was granted on 11<sup>th</sup> July 2017 (ref 3/16/2028/LBC) for the refurbishment of Brickhouse Farm Barn to enable potential office use. The Listed Building consent expired in 2020 and has not been implemented.

## **9.0 Main Policy Issues**

9.1 The National Planning Policy Framework was published on 27 March 2012 and revised in 2018, 2019 and most recently 20 July 2021 (NPPF) and sets out government's planning policies for England and how these are expected to be applied. The NPPF is supplemented by the National Planning Practice Guidance which provides further detail as to the application of the policies contained therein.

9.2 The East Hertfordshire District Plan (adopted 2018) sets out the Council's planning framework for the district, identifying how it will grow and develop over the plan period up to 2033. The plan has three parts:

- Part 1: District wide vision and strategic objectives, including a development strategy.
- Part 2: Development management policies to assess planning application
- Part 3: Infrastructure and service delivery policies.

9.3 A Gilston Area Neighbourhood Plan (GANP) has been produced by the Hunsdon, Eastwick and Gilston Neighbourhood Plan group and formally became part of statutory Development Plan in 2021. The GANP includes policies to guide landscape development, village structure and design, infrastructure delivery and the relationship of new development in the Gilston Area with the existing surrounding villages.

9.4 The Hertfordshire Minerals Local Plan and Waste Local Plan, along with the Essex Minerals Local Plan and Waste Local Plan are also relevant.

**Table 3: Development Plan Policies and the NPPF**

| EHDC Policy   | GANP Policy   | NPPF       |
|---|---|------------|
| Principle of development  |   |            |
| <ul style="list-style-type: none"> <li>• GA1: The Gilston Area</li> <li>• GA2: The River Stort Crossings</li> <li>• INT1: Presumption in Favour of Sustainable Development</li> <li>• DPS1: Housing, Employment and Retail Growth),</li> <li>• DPS2: The Development Strategy 2011-2033</li> <li>• DPS3: Housing Supply 2011-2033</li> <li>• DEL1: Infrastructure and Service Delivery</li> </ul> | <ul style="list-style-type: none"> <li>• AG1: Promoting Sustainable Development in the Gilston Area</li> <li>• AG9: Phasing of Infrastructure Delivery</li> <li>• TRA1: Sustainable Mobility</li> </ul> | Section 5  |
| Delivery of the District Plan Housing Strategy  |   |            |
| <ul style="list-style-type: none"> <li>• Policy GA1: The Gilston Area</li> <li>• DPS2: The Development Strategy 2011-2033</li> <li>• DPS3: Housing Supply 2011-2033</li> <li>• DEL1: Infrastructure and Service Delivery</li> </ul>   | <ul style="list-style-type: none"> <li>• AG1: Promoting Sustainable Development in the Gilston Area</li> <li>• AG9: Phasing of Infrastructure Delivery</li> <li>• </li> </ul>                           | Section 5  |
| Design Parameters and Principles  |   |            |
| <ul style="list-style-type: none"> <li>• DES2: Landscape Character</li> <li>• DES3: Landscaping</li> </ul>  | <ul style="list-style-type: none"> <li>• AG5: Respecting Areas of Local Significance</li> </ul>   | Section 12 |

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| <ul style="list-style-type: none"> <li>DES4: Design of Development</li> <li>CFLR9: Health and Wellbeing</li> </ul>   | <ul style="list-style-type: none"> <li>AG8: Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities</li> <li>EX1: Existing Settlements</li> <li>TRA1: Sustainable Mobility</li> <li>TRA2: Access to the Countryside</li> </ul>   |                  |
| <b>Supporting Economic Growth</b>  |  |                  |
| <ul style="list-style-type: none"> <li>GA1: The Gilston Area</li> <li>RTC5: District Centres, Neighbourhood Centres, Local Parades and Individual Shops</li> <li>ED1: Employment</li> </ul>  | <ul style="list-style-type: none"> <li>Policy BU2 Village Cores/Centres</li> <li>Policy BU3 Employment Areas</li> </ul>  | Section 6        |
| <b>Delivery of Community Infrastructure</b>  |  |                  |
| <ul style="list-style-type: none"> <li>Policy GA1: The Gilston Area</li> <li>Education</li> <li>Open space for sport and recreation</li> <li>Health Care</li> <li>Healthy Community Design</li> </ul>  | <ul style="list-style-type: none"> <li>AG9: Phasing of Infrastructure Delivery</li> <li>Policy C1 Community Facility Provision</li> </ul>  | Section 7, 8, 12 |
| <b>Protecting and Enhancing the Natural Environment</b>  |  |                  |
| <ul style="list-style-type: none"> <li>Policy GA1: The Gilston Area</li> <li>DES2: Landscape Character</li> <li>DES3: Landscaping</li> <li>NE1: International, National and Locally Designated Nature Conservation Sites</li> <li>NE2: Sites or Features of Nature Conservation Interest (Non-Designated)</li> <li>NE3: Species and Habitats</li> <li>NE4: Green Infrastructure</li> <li>EQ2: Noise Pollution</li> <li>EQ3: Light Pollution</li> <li>EQ4: Air Quality</li> </ul> | <ul style="list-style-type: none"> <li>AG1: Promoting Sustainable Development in the Gilston Area</li> <li>AG2: Creating a Connected Green Infrastructure Network</li> <li>AG3: Protecting and Enhancing the Countryside Setting of New and Existing Villages</li> <li>AG4: Maintaining the Individuality and Separation of all Villages</li> <li>AG7: Creating New Countryside Parks at Hunsdon Airfield and Eastwick Woodlands</li> <li>LA1: Landscape Within the New Village Boundaries</li> <li>TRA2: Access to the Countryside</li> </ul> | Section 15       |
| <b>• Climate Change, Flood Risk and Sustainable Drainage</b>   |  |                  |
| <ul style="list-style-type: none"> <li>Policy GA1: The Gilston Area</li> <li>WAT1: Flood Risk Management</li> <li>WAT3: Water Quality and the Water Environment</li> <li>WAT5: Sustainable Drainage</li> <li>CC1: Climate Change Adaptation</li> </ul>   | <ul style="list-style-type: none"> <li>AG1: Promoting Sustainable Development in the Gilston Area</li> <li>AG2: Creating a Connected Green Infrastructure Network</li> <li>AG8: Minimising the Impact of Traffic and New Transport</li> </ul>  | Section 14       |

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|--|--|------------------------|
| <ul style="list-style-type: none"> <li>CC2: Climate Change Mitigation</li> </ul>   | <ul style="list-style-type: none"> <li>Infrastructure on Existing Communities</li> <li>LA1: Landscape Within the New Village Boundaries</li> </ul>   |                        |
| <b>Transport Considerations</b>  |  |                        |
| <ul style="list-style-type: none"> <li>Policy GA1: The Gilston Area</li> <li>TRA1: Sustainable Transport</li> <li>TRA2: Safe and Suitable Highway Access Arrangements and Mitigation</li> <li>CFLR3: Public Rights of Way</li> <li>CFLR9: Health and Wellbeing</li> </ul>                | <ul style="list-style-type: none"> <li>TRA1: Sustainable Mobility</li> <li>TRA2: Access to the Countryside</li> <li>AG8: Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities</li> </ul>                | Section 9              |
| <b>Protection and Enhancement of the Historic Environment</b>  |  |                        |
| <ul style="list-style-type: none"> <li>Policy GA1: The Gilston Area</li> <li>HA1: Designated Heritage Assets</li> <li>Policy HA2 (Non-Designated Heritage Assets)</li> <li>HA3: Archaeology</li> </ul>   | <ul style="list-style-type: none"> <li>AG1: Promoting Sustainable Development in the Gilston Area</li> <li>H1: Celebrating Existing Heritage Assets</li> </ul>   | Section 16             |
| <b>Ground, Contamination, Noise, Air, Waste, Utilities</b>   |  |                        |
| <ul style="list-style-type: none"> <li>WAT2: Source Protection Zones</li> <li>EQ1: Contaminated Land and Land Instability</li> <li>EQ2: Noise Pollution</li> <li>EQ3: Light Pollution</li> <li>EQ4: Air Quality</li> </ul>   | <ul style="list-style-type: none"> <li>AG3: Protecting and Enhancing the Countryside Setting of New and Existing Villages</li> <li>AG8: Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities</li> </ul> | Section 15             |
| <b>Long Term Stewardship</b>   |  |                        |
| <ul style="list-style-type: none"> <li>Policy GA1</li> <li>Infrastructure Delivery</li> </ul>  | <ul style="list-style-type: none"> <li>GANP Policy D2 Community Ownership and Stewardship</li> </ul>   | -                      |
| <ul style="list-style-type: none"> <li>GA1: The Gilston Area</li> <li>GA2: The River Stort Crossings</li> <li>DEL1: Infrastructure and Service Delivery</li> <li>DEL2: Planning Obligations</li> <li>DEL3: Monitoring Framework</li> <li>DEL4: Monitoring of the Gilston Area</li> </ul> | <ul style="list-style-type: none"> <li>AG9: Phasing of Infrastructure Delivery</li> </ul>  | Section 2<br>Section 4 |

9.5 Other relevant planning supplementary documents and guidance are summarised below:

**Table 4: Relevant Planning Documents and Guidance**

| Document   | Author   | Summary   |
|--|--|---|
| Gilston Area Charter SPD (2020)                          | East Herts Council   | Provides guidance to support the production of Masterplans and Design Codes specific to the Gilston Area that will follow outline planning permission.  |
| Sustainability SPD (2021)                                | East Herts Council   | Supports the implementation of East Herts District Plan policies that seek to improve the environmental sustainability of new development.  |
| Gilston Area Community Engagement Strategy (2020)        | East Herts Council   | Outlines the aims to address uncertainty by setting out how the various parties involved in the growth of the Gilston Area will undertake engagement, collaboration, and co-operation with the community at various stages of the planning process.   |
| Affordable Housing SPD (2008)                            | East Herts Council   | Supports the effective implementation of the affordable housing policies in the East Herts District Plan and assists developers in understanding the Council's approach and requirements regarding viability.   |
| Health and Wellbeing Strategy (2019-2023)                | East Herts Council   | Outlines the Council's approach to planning obligations in relation to planning applications and reflects the Council's corporate priorities and objectives.  |
| Open Spaces, Sport and Recreation SPD (2020)             | East Herts Council   | Provides guidance on the type and scale of open space, sport and recreation that will be required to support new development within East Herts. This SPD provides information and guidance to developers regarding the relevant types of infrastructure and/or amount of contributions needed.  |
| Gilston Area Concept Framework and Council Report (2018) | Places for People, in partnership with City and Provincial Properties and East Herts Council | Produced to demonstrate the deliverability of the proposed site allocation, establish key principles that should underpin the development of the Gilston Area and guide the preparation of future detailed proposals. Relevant to this application are the objectives on promoting sustainable travel, protecting, and enhancing landscape and a network of green spaces, protecting, and enhancing natural assets and ensuring the phased delivery of necessary infrastructure to meet the needs arising from the development. The Concept Framework has been largely assimilated in the |

|  |                              |   |
|--|------------------------------|---|
|  |                              | Gilston Area Neighbourhood Plan.  |
| Hertfordshire's Local Transport Plan, 2018 – 2031 (adopted 2018) | Hertfordshire County Council | <p>Sets out how transport can help deliver a positive future vision for Hertfordshire by having a major input into wider policies such as economic growth, meeting housing needs, improving public health, and reducing environmental damage whilst also providing for safe and efficient travel.</p> <p>The plan also considers how future planning decisions and emerging technology might affect the way that transport needs to be provided in the longer term.</p> |
| Hertfordshire Minerals Local Plan (2007)                         | Hertfordshire County Council | <p>Sets out the policies for determining mineral extraction planning applications and the preferred areas for future sand and gravel extraction.</p> <p>The plan is used to protect sand and gravel resources from non-minerals development, making them inaccessible for extraction or introducing development which is not compatible with mineral extraction nearby.</p>   |
| Hertfordshire Waste Development Framework (2012)                 | Hertfordshire County Council | <p>Sets out the County Council's strategic vision, objectives, overall spatial strategy and development management policies for waste development for the period 2011-2026</p>  |

9.6 A series of HGGT documents have been prepared by the partnership that seek to provide guidance for strategic developments within the HGGT. These are summarised in Table 5 below.

**Table 5: Relevant HGGT Documents and Guidance**

| Document                                     | Author   | Summary  |
|--|--|--|
| Harlow and Gilston Garden Town Vision (2018) | On behalf of the Harlow and Gilston Garden Town Partner Councils | <p>Document sets out the vision for the Harlow and Gilston Garden Town and the principles which will inform its growth and management.</p> <p>Of particular relevance to the application are page 4 - the Vision for the Harlow and Gilston Garden Town, pages 12-16 - the principles and indicators relating to landscape and green infrastructure and pages 18-21 the principles and indicators relating to sustainable movement which should shape and inform the development.</p> <p>The Vision sets the objective that 50% of all trips</p> |

|  |  |  |
|--|--|--|
|  |  | originating within the Harlow and Gilston Garden Town should be by sustainable active travel modes, with a target to achieve 60% within new villages and neighbourhoods. This target is continued through to the emerging Harlow and Gilston Transport Strategy.   |
| Harlow and Gilston Garden Town Design Guide (2018) | On behalf of the Harlow and Gilston Garden Town Authorities      | Document sets out the expectations and aspirations for the delivery of high quality and sustainable developments.<br>Of particular relevance are pages 24-25 on sustainable movement and pages 39-41 on strategic site guidance for the Gilston Area.  |
| HGGT Infrastructure Delivery Plan (IDP) 2019       | On behalf of the Harlow and Gilston Garden Town partner Councils | <p>The IDP draws on previous work undertaken by the HGGT authorities, in particular the District-level IDPs already produced to support the respective Local Plans and compiles, aligns and updates it. The IDP identifies the infrastructure requirements of the HGGT including the Central and Eastern Crossings, classifying them as 'critical infrastructure', which must happen in order for the planned HGGT development to proceed.</p> <p>The IDP identifies how expected developer contributions from various sites will be apportioned and what collection mechanisms can be utilised to assist in funding the infrastructure items which serve more than one site. Through the process of producing the IDP, a package of measures and broad estimates of the likely financial contribution for each of the Harlow and Gilston Garden Town sites has been produced. The IDP has been produced concurrently with the <i>Strategic Viability Assessment</i>, to allow these costs to be included in the appraisal. The purpose of the Strategic Viability Assessment is to consider the wider deliverability of the Harlow and Gilston Garden Town, taking into account infrastructure requirements alongside other considerations.</p> |
| HGGT Transport Strategy 2021                       | On behalf of the Harlow and Gilston Garden Town Council Partners | <p>Sets out how the HGGT will achieve the challenge of future travel demand linked to planned growth. The Transport Strategy has been subject to consultation and has been endorsed as a material consideration by Harlow Council on the 4<sup>th</sup> November, and by East Herts Council's Executive on 23<sup>rd</sup> November 2021.</p> <p>The Transport Strategy sets out the following mode</p>  |

|  |  |   |
|--|--|---|
|  |  | <p>share Objective: 50% of all trips starting and/or ending in the existing settlement area of Harlow Town should be by active and sustainable travel modes and 60% of all trips starting and/or ending in the new Garden Communities of Harlow &amp; Gilston Garden Town should be by active and sustainable travel modes.</p> <p>The Objective is underpinned by the application of three Principles:</p> <p>A user hierarchy – prioritising active and sustainable travel – walking, cycling and public transport.</p> <p>Supporting a culture of active and sustainable travel – an environment where active and sustainable travel is valued, prioritised, and supported to ensure that their social, environmental, health and economic benefits are available to everyone.</p> <p>Accessible and inclusive – providing a sustainable, accessible and affordable transport system that reduces congestion, improves public health outcomes, and is designed with consideration of those with most need first.</p> |
| HGGT Sustainability Guidance and Checklist | On behalf of the Harlow and Gilston Garden Town Council Partners | Provides practical and technical guidance on how relevant sustainability indicators and policies (environmental, social and economic) in the HGGT Vision and partner authorities plans will be applied to new major developments in the HGGT.   |

## 10.0 Summary of Consultee Responses

10.1 The original submission was consulted during December 2019 and January 2020. Following this consultation amendments to the proposals were submitted and consulted upon during February 2021. Further amendments were submitted and consulted upon during December 2022 and Jan & Feb 2023.

10.2 This section summarises the responses; Full responses are available on the EHDC's website. The organisations are shown in alphabetical order for ease of reference.

Affinity Water

10.3 Affinity Water responded to the 2019 original application, advising that the site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Roydon Pumping Station. These are public water

supplies comprising several chalk abstraction boreholes operated by Affinity Water Ltd.

10.4 Affinity Water recommended that a number of conditions be attached to any permission to ensure the protection of water sources from pollution through the development construction and operation. Conditions relate to applying British Standards and Best Management Practices, undertaking detailed groundwater risk assessments prior to any excavation or intrusive ground works such as piling or geo-thermal systems, avoiding any excavations below the chalk groundwater table and carrying out focussed investigation and monitoring in collaboration with Affinity Water. Direct infiltration of surface water into the ground or via soakaway should be prevented or approved through Affinity Water, acknowledging that the Environmental Statement identifies that direct infiltration has not been deemed viable due to ground conditions.

Ancient Monument Society (now Historic Buildings and Places)

10.5 Concern about the impact of the development on heritage assets and loss of Green Belt.

Cadent Gas

10.6 Advise that they have identified operational gas apparatus within the application site boundary. As such works must not infringe on Cadent's legal rights and if any structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. Likewise, if construction traffic is likely to cross a Cadent pipeline the applicant is advised to contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delay.

Canal & Rivers Trust

10.7 The Canal and Rivers Trust previously submitted a response in 2019. An additional response was received in 2021 following revision to the proposed development, And the Trust responded further to the Viability Submission.

10.8 The Canal and Rivers Trust advised in their 2021 response that the proposed development would result in increased recreational and movement demand within the Stort Valley, utilising the canal towpath. A sum of circa £2.6m was requested to mitigate the harms that increased demand would place on the towpath and the environment surrounding it. This was based on an appraised and costed scheme of improvements with the towpath divided into distinct sections so that the relative impacts associated with the Villages 1-6 and Village 7 proposals could be differentiated in terms of their potential likely impact within the valley. The trust welcomes the contribution towards towpath improvements but seeks greater clarity and consultation on S106 wording.

Council for British Archaeology

10.9 Welcome revised information including further archaeology detail and support public engagement in detailed archaeology works.

CPRE Hertfordshire

10.10 CPRE considers there are shortcomings of the submitted Environmental Statement, including lack of indication of climate change impacts, lack of adherence to Garden Town and Village principles, low densities and potential impacts on greenbelt land, lack of sustainable transport provision. They suggest the scheme should consider Design Review processes, land value capture and early delivery of infrastructure and stewardship. provision of a Garden City Trust or similar, biodiversity Net Gain, provision of truly affordable housing. They note a lack of confidence in the applicant and consider the location of the Gypsy and Traveller site inappropriate.

East of England Ambulance Service NHS Trust

10.11 Support CCG response. Advocate water efficiency measures with a view to reducing localised flooding and reducing burden on emergency services and suitable residential layouts for home working to protect health. Advocate Vision Zero/ Safe System approach to highway design. Encourage seating in open spaces and opportunities to design out crime. Request S106 contributions for additional ambulance services

EHDC Conservation & Urban Design

10.12 Welcome demolition of modern farm buildings near to Brickhouse Farm and suggest consideration at master planning and reserved matters stage to manage impacts on Brickhouse Farm which is considered to have been assessed at the Local Plan stage and can be managed by the controls the application proposes, including demolition of the modern barns, sensitive development areas and the development specification document. Considers potential for impact of Gypsy and Traveller pitches on SAM at Eastwick Hall Farm acknowledged but considered to amount to less than substantial harm. Considers development Area parameters respect Hunsdon Brook Fishponds to limit level of impact. Advocate provision of information boards and a Conservation management Plan for the fishponds. Welcome commitment to strategic tree planting along northern edge of village 7 to screen and break up views thereby mitigating harm. Considers there is a minimal visual connection with Briggens House, albeit some connection with wider setting, and the proposals are not considered to harm character and appearance of Hunsdon Conservation Area. Advocate inclusion of planning conditions to ensure master planning is approved ahead of submission of Reserved matters applications. Supports Strategic Landscape masterplan, Design Codes and Village Masterplan being subject to condition and approval and informed by relevant appraisal. Advocates a site wide public art strategy within the strategic design code. Question commitment to net zero aspirations. Welcome the addition of Sensitive Development Areas shown in Parameter Plan

2. Support walking and cycling connections to village 6 and beyond. Raises Concern over deviation on internal site access road and impact on the experience of the village centre and do not support the location of the proposed Gypsy and Traveller site due to the location in a strategic green corridor and consider it contrary to the HGGT vision

EHDC Economic Development

10.13 To support the mode share objectives and to accommodate 40% of residents working locally or remotely from their place of employment, provision must be made in each Gilston village for small local companies requiring office and workshop space to allow alternatives to working from home. Medium sized employment spaces should be in the village centre to benefit vitality and be accessed by public transport. Employment densities may be above the norm and the application should be planning for a greater level of floorspace.

EHDC Environmental Health

10.14 Suggests conditions relating to contaminated land and construction management.

10.15 EHDC Housing

Welcome contribution towards meeting district affordable housing needs but disappointed with reduction in quantum. Require minimum of 60% homes for affordable rent. Consider proportion of flats should not exceed 30%. Units should meet nationally described space standards. Shared ownership products should be affordable to households with a maximum income of £80,000 and rents should be set at a maximum of 2.75% of unsold equity and the Homes England Model lease format should be used. M4(3) dwellings should be provided. Units should be integrated into the wider development and tenure blind. Mixed tenure blocks of flats should be avoided. Homes should be managed by a registered provider and an affordable housing statement be provided with future submissions.

EHDC Planning Policy

10.16 Sets out requirement for Gypsy and Traveller provision within the Gilston area.

EHDC Waste & Recycling

10.17 No objection subject to conditions

Environment Agency

10.18 Originally raised objection on the grounds of inadequate flood storage compensation and inadequate information to demonstrate protection of water quality. The EA raised no objections on the revised submission subject to conditions to address flood risk and water quality to be imposed should permission be granted.

Essex County Council

10.19 Content with the approach to comprehensive development and that sufficient commitments are in place to ensure infrastructure delivery at appropriate times. Consider their previous concerns have been addressed. Comments raised in respect of the S106 detail and ensuring comprehensiveness, proportionate mitigation across a range of scenarios and differing built out rates. Request future input to the S106 and future stages.

Forestry England

10.20 Supports buffer zone to ancient woodland. Notes standing advice on veteran trees and ancient woodland. Supports use of home-grown timber for construction

Garden's Trust

10.21 The Gardens Trust have authorised Hertfordshire Gardens Trust. Having considered the details for determination to any matters regarding the heritage of designated parks and gardens in the area both designated and non-designated, HGT do not wish to make a comment. However, they applaud the provision of dedicated foot and cycle bridges across the River Stort.

Georgian Group

10.22 Request that the two Gilston Area applications are considered together for the cumulative impacts to be assessed as one and recommend the Council has regard to policies set out in the NPPF and of the Planning (Listed Building and Conservation Areas) Act 1990.

10.23 Harlow Council

Offer support for the scheme and recommend detail for the highways heads of terms, including trigger points. Welcomes the approach to comprehensive development and suggests points for consideration in detailed drafting of the S106.

10.24 HCC – Including Lead Local Flood Authority, Growth and Infrastructure Unit, Highway Authority, Adult Care Services, Children's Services, Community Protection, Libraries, Waste, Young People Services, Archaeology and Ecology.

- Highways – identifies on and off-site infrastructure and where financial contributions are expected. Provides suggestions on the Development Specification, including removal of reference to 40% mode share, need to bolster public rights of way network, flexibility and branding for mobility hubs and density. Seeks clarity on the Roydon commuter link and interim utility link. The need for Road Safety Audits and Speed reviews is identified in relation to the church Lane/ A414 junction and conditions relating to the

Eastwick Commuter Link. The Parndon Mill Link and expectations for delivery is considered and condition proposed.

- Adult Care – Satisfied with the approach
- Childrens Services – 275 sq m identified for private nursery provision. Identifies need for 3FE primary school on site and contribution to delivery of secondary school. Supports the provision of an Education Review Group to monitor and manage needs arising from the development. Requests early delivery of Sustainable Transport Corridor to serve the development. Sets out expectations for Special Needs Education.
- Lead Local Flood Authority – No objection subject to conditions
- Community Protection – Request for fire hydrants and emergency services hub contribution
- Libraries – identifies expected contribution of £337,631
- Waste – Identifies expected contribution of £320,148
- Young People – Identifies expected contribution of £73,568 to support youth facility.
- Archaeology - Welcome inclusion of sensitive development areas. Further archaeological investigation required. Recommend archaeological conditions.
- Ecology – Surveys considered acceptable and to follow best practice approach
- General – Support governance strategy and welcome further discussions on S106 as matters progress

#### HCC Landscape

10.25 Recommends addition of maximum to parameters plan to reinforce extents and comments on built development within the landscaped areas. Does not support the removal of veteran or notable trees. Queries conflict between the football hub and the pylons. Raises inconsistencies with the typologies identified on the parameter plans. Welcomes strategic planting and woodland retention. Request further detail on the Strategic transport corridor. Raise concern over conflict between employment uses and nearby woodland. Consider the Gypsy and Traveller site should be removed. Queries the significance conclusions of the

LVIA and representative viewpoints. Raises concerns over building heights along the ridge and lighting impacts. Identifies conditions to be imposed.

Health & Safety Executive

10.26 Not within the consultation distance of a major hazard site or major accident hazard pipeline.

Hertfordshire & Middlesex Wildlife Trust

10.27 HMWT's representation to the original application stated that the biodiversity calculator is incorrectly populated, and if done correctly would result in a net loss to biodiversity. 10m buffers should be applied to hedgerows. Conditions should require bat and bird boxes on all buildings bordering a public open space. Outline Ecological Management Plan includes inappropriate measures and needs to be amended to ensure biodiversity net gain. A condition is recommended. Water flows and abstraction need to be managed. Representations to the first amendments consider the calculator is incorrectly populated, hedgerow buffers should be 10m and bat and bird boxes should be conditioned.

Harlow and Gilston Garden Town Representatives

10.28 HGGT responded to the original application and to the 2020 Amendments, advising that the expectation of the Garden Town Board is that the strategic sites in the HGGT area will deliver transformational growth in and around Harlow and that their future operation will be inextricably linked to the economy and function of the town. The response summarises objectives contained in HGGT documents, highlighting objectives relating to sustainable travel, high quality design, use of the Quality Review Panel, stewardship and delivering comprehensive development supported by necessary infrastructure.

National Highways (formally Highways England)

10.29 Recommend conditions relating to a trigger for delivery of the central stort crossing and bus strategy

Historic England

10.30 Satisfied with the hydrological impacts on Hunsdon Brook Fishponds, however request careful siting of attenuation features within their setting.

10.31 Historic England considers that the football pitches and its associated development has the potential to cause less than substantial harm, moderate to high on the scale to the setting and significance of Hunsdon House, a grade I listed building (see final response of 19.08.2022).

Inland Waterways

10.32 Object to towpath widening and consider this would have impacts on historic features. Object to the noise bund/ greenway and consider it would reflect noise back to the Stort navigation area.

Ministry of Defence

10.33 Advise that the site lies outside any safeguarded areas and therefore raises no objections to the development.

National Grid

10.34 No national Grid assets are affected.

National Trust

10.35 The National Trust Commented on the original application requesting financial contributions to Hatfield Forest SSSI, referring to a Hatfield Forest Visitor Survey and Impact Management Report 2018. The Trust acknowledged that the request has come after the adoption of the District Plan but considers that there will be recreational demands on the forest from a development this scale within 10km of the forest. The Trust recommends provision of natural green space on-site to reduce demands on the forest and offers no objection to the proposal.

NATS Safeguarding

10.36 NATS advise that the proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objections to the proposal.

Natural England

10.37 Request financial contribution towards mitigating recreational impacts on Hatfield Forest. Clarity is required on the role of green infrastructure provided on site. Guidance provided on the creation of SANG to assist in ensuring green infrastructure meets guidance. Advise that new biodiversity calculator is available and should be used. Recommends conditions to ensure sewerage is managed to avoid impacts on Rye Meads SSSIs. HRA should consider air quality impacts on Epping Forest SAC.

Network Rail

10.38 Network Rail advise that although the bridge structure is owned by Essex County Council any proposal will be subject to NR approval via business and technical clearance. Therefore, the applicant must consult with them to obtain easement for the proposed works adjacent to the existing Network Rail Bridge re:BGK 1453. Comprehensive design and construction proposals should be submitted to National Rail for review and due consideration should be given to National Rail operational requirements and existing National Rail infrastructure such as

overhead electricity lines at this location. Bridge parapet is required to be 1.8m high H4a. Any work to be carried out over the railway must comply with National Rail safe working practices.

NHS England West Essex Clinical Commissioning Group/ Hertfordshire and Essex Integrated Care Board

10.39 The NHS GP Planning Service request financial contributions to the provision of NHS services, including the provision of an on-site health facility. Contributions are requested for GP services, mental health services, community healthcare services and acute care. The Hospital Planning Team have requested contributions to the provision of hospital services.

Public Health England

10.40 No Comment

Society for the Protection of Ancient Buildings

10.41 SPAB object to the application due to harms to the rural setting of heritage assets; important views would be irrevocably altered and below ground archaeology would be lost.

Sport England

10.42 Has requested that confirmation is provided regarding the scale of off-site contributions and the proposed projects towards which these will be directed. Sport England support the use of school land for sports and recreation secured by a Community Use Agreement but highlight the limitations of such agreements in terms of being able to meet the community football needs as identified in the Council's Playing Pitch Strategy. Furthermore, Sport England recommends that open spaces provided beyond the education sites are designed to facilitate informal outdoor sports and recreation. Sport England provide criteria for the design of facilities and recommend Active by design standards should be incorporated into future planning stages and set out the on-site sports facilities required to serve the new community in line with the East Herts Open Spaces and Sports Facility Assessment Technical Study.

Stansted Airport Safeguarding

10.43 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. They have no aerodrome safeguarding objections to the proposal, however, request a condition requiring the submission of a Bird Hazard Management Plan (BHMP) (included within recommendation).

Thames Water

10.44 Thames Water advise that with regard to surface water drainage, if the developer follows the sequential approach to the disposal of surface water, they

would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water advise that for foul water sewerage network infrastructure capacity, they would not have any objection to the above planning application, based on the information provided. The development is within 15m of a sewer and a condition requiring the submission of a piling method statement is requested.

Uttlesford Council

10.45 Directs EHDC towards national policy and guidance to bring forward strategic sites. Welcomes the use of design guides and connected neighbourhoods. Supports the delivery of integrated infrastructure, a mix of homes and fabric efficient buildings. Seeks green infrastructure to be integral to the design ethos and sustainable travel options to support health and mode shift.

Woodland Trust

10.46 Raise concern that development has the potential to harm ancient woodland through accidental or deliberate harm, including through creation of pathways through root protection area and changes to hydrology. They recommend a 50m buffer be allowed to areas of ancient woodland to avoid root damage and allow for the effect of pollution from the development. Buffers should not contain any development, including drainage features. Furthermore, a buffer of 15m is recommended around an ancient or veteran tree.

## **11.0 Town/Parish Council Representations**

11.1 Hunsdon, Eastwick and Gilston Neighbourhood Plan Group raise comments in respect of the following:

- Government letter to LPAs of December 2022, particularly importance of design quality
- Poor community engagement
- Importance of timing of infrastructure delivery
- Importance of timing of Strategic Landscape masterplan preparation
- Importance of design codes
- Unacceptable Greenbelt release
- Comprehensive development and village integration
- Reduced affordable housing quantum unacceptable
- Deliverability of off-site infrastructure
- Concern over realignment and traffic using Church Lane
- Concern over types of development in Strategic Green Corridors
- Support Sensitive Development Areas but consider them insufficient
- Impact on heritage Assets
- Control over building heights

- Importance of acute healthcare provision
- Delivery of employment land
- Identify recommended conditions
- Approach to stewardship and governance

11.2 Roydon Parish Council raised comments on:

- Comprehensive applications for the Gilston allocation
- Roydon Station: Cycle security, Crossing safety, Lighting sensitivity, localised flooding, access times because of crossing gates, indiscriminate parking,
- Submitted information: Query survey timing outside peak hours, dispute 'no accidents' at the station, reliance on 2009 road survey data.

## **12.0 Summary of Other Representations**

12.1 In total 2934 neighbouring properties were originally consulted. A total of 316 responses were received. Of these, 16 were neutral representations, 5 support the proposal and 259 objects to the proposal (number recorded on 8.03.23). The concerns objections and comments raised are summarised as follows:

- Inadequate assessment of delivery timescales
- Absence of Statement of Delivery
- Inadequacy of land assembly costs, compensation, and lack of viability assessment
- Inadequate transport assessment
- Inadequate EIA
- Inadequate section 106 draft heads of terms
- Inadequate assessment of noise and air quality impacts
- Adverse impact on heritage and landscape character
- Inadequate description of development
- Inappropriate design
- Inadequate provision of properly costed infrastructure
- Loss of trees
- Disruption from development
- A414 already too congested
- Adverse impact of development on quiet country area
- Adverse impact of noise from the road
- Sound barrier will be ugly and intrusive
- Devaluation of existing local properties
- Plan is flawed as only allows for additional bus movements
- Adverse impact on home environment and mental health
- Consultation period too short
- Development will create more traffic
- Want road widened

- Development will impact adversely on the environment and quality of life for local people
- Development should have the River Stort as its focal point
- Noise pollution and adverse impact on Terlings Park
- Alternative route away from Terlings Park should be sought
- Adverse impact on rail network
- Red line boundary incorrect (NB: Not specified where)
- Adverse impact on Princess Alexandra Hospital
- Additional stress on water supply/sewage
- 60% mode share target unachievable
- New bridges will be visually intrusive
- Impact on local wildlife sites
- Road has been designed for dualling, bringing more traffic and HGV's into the area
- Pedestrian/cycle bridge may be an eyesore
- Inadequate public transport to serve the development
- Loss of light, outlook, and privacy
- Adverse impact on road safety
- Increased traffic in Roydon and impact on capacity of trains to/from Roydon station
- Roads in Harlow cannot cope with additional traffic
- Application should only be determined when outcome of outline application(s) is known
- Councils have already made HIF bids so suggests support already agreed. Therefore applications should be determined by an independent body.
- New northern entrance lacks detailed design or funding mechanism
- Construction traffic should not be allowed through Pye Corner
- Construction materials should be delivered by train and transported by crane across the valley
- It would be preferable to separate the cycle route from the walking route. Bicycles are stressful for walkers
- Investment should be focussed on the North East instead
- The development is welcome if it relieves congestion. Would also like to have a western crossing to further reduce congestion.

## **13.0 Consideration of Issues**

### **13.1 Principle of development**

13.1.1 The National Planning Policy Framework (NPPF) highlights the Government's desire to promote and support the delivery of sustainable growth.

13.1.2 Policy GA1 (The Gilston Area) of the EHDCLP allocates the Gilston Area for 10,000 new houses. This allocation forms part of the development strategy in the

District Plan as detailed in Policies DPS1 (Housing, Employment and Retail Growth), DPS2 (The Development Strategy 2011-2033) and DPS3 (Housing Supply 2011-2033).

- 13.1.3 This application forms 15% of the overall housing allocation at GA1 but has been considered in the context of the allocation to ensure a cohesive settlement.
- 13.1.4 The objections of residents, the parish councils and neighbourhood plan group to the principle of development are noted. The site forms part of the District Plan development strategy for housing growth in the District as detailed in policies DPS1, DPS2, DPS3, and is allocated for development at GA1.
- 13.1.5 The allocation removed the site from the Green Belt and Policy VILL3 Group 3 Villages is not applicable. The community has been involved in the preparation of the Concept Framework which identified the outline application led approach to Gilston development. There has also been community engagement at the pre-application stage. It is acknowledged that the Gilston Area falls within the parishes of Eastwick, Hunsdon and Gilston, it is being planned as part of the HGGT to support growth in and around Harlow, as part of the wider Harlow and Gilston Garden Town. This accords with policy and the principle of development is considered acceptable
- 13.1.6 The GANP responds to the allocation of the Gilston Area and acknowledges the land is allocated for 10,000 homes. The GANP area covers some – but not all of the GA1 allocation area. The vision and objectives of the GANP “wishes to ensure ...release of Greenbelt in the area genuinely leads to development of exceptional quality”. Whilst not explicit, the principle of development is accepted throughout the GANP.

## **13.2 Delivery of the East Hertfordshire Housing Strategy**

- 13.2.1 Of the GA1 allocation village 7 is anticipated to deliver 1500 homes within the plan period to 2033. By way of context, approximately 3,200 homes are forecast to be delivered within the Plan period (up to 2033) in Villages 1-6 with the remainder 5,300 homes delivered beyond the Plan period. GA1 ensures the delivery of a large proportion of the Local Plan housing delivery strategy set out at DPS2 and 3.
- 13.2.2 In the absence of a deliverable five-year housing supply, the Local Plan policies controlling housing delivery are out of date. In this case. The tilted balance set out at NPPF, including at paragraph 11d is therefore relevant to the consideration and determination of this application. In such circumstances, increased weight should be applied to the contribution housing as part of this allocation.

- 13.2.3 The applicants have set out an anticipated delivery timetable. Each step is broadly reliant on those before and therefore this is subject to change. It is anticipated that work would begin on site during spring 2024 (subject to relevant consents) with a view to delivering first homes during Spring 2025. It is anticipated that there would be two sales outlets which would deliver 150 – 200 homes per annum across the whole site. The works are expected to be completed by Spring 2032.
- 13.2.4 There could be several developers delivering homes, infrastructure, and facilities across the site, in parallel, resulting in the delivery of a wide range of housing products. The phasing of delivery will be secured by way of condition. The continued delivery of homes as part of planned, comprehensive, sustainable development is a significant benefit.

### **13.3 Gypsies and Travellers and Travelling Showpeople**

- 13.3.1 The District Plan requires that land be allocated to provide for the accommodation needs of Gypsies and Travellers and Travelling Showpeople in line with Government guidance (Planning policy for traveller sites (August 2015)) and the NPPF. To ensure delivery and to ensure sites are well located to services, the District Plan allocates sites within the strategic allocations as set out in Chapter 14 and Policy HOU9 (Gypsies and Travellers and Travelling Showpeople) of the EHDCLP.
- 13.3.2 Policy HOU9 sets out that land is to be safeguarded within the GA1 area to accommodate 15 Gypsy and Traveller pitches and 8 Travelling Showpeople plots, to be delivered as evidence of need dictates. Relevant Government guidance is clear that separate sites should be provided for each community and their differing needs. 8 Gypsy and Traveller pitches are proposed and there is an agreed position between the village 7 and village 1-6 applicants in relation to apportionment.
- 13.3.3 The proposed Gypsy and Traveller site is identified on Parameter Plan 5 and is intended to provide 8 pitches. The delivery will be controlled by way of S106. The timing of delivery will be determined by the outcome of the needs mechanism set out in the S106 and the practicalities of delivering the pitches in the identified location.
- 13.3.4 The Gypsy and Traveller site lies within the Green Infrastructure Corridor in the north east part of the application site, between villages 7 and 6. GA1 requires development to be holistic and that Gypsy and HOU9 requires that Traveller sites can be integrated. Whilst when read in the context of Village 7 in isolation, the proposed location may appear peripheral, however in the context of the wider allocation, the site is well located to the services and facilities of several villages

and the existing settlements. The Gypsy and Traveller community representatives (GATE) advised that a peripheral location was preferable to the Gypsy and Traveller community and this site is therefore considered suitable when balancing the wants and needs of the community and sustainability considerations.

13.3.5 It is acknowledged that there may be an interim period during the construction phases where all proposed connections may not be established, the triggers identified within the S106 ensure suitable connectivity is maintained. The required Strategic Landscape Masterplan will need to demonstrate that pitches can be delivered within the landscape, with appropriate access through the site, in a way that meets the vision and objective of such spaces. This detail will come through the master planning stage ahead of the submission of Reserved Matters applications.

13.3.6 The Council has undertaken a recent update to its Gypsy and Traveller Accommodation Needs Assessment (July 2022), which identifies a more immediate need for accommodation and requests that the provision within the GA1 Area be delivered soon. Delivery timings will be balanced against the practicalities of a large construction site, including Health and Safety and accessibility considerations as well as the Council's identified need. A reserved matters application will be required and considered on its own merits. A sufficient area of land is safeguarded and will be secured by way of the Parameters Plan and S106 to ensure the requirements of Policy GA1 and Policy HOU9 are met in respect of Gypsy and traveller Accommodation.

## 13.4 **Housing tenure, mix and density**

### Housing Mix

13.4.1 An indicative residential mix has been submitted. Whilst this application is in outline and the final mix will come forward in future stages this indicative mix is broadly representative of the Council's Strategic Housing Market Assessment and therefore represents the evidenced need. The indicative mix provides for a range of sizes, types, and tenures to meet local housing needs.

**Table 6: Indicative Housing Mix**

| <b>Unit Type</b> | <b>Private</b> | <b>Affordable</b> | <b>Total</b> |
|------------------|----------------|-------------------|--------------|
| 1 Bed Apartment  | 104 (9%)       | 68(19.7%)         | 172 (11.5%)  |
| 2 Bed Apartment  | 89 (7.7%)      | 40 (11.6%)        | 129 (8.6%)   |
| 2 Bed House      | 206 (17.9%)    | 99 (28.7%)        | 305 (20.3%)  |
| 3 Bed House      | 505 (43.7%)    | 108 (31.3%)       | 613 (40.9%)  |
| 4 Bed House      | 191 (16.5%)    | 30 (8.7%)         | 221 (14.7%)  |
| 5 Bed House      | 45 (3.8%)      | -                 | 45 (3%)      |

|                          |              |            |              |
|--------------------------|--------------|------------|--------------|
| 2 Bed House (Self-Build) | 3 (0.3%)     | -          | 3 (0.2%)     |
| 3 Bed House (Self-Build) | 8 (0.7%)     | -          | 8 (0.5%)     |
| 4 Bed House (Self-Build) | 3 (0.3%)     | -          | 3 (0.2%)     |
| 5 Bed House (Self-Build) | 1 (0.1%)     | -          | 1 (0.1%)     |
| <b>Total</b>             | <b>1,155</b> | <b>345</b> | <b>1,500</b> |

13.4.2 During the future stages, each Village Masterplan will be accompanied by a Village Housing Strategy, which will set out the proposed mix of units to be delivered within that village. Each subsequent Reserved Matters Application will be expected to demonstrate how the overall housing mix for the village has been achieved in each detailed application area.

*Housing Density*

13.4.3 The application is in Outline form and therefore does not fix density levels across the site, however in the context of Sensitive Development Areas and specific restrictions to height and density in the vicinity density is important to protect designated heritage assets through managing the location and height of built development. Further details of density outside of the Sensitive Areas will come through the master planning stage, when matters of density can be considered holistically as part of the wider design process.

*Affordable Housing*

13.4.4 Policy HOU3 of the Council's District Plan sets out a target of 40% Affordable Housing in new development, subject to viability and that affordable housing provision will be expected to incorporate a mix of tenures taking account of the Council's most up to date SHMA, the National Planning Policy Framework (NPPF) and relevant guidance.

13.4.5 The application proposes a minimum of 23% of homes will be affordable dwellings. This equates to up to 345 of the up to 1500 homes being available to purchase or rent at lower than market values. In late 2022, the Applicant submitted a viability report that describes how the costs of providing the supporting infrastructure, including additional costs identified through the appraisal of the application, have resulted in a need to review the quantum and mix of affordable housing proposed.

13.4.6 The Council sought specialist independent advice from BPS Surveyors in response to the submitted viability assessment and the applicant has responded to comments raised through that process. The viability submission was publicised and publicly consulted upon and included a financial appraisal as well as accompanying evidence and technical reports. The November 2022 Financial Viability Assessment identified 21.65% affordable housing as being a reasonable quantum, verified by the Council's advisors, BPS but the applicant has agreed to

deliver 23% across the site which ensures for a consistent proportion of provision across the Gilston Area as an added benefit in achieving the new sustainable community.

13.4.7 The financial appraisal indicates that the cost increases over recent years and an improved understanding of the required mitigation, as well as earlier delivery of the required crossings and some offsite highway improvements has resulted in an increased burden to the developer, particularly at the initial stages of the project. The requirements for early delivery of infrastructure, such as schools, highway improvements and healthcare have an impact on the cashflow and viability of the project.

13.4.8 The applicant tested a range of scenarios such that the impacts could be explored. By delivering 40% affordable housing, the infrastructure could not be delivered and as such the mitigation required to make the development acceptable could not be provided and planning permission could not have been recommended for approval. 23% affordable housing is therefore considered a reasonable minimum to ensure the provision of a range of affordable homes to support local needs as well as to ensure infrastructure is delivered in a timely way to ensure a sustainable and attractive settlement in the interests of place making.

13.4.9 Recognising that things change over time and the strong place making criteria for the development seek to deliver a high quality and attractive settlement, an upwards only Affordable Housing Review Mechanism is sought by way of S106. The review mechanism will also consider the tenure split.

- The proposal includes a tenure split of:
- 60% of the affordable rent and;
- 40% to be intermediate housing products (including shared ownership).

13.4.10 Affordable rent properties are set by the registered provider up to a maximum of 80% of market rents in the area. Both products will be secured through the S.106 Agreement.

13.4.11 The council advocates a tenure split of 84/16% and therefore the proposals deviate from this ideal position. The viability evidence however identifies that any further movement away from the 60/40% split proposed would result in a further reduction of the quantum of affordable products delivered (i.e. less than 23%). On balance having regard to the viability evidence and with the review mechanism in place this is considered acceptable.

13.4.12 It is proposed for the affordable homes to be clustered throughout the development and delivered in a way such that they are indistinguishable from market homes. Detailed design will be considered at the Reserved matters stage.

*Adaptable/Wheelchair accessible units*

13.4.13 Development is required to provide wheelchair accessible and adaptable homes by HOU7. It is proposed 15% of all affordable units are to meet Category M4(3) requirements (wheelchair user dwellings). 1% of market houses and ground floor flats will meet category M4(3). The remaining dwellings will achieve M4(2) standards. This will be secured by S106.

*Self/ Custom Build*

13.4.14 Policy GA1 requires opportunities for those who wish to custom design or build their own properties. The approach to self and/ or custom build within any given village will be established in the Village Housing Strategy. The application proposes a range of 15 homes to be self-build or custom-build. This will be secured in the S106 to ensure compliance with Policy HOU8.

*Homes for all ages*

13.4.15 Policy GA1 requires the provision of a care home or flexi-care or sheltered properties to be provided within the allocation to provide for older people and vulnerable adults. The application proposes to deliver homes for older people through the delivery of 20 independent/ assisted living units. These are proposed to include a mix of 1- and 2-bedroom units and their provision will be secured by way of S106. The details of how these accommodation needs are to be met will be determined at the village masterplan stage and will form a part of the Village Housing Strategy.

*Starter/ First Home*

13.4.16 Government policy seeks that local authorities support the delivery of entry-level homes suitable for first-time buyers, or those looking to rent their first home. This means that homes should be available for affordable home ownership, which is defined as being priced at least 20% below market value. The proposals allow for discount market sale and starter home products within the affordable tenures and this approach will be secured through the legal agreement and in line with current government policy and guidance.

13.4.17 The submitted Development Specification describes how a wide range of housing opportunities are committed to as part of the scheme, including the provision of homes for all ages and care needs and this will assist in the creation of diverse and vibrant communities. The principles and objectives set out in the Development Specification, will be secured through the S106 legal agreement and conditions, including for the submission and agreement of Village Housing

Strategies to define the specific mix and tenure of properties at the Village Masterplan stage.

13.4.18 The delivery of a continual supply of affordable homes of a tenure and size agreed with the Council which responds to evolving needs is in accordance with the provisions of Policy HOU3 is given significant positive weight. The application is therefore considered to comply with policies GA1, HOU1, HOU3, HOU6, HOU7 and HOU8 of the District Plan. With this approach secured, the development will make a significant contribution to the District Plan's housing strategy and is given significant positive weight.

*Homes within the village Centre*

13.4.19 The proposals include for up to 221 residential units within the village centre, alongside a range of non-residential uses. This may include apartment alongside or over non-residential development. Conditions are proposed to manage potential conflicts between residential and non-residential uses.

## **13.5 Design Parameters and Principles**

*Design Parameters*

13.5.1 As an outline application, appearance, landscaping, layout and scale are reserved for future consideration. The application therefore includes a series of documents to shape and guide the future stages. These include:

- Strategic Design Guide – Sets design principles
- Parameter Plans – Sets spatial framework
- Development Specification – Adds criteria based on the above
- Village masterplan – Finer grain spatial detail
- Village design Code – Finer grain design principles

*Strategic Design Guide*

13.5.2 A Strategic Design Guide (SDG) has been submitted with the application. The Guide seeks to define the vision and design quality, taking its basis from, and responding to, the Garden Town Vision and Design Guide. The SDG outlines a series of high-level principles to guide future stages alongside the Development Specification. The principles accord with those set out in the Concept Framework and Garden Town Vision and Design Guide, acknowledging variance in terminology in some places.

13.5.3 The SDG also contains Village Principles and design objectives for the village. Future stages are expected to accord with these principles, the Parameter Plans and the Development Specification.

13.5.4 The SDG represents a design guide for the whole allocation and therefore responds to the policy requirement (Policy DES1 Masterplanning) to plan comprehensively, despite the varying ownerships and applications. The SDG is referred to in conditions as relevant.

*Development Specification*

13.5.5 This document defines and describes the principal components of the village development. Along with the parameters it is intended to guide master planning. Each Parameter Plan considered in detail along with setting relevant criteria and objectives. The document describes the highway works that form part of the outline application and provides high level information about the implementation and delivery of the development, having regard to relevant impacts (e.g., ecology).

13.5.6 The document also provides context to the comprehensive nature of the development and the process to follow (e.g., master planning, reserved matters) and development sequence. This is in line with the approach set out in the Gilston Area Concept Framework. This 'route map' approach allows for the continued layering of information to respond to constraints in a positive way, taking opportunities to enhance existing assets and to provide a robust and well-considered basis for the detailed applications to follow.

13.5.7 The Development Specification contains detail relating to key views towards and from heritage assets and the approach proposed within the defined Sensitive Development Areas. Appendix 5 of the Development Specification sets the detailed heritage design principles for these sensitive areas, namely around the Grade I listed St Mary's Church and associated Grade II listed Church Cottages; Eastwick Moated Sites Scheduled Monument; and The Mount Moated Site Scheduled Monument.

13.5.8 The applicant is committed through the Development Specification to the assessment of Cherished Views through future stages, including the village 7 masterplan. This is consistent with the specific requirement at part 4. of Policy AG5, that "The preparation of Village Masterplans should involve consultation with the local community on locally cherished views (identified in Figure 14)". The Landscape Visual Impact Assessment shows the V7 assessed viewpoints as "Viewpoint locations (central and nearer to Site)" plan (drawing reference 1244/12.7b) as attached to the ES as supporting Figure 12.7) within Appendix 12.1.

13.5.9 The Development Specification combines the objectives set out in a range of submitted strategy documents and provides one comprehensive set out objectives. Incorporating the objectives from these strategies into the

Development Specification achieves this and ensures that these are also considered during future stages.

Parameters Plans

13.5.10 The parameters plans are proposed to be controlling plans approved as part of this application. The plans set out the limits of the various aspects of the proposed development and will need to be complied with within the future stages. At this stage to ensure the best design solutions can be achieved the parameters plans allow for a +/- 10 metres tolerance zone on all plans apart from the building heights parameter which includes a tolerance of +/-2m. The included parameters plans are as follows:

13.5.11 Parameter Plan 1 identifies the location and boundary of the site (edged red). Further land within the control of the applicant is identified (edged blue).

13.5.12 Parameter Plan 2 defines the Developable Area for built development within Village 7 and buffers. The zones are derived from existing features on the site which provide opportunities for and constraints to development. The following buffers and parameters are included:

- The site boundary;
- The Village 7 Developable Area – the area to which built development will be limited;
- The Minimum Village Buffer – an area immediately within the site boundary to be safeguarded and kept free from built development to provide an appropriate transition between the built development and surrounding landscape to avoid encroachment.
- Existing Woodlands
- Existing Veteran Trees to be retained and protected
- Existing Notable Trees to be retained and protected
- Minimum 20m Buffer to Existing Ancient Woodland which may include landscaping but no built development.
- Minimum 10m Buffer Either Side of Existing Woodlands free from built development but may include landscaping, street furniture and paths.
- Existing Hedgerows to be retained/ enhanced.
- Minimum 5m Buffer Either Side of Existing Hedgerow (i.e. 10m in total).
- A Sensitive Development Area (SDA) for the Hunsdon Brook Fishponds Scheduled Monument within the site, adjacent to its north-western boundary. Development within this SDA will therefore be assessed against the following criteria:
  - Varied building heights and massing to visually soften the development edge and provide a transition to the areas south and east of the SDA;
  - Form of housing that softens the north-western extent;
  - Appropriate levels of vegetation, with key planting and specimen trees to provide a natural edge and reflect a field or meadow boundary;

- Provide street lighting that minimises light spread and visual distraction in longer views of the SDA, including views to and from the Church of St Dunstan; and
- Within the SDA, outside of the developable area works and development to be sensitively designed to avoid any unacceptable visual impact on the setting of the fishponds or impact on their significance, and to enhance their setting where possible.
- An SDA for The Brickhouse Farm House, Brickhouse Farm Barn and Orchard, having regard to these Heritage Assets and their setting and significance. Development within this SDA will therefore be assessed against the following criteria:
  - The visual prominence of the Farmhouse including opportunities for views and vistas through the development;
  - The prominence of the Barn and opportunities for views and vistas through the development;
  - Planting to establish light screening, with specimen trees and indigenous new hedge planting;
  - The scale of the proposed housing so as to not over-dominate its character and/ or setting of the barn;
  - The boundary treatments around the barn.
- Electricity Pylons Easement Zone – identified as a no buildings zone with only ancillary operational development associated with the Strategic Green Corridor and Natural and Semi-Natural Public Open Space, to include the Community Park will be permitted.

13.5.13 The Minimum Village Buffer accommodates a “greenway” to the south of the developable area and is shown indicatively on the Illustrative Masterplan. This will provide a landscaped noise barrier which will function as part of the landscaping and drainage systems as well as provide an elevated pedestrian and cycle connection across the southern edge of the Village. The indicative design of the landscaped noise barrier has been informed by indicative noise and modelling assumptions, to ensure that the details of the barrier will be both effective and workable, when designed within the proposed parameters of the outline planning application.

13.5.14 The Minimum Village Buffer and its edges will provide a soft transition between the edge of the development and surrounding context with opportunities to create new habitats which positively and sensitively respond to existing features beyond Village 7.

13.5.15 The strategic views identified within the submitted Landscape and Visual Impact Assessment have informed Parameter Plan 2. The Cherished Views identified

within the Hunsdon, Eastwick and Gilston (HEG) Neighbourhood Plan will be assessed at the Masterplanning stage. This is consistent with the specific requirement of Part 4 of Policy AG5 of the HEG Neighbourhood Plan.

13.5.16 *Parameter Plan 3* defines where green infrastructure and open space provision will be delivered, outside of the Developable Area. Parameter Plan 3 has been informed by a range of submitted documents including the Open Space, Landscape and Public Realm Strategy Assessment, tree survey, ecological appraisal and drainage assessment.

13.5.17 The plan identifies a broad range of open space and green infrastructure. The following typologies sit outside of the Developable Area and will provide a network of green infrastructure that frames the built development and is connected via a series of green corridors and wedges.

- A Strategic Green Corridor – semi natural open space and habitat connections with the plateau to the north and Village 6;
- Natural and Semi-natural Green Spaces providing publicly accessible woodlands, urban forestry, scrub, grasslands and wetlands for wildlife conservation and informal recreation.
- Woodlands – existing natural habitats retained and actively managed for improved public access
- Community Parks including outdoor sports facilities for leisure, sport and play as well as allotments
- Amenity Green Spaces providing informal green spaces for recreational activities within close proximity to homes.
- Areas of Play for Children and Young people providing a variety of play equipment and social spaces to cater for a range of different ages in the forms of Local and Neighbourhood Equipped Areas of Plays (LEAP's and NEAP's); and
- Allotments – providing residents with opportunities to grow their own produce.

13.5.18 The open green spaces, playing fields, allotments and green infrastructure areas will include environmental and landscape resources, and their interpretation will provide facilities for informal and formal recreation, enjoyment and outdoor entertainment, horticulture, surface water drainage and movement between other land use areas.

13.5.19 The exact boundaries and detailed configuration of each space as identified within these parameters will be defined through the Strategic Landscape and Village Masterplan stages to inform the reserved matters stage.

13.5.20 Strategic woodland planting will be provided within the Strategic Green Corridor, along the northern site boundary which adjoins the parkland of Hunsdon House to the north. This will provide natural screening along this boundary edge and strengthen the wooded horizon and support the microclimate of the Community Park, providing opportunities for enhanced habitat links.

13.5.21 A heathland habitat is proposed in the areas of the Strategic Green Corridor adjacent to the overhead powerlines to discourage recreational activity (such as kite flying/ ball games) within this part of the site which could otherwise pose potential health and safety risks for users. The heathland typology is considered appropriate given it links back to the historical landscape of the site and its surroundings. It is intended that this will create a high grass sward, with the opportunity for an occasional shrub or tree and limit movement within this area whilst also introduce further ecological benefits.

13.5.22 The natural and semi-natural green spaces will accommodate a sustainable urban drainage system, and the details of any ponds, dry ponds, ditches and other drainage measures with these areas will be determined at the master planning and reserved matters stages. Sustainable urban drainage measures would also be accommodated within the developable area, the details of which will be determined through the master planning stage.

13.5.23 Notable and Veteran Trees are shown on this Parameter Plan. Veteran trees are of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Notable trees are usually mature trees which may stand out in the local environment because they are large in comparison with other trees around them. Notable trees are usually worthy of recognition and can be potential, next generation veteran trees.

13.5.24 The site does not comprise any Ancient Woodland. Immediately to the north west of the site is Lord's Wood which is a designated Ancient Woodland. A minimum 20m buffer which shall be free from built development is identified on parameter Plan 2. Existing Woodland on the site will be retained.

13.5.25 Parameter Plan 4 shows the means of access to the site as well as movement within it. This includes the STC (within a defined +/- 50 metres horizontal limit of deviation ("LOD")); a network of strategic primary foot/cycle paths and the interconnection of these with existing routes through and adjoining the site; a proposed supplemental (indicative) STC bus route and indicative secondary bus route.

13.5.26 The following means of access are proposed to serve the development:

- a. Improved Means of Access from A414;
- b. Indicative Means of Access Connection Zone to Village 6; and
- c. Realignment of Existing Means of Access on Church Lane, leading to Hunsdon.

13.5.27 Internal movement prioritises sustainable modes through the STC to include bus, walking and cycling. Parameter Plan 4 identifies the location of the STC, which will be delivered within a defined +/- 50 metres horizontal tolerance zone. The STC does not infringe on buffers identified on Parameter Plan 2 – Buffers and Development Zones. A supplemental STC bus route will extend west of the Village Centre from the main corridor to serve a wider catchment and this is shown indicatively to be fixed as part of the master planning stage.

13.5.28 The internal private vehicular movement network within each Village will be catered for on a hierarchy of primary, secondary, and tertiary streets which will be defined at the Village Masterplan and/or Reserved Matter stages. Primary streets will provide private vehicle access between villages and onward to the strategic access points. They may form part of the STC however, priority will be given to active and sustainable modes to ensure those journeys have the most reliable journey time.

13.5.29 A strategic network of primary off-road foot/cycle paths is proposed to provide connections within and beyond the application boundary to existing routes within and those to be delivered within Village 6 to link into the wider Gilston Area network. An indicative network is shown on Parameter Plan 4 based on the Illustrative Masterplan. A Sustainable Transport Hub will be delivered (providing for interchange between all mobility types and a range of other community facilities).

13.5.30 The Village Masterplan process will also test the scope for and specific locations of up to two Neighbourhood Transport Nodes (NTN). This will consider how these could be incorporated within a localised high-quality public space and tied in to the strategic network of primary off-road foot/cycle paths that extend across the site and link to connections beyond.

13.5.31 A high quality east-west pedestrian / cycle route will be considered at the Village Masterplan stage. This will be strategic in nature and connect into the NTNs to ensure for a high quality experience of users of the route.

13.5.32 Bus services including on-demand services will be delivered to provide quicker and more direct access to key destinations compared to private car journeys particularly at peak hours. All homes shall be within 800m (10 minute walk) of a Sustainable Transport Hub and within 400m (or a 5 minute walk) of a bus stop

with a frequent bus service. Walking routes to bus stops will be safe, direct and of high quality.

- 13.5.33 Provision of car parking for private vehicles shall be provided in the context of supporting the modal shift towards sustainable travel required across the Garden Town and the creation of walkable neighbourhoods and healthy streets that are safe, vibrant public spaces that connect people to the places where they live, work, and play.
- 13.5.34 A Car Parking Strategy for each village will be prepared at the masterplan stage which will address the above, establishing principles for how parking will be designed, located and managed to encourage trips that are easier, safer and more convenient by walking, cycling and public transport as opposed to private car journeys. These principles will inform the approach to parking provision within each development plot at the Reserved Matters stage.
- 13.5.35 The exact delineation of the indicative routes will be defined at the master planning stage with detailed designs agreed at the reserved matters stage. However, the Vehicular Access and Movement Parameter Plan identifies the design intent for a network of vehicular and foot/cycle routes based on the Illustrative Masterplan to illustrate one way in which means of travel can come forward.
- 13.5.36 *Parameter Plan 5* sets out land uses that will be delivered within the site boundary. This includes the areas that will be predominantly residential as well as defining the mixed use zone, which lies within the indicative boundary of the Village Centre. An area is also identified for safeguarding, along the eastern boundary of the site, to provide for Gypsy and Traveller development.
- 13.5.37 The areas identified for residential use will comprise up to 1,500 new dwellings (Class C3 use) including ancillary open space, outdoor playing space, landscaping, roads and parking areas and associated uses.
- 13.5.38 The Mixed Use Zone, as part of the Village Centre, will provide a combination of commercial uses, including: retail (including shops, financial professional services, restaurants and cafes) (Class E); pubs or drinking establishments (sui generis); takeaways (sui generis); community (including community centres and meeting places) (Class F2); office (Class E); and residential uses, (Class C3). In addition, up to 2,100 square metres of additional employment floorspace would be delivered in the Village Centre, which could be in its north western part in the form of Class E Light Industry, Class B2 Industry and B8 Storage and Distribution floorspace.

- 13.5.39 The retail, commercial and community uses will provide active ground floor frontages in appropriate locations and deliver the quantum of development as set out within the Schedule of Non-Residential Land Uses.
- 13.5.40 Within the Village Centre, a Primary School, nursery and play provision will be provided. North of the Village Centre outdoor sports facilities and recreational provision will sit within the Strategic Green Corridor, including a Football Hub, within the Community Park. The exact arrangement will be subject to further testing at the master planning stage.
- 13.5.41 The Village Centre is proposed to be located at the meeting point of the STC through Village 7 and the local route of a realigned Church Lane. This approach aligns with the Vision for the Garden Town, such that it is integrated and well connected with the wider network of existing surrounding settlements and the remainder of the new Gilston Area development to the east.
- 13.5.42 This layout and positioning of uses is shown on the illustrative masterplan and demonstrates that the uses proposed can be achieved in the form of a coherent and well-planned Village Centre dispersed along the STC deviation zone as a fixed parameter that will run through the heart of the Village.
- 13.5.43 The Village Centre can support taller buildings and denser forms of development as controlled through other parameters of the scheme and careful consideration will be given to the design, orientation, massing, and scale of proposed development at the Village Masterplan and Reserved Matters stages. This includes any development immediately to the north of Brickhouse Farm House and Brickhouse Farm Barn, where the impact on their character and/or setting needs careful consideration. Brickhouse Farm House and Brickhouse Farm Barn will be visually and physically separated from the 4 and 5 storey built development in the Village Centre through the alignment of the STC. Their character and / or setting would be preserved and, where possible, enhanced.
- 13.5.44 Outside of the Developable Area Boundary but within the site, provision has been made to support up to 8 no. Gypsy & Traveller pitches within an area safeguarded adjacent to the site's eastern boundary, as shown on the Parameter Plan 5. It is expected that the Gypsy and Traveller site will be of a low-density form and comprise single storey development. The pitches will have regard to the verified views set out in the LVIA and maximise soft edges using strategic landscaping and planting.
- 13.5.45 The following design principles should be applied to the options testing of the Village 7 safeguarded site at the Strategic Landscape master planning stage. As has been demonstrated through the technical work undertaken to identify an appropriate location for the safeguarded site, its siting within the Strategic Green

Corridor is not considered to interfere with the role and function of this typology (as defined at paragraph 4.15 of this Statement). Whilst buildings and structures will be accommodated within the Village 7 Developable Area, there are exceptions to include ancillary operational development which could be appropriately accommodated within the Strategic Green Corridor and natural and semi-natural public open space. Development associated with the Gypsy and Traveller site is low-key and operational in nature.

- 13.5.46 The disposition of land uses as shown on this Parameter Plan accord with the maximum height limits within each land use zone as identified on Parameter Plan 6 – Building Heights Plan.
- 13.5.47 Each developed land use area will gain access from the STC, the vehicular through-route and network of strategic foot/cycle paths as shown for contextual purposes on Parameter Plan 4 – Vehicular Access and Movement.
- 13.5.48 *Parameter Plan 6* - The maximum building heights for the proposed development are shown on Parameter Plan 6 – Building Heights Plan.
- 13.5.49 Within the Village 7 Developable Area, varying maximum building heights are proposed according to location within the site and the corresponding proposed land uses, as shown on Parameter Plan 5 – Land Uses. Parameter Plan 6 denotes the maximum height in Above Ordnance Datum (AOD) as shown by reference to existing contours. This has been derived with consideration of the existing and proposed Median AOD. Within the indicative Village Centre boundary, Parameter Plan 6 identifies a maximum building height of 19 metres. Heights are measured from ground level to the ridge of the roof and the established building height parameters are subject to a +/- 2 metres tolerance. This forms the basis upon which the proposed development has been assessed and allows for incidental elements such as chimneys which may exceed the ridge of the roof but will sit within the overall upper height tolerance level.
- 13.5.50 In conjunction with the height parameters, the proposals will provide a range of indicative densities, reflective of the location of the different development zones within the site (not shown on this plan). High density areas with an average of 60 dwellings per hectare, will be primarily directed within and surrounding the Village Centre as well as at key junctions along the primary vehicular corridor. Medium to high density areas with an average of 45 dwellings per hectare will be in a concentrated block within the northern part of the Developable Area. Medium density areas with an average of 40 dwellings per hectare will be in concentrated blocks within the eastern and western parts of the Developable Area as well along the eastern edge of the Village Centre. Medium to low density areas with an average of 35 dwellings per hectare will be in concentrated blocks at the centre of the eastern and western sections of the Developable Area. Low

density areas with an average of 30 dwellings per hectare will be wide-spread and provide the pre-dominant density range within the Developable Area to create a village environment.

- 13.5.51 The density principles are provided as a range of dwellings per hectare (gross area) for each residential area, including the Village Centre where residential development is also proposed. The proposed indicative densities are calculated based on all the uses included within the zones identified including access roads, parking areas, open space areas and landscaping, and play areas. Any ancillary, operational development associated with the Strategic Green Corridor and/or Natural and Semi-Natural Public Open Space outside of the developable area comply with Parameter Plan 3 - Green Infrastructure and OpenSpace.
- 13.5.52 The massing across the proposed development will be controlled by a combination of Parameter Plan 6 and the number of residential dwellings for which approval is sought and as per the description of development. The maximum building heights contained within Parameter Plan 6 therefore could not be built out in full across the site due to this limitation and the permitted capacity of up to 1,500 residential units.
- 13.5.53 Future Stages have been identified to set a clear process for the parameters to be explored and enhanced to support detailed planning applications. There are three key processes which are set out below and will require formal submission, consideration and approval from the Council and therefore will form approved documents to which the future development must comply.
- 13.5.54 The Strategic Landscape Masterplan - develops the DS principles into a landscape led framework plan for future stages, including the approach to primary green, grey and blue infrastructure. The Gilston Area Charter SPD contains a series of expectations for the masterplan, which has been supplemented by matters arising through consultations. The engagement strategy will reflect the adopted Community Engagement Strategy and set a template for other masterplans. The SLMP will be secured by condition.
- 13.5.55 The Village Masterplan is required in advance of Reserved matters and secured by condition. It is anticipated that this will come forward alongside the SLMP. The VMP will focus on the key land uses for the village, set out primary and secondary highway infrastructure, including Public Rights of Way and identify the fate of existing structures. The VMP will define the relationship with the surrounding landscape and the greenspaces, and the relationship with key SuDS features.
- 13.5.56 A Village Design Code (secured by condition) will support the VMP to provide further detail, setting out design principles that will inform the character, design

and layout of the village. The coding within the document may vary to respond to the role and function of land uses and to respond to constraints and opportunities. The Village Design Code and VMP work together to establish the next level of detail in terms of the location of key uses, infrastructure and connections, setting out detail in a regulatory plan. Reserved Matters Applications will need to demonstrate how the design code has been met.

- 13.5.57 To demonstrate that the proposed development with all its land uses and spatial requirements is achievable, the applicant has undertaken an illustrative exercise. This demonstrates that the proposed development can be accommodated, having regard to the parameters and would result in a gross residential density of 14.2dph with a site area of 117.4ha. Density ranges are set out in the Development Specification Statement and sets a range of average densities of between 30 and 60 dwellings per hectare.
- 13.5.58 Whilst design detail is reserved for consideration within the future stages, there are key principles that are established through this application. These are set out within the parameter Plans, Development Specification Document and considered in the submitted Design and Access Statement. These documents are informed by a range of technical studies, including the Landscape and Visual Impact Assessment, Heritage reports and the Illustrative masterplan.
- 13.5.59 The location of the application site near the Greenbelt and Open Countryside advocates the landscape led approach proposed. A strategic Green Corridor is proposed along the northern part of the site. It is intended this will include a range of recreation opportunities, including the proposed Football Hub and associated infrastructure. There are overhead power lines within this northern zone. The associated utilities easements and HSE limitations will limit the form of development in this area.
- 13.5.60 The remaining edges of the site include for landscaped edges to contain the developable area and blend into the Strategic Green Corridor. Bar the proposed access therefore a landscaped buffer surrounds the proposed development. This provides a defensible greenbelt boundary and opportunities for attractive recreational spaces.
- 13.5.61 The Landscape and Visual Impact Assessment assesses the impact of the proposed development on the landscape features. The LVIA sets out proposed landscape features. Key principles include retention of important landscape features, proposed areas of green infrastructure, tailoring the extents of the height and density of development to ensure impacts are limited. Within the village centre heights are limited to 5 storeys reducing to 3 storeys beyond the village centre.

- 13.5.62 At the North West extent of the site, there will be no development and a strong sense of openness will be retained at the Northeast. This ensures the views along and across the River Stort valley are preserved.
- 13.5.63 At the Public Right of Way known as Hunsdon Footpath 001, the LVIA identifies potential for adverse changes resulting from the development. It is proposed that planting and the location of the landscape buffers will ensure views of St. Dunstan's Church and Hunsdon House are retained.
- 13.5.64 The proposed Football Hub is located to minimise impacts on the open character of the proposed Community Park and to ensure distant views across the Stort Valley. Conditions and Proposals seek to reinforce the wooded horizon along the southern edge, where there are opportunities for planting enhancement. Future Stages will control the form of development such as the timing of delivery of key landscaping elements and any proposed buildings and flood lighting associated with the sports infrastructure.
- 13.5.65 There are landscape features within the developable area including historic hedgerows and heritage assets. Parameter Plan 2 sets out appropriate buffers to protect these features and ensure they can remain in perpetuity to create an attractive setting to and enhance the character of new development consistent with the landscape led approach. Outside of but adjacent to the site is Lords Wood, an area of ancient woodland.
- 13.5.66 The village centre is proposed to encompass Brickhouse Farm and the buildings contained therein. The Primary School is proposed as located on the northern edge of the village centre. At the southern end is the retained barns within Brick House Farm which are intended to delivery commercial and community facilities. The timing and approach to ensuring delivery is secured by way of S106.

## **13.6 Relationship to Existing Settlements and Properties**

- 13.6.1 The Strategic Design Guide, Parameter Plans, and Development Specification set clear principles for how each village developable area will be designed to respond to existing properties. Buffer planting and greenspace surrounds the developable area creating a physical distance between existing properties surrounding the site and proposed development. Height parameters restrict the built form.
- 13.6.2 Brickhouse Farm is surrounded by the application site, although it does not form part of the site. There is potential for impacts on the farmhouse and curtilage in respect of residential amenity. At this outline stage, the details of future development are not for consideration. The parameter plans ensure the land uses in the vicinity of the existing dwellings are suitable. The future stages will bring forward detailed design which will be required to protect existing

residential amenity and offer scope for reasonable mitigation, should this be required.

- 13.6.3 Brickhouse Cottages lie at the southern boundary of the site. The development in this area would be limited by way of the proposed landscaped areas and limits to the developable area. It is unlikely therefore that there will be significant amenity impacts on these residents, albeit it is acknowledged that the development would result in a wider change of character to the area.
- 13.6.4 More generally, other nearby properties are at the boundaries of the site. Those to the south are separated by the A414. Properties outside of the site boundary will be protected by virtue of the large, landscaped areas that are secured by way of the proposed parameters.
- 13.6.5 The creation of new utility networks required to serve the development will provide opportunities for connections to services e.g., fibre optic networks enabling the provision of high-speed broad band to existing isolated properties and existing villages. The development will not directly deliver these enhancements to existing homes, but it will make individual connections far easier. The Development Specification suggests a number of 'early wins' that will benefit existing properties that will be explored.
- 13.6.6 Policy EX1 (Existing Settlements) of the GANP states, long-term maintenance of green and public spaces within the existing communities (defined in the preamble as all settlements within the parishes of Eastwick, Gilston and Hunsdon) will be considered through the planning process and as part of any community stewardship arrangement and seeks financial contributions towards improvements in existing settlements to mitigate the impacts of development. However, the Plan does not define what improvements are required or what impact requires mitigation. Nor does the ES (as amended) identify harms to existing settlements that require mitigation.
- 13.6.7 The application proposes a range of services and facilities which will provide benefits for existing residents. These include the proposed Community Park, Football Hub, Primary School, Public Open Space, vehicular, walking and cycling routes and connectivity to Harlow, commercial and retail services, enhanced bus provision, community facilities and a range of additional services and facilities partly funded by this development but beyond the application boundary. The S106 Heads of Terms included within this report set out evidenced financial contributions required by way of mitigation.

## 13.7 Landscape & Visual Impacts

13.7.1 A Landscape and Visual Impact Appraisal has been submitted. The LVIA explains how impacts are assessed and how the significance of the effect is determined. The assessment considers the susceptibility and value of the landscape and surrounds and rates using set criteria to establish the significance of any effects thereon. The impacts are rated. Where environmental effects are considered less likely to be significant, mitigation may still be required. The LVIA is independent of the design process and its conclusions have informed the design responses set out within the plans and documents for approval. Development of this scale will inevitably have an impact. It is important to identify whether any resulting harm outweighs the benefits of the development, having regard to mitigation, compensation, and enhancements. Officers are satisfied that the information set out within the LVIA is sufficient to allow assessment of the development.

13.7.2 The impact is assessed during both construction and operational phases. Given the scale of the project and the anticipated construction period, the LVIA considers the effects likely to arise during construction. The assessment considers impacts on designated assets, on nearby Public Rights of Way. The site falls within the Stansted to Pishiobury Parklands Local Landscape Character Area (81).

- A range of mitigation measures are proposed. These include:
- Landscaped buffers
- Retention and enhancement of existing woodland
- Hedgerow Retention
- Buffer to woodlands and hedgerows
- Ancient woodland buffer
- Introduction of sensitive development area zones
- Retention of notable and veteran trees
- Limitation of development in the area over the overhead power lines
- Strategic green corridor
- Open space provision
- Realignment of Church Lane
- Location on village centre and Gypsy and traveller accommodation
- Maximum building heights parameters

13.7.3 The project would result in land use change from arable agricultural to residential and mixed use-built development. The site lies on a south facing slope falling toward the River Stort, as well as tributary valleys to the west and east. The topography provides for partial visual containment of the development. Existing vegetation and woodland combined with the topography result in limited widespread landscape and visual impact from the proposals.

13.7.4 The retention and mitigation proposed (set out above) combined with the proposed land use arrangement, i.e. landscape buffers surrounding developable area and inclusion of sensitive development areas ensure impacts are minimised further and the development will integrate into the wider landscape in the long term. The approach ensures a sense of openness is retained in the North East of the site and the rural character is retained in the North west of the site.

13.7.5 The listed farm buildings at Brickhouse Farm within the application site are proposed to be at the heart of the new village centre. This ensures the building will have a function with the aim of supporting the preservation of the heritage asset in the long term and ensures the historic context of the site is integrated into its future.

13.7.6 The retention of the existing landscape features - such as hedgerows, woodland and notable and veteran trees – combined with the zoned approach to developable area and building heights ensure the site responds positively to the visual relationship with the River Stort Valley and integrates into the landscape. Harm to the Landscape Character Areas which form the landscape setting to the villages of Hunsdon, Hunsdonbury and Eastwick would therefore be minimised.

13.7.7 Importantly there is a significant adverse impact identified to the Hunsdon Footpath 001 during both construction and immediately post completion, but not in the long term. Views of construction and subsequently built form would be introduced along this route. The sense of enclosure would increase as the route passes through the application site. The Sensitive Development Areas proposed would preserve views toward St. Dunstan's Church and Hunsdon House, both Grade I listed heritage assets. The proposed noise bund is likely to alter ground levels at the south western part of the site and may create additional views toward the River Stort valley for the users of Hunsdon Footpath 001. The noise bund will be required by condition. The significance of impacts on views from the footpath will therefore reduce over time.

13.7.8 When assessed cumulatively with Villages 1-6, the enclosed nature of the landscape to the west and north and the proposed mitigation and enhancement measures would result in limited landscape impacts and there is no significant harm in the long term. Cumulative visual effects are identified in respect of the Harcamlow Way, Towing Path, Three Forests Way and the River Stort in the medium/ long term. It is considered these residual effects would continue to reduce over time and would not be significant post 2055.

13.7.9 Documents such as Codes of Construction Practice, Construction Traffic and Environment Management Plans, Landscape Strategy and Ecological Management Plans are in line with Policies AG1 (Promoting Sustainable Development in the Gilston Area), AG2, (Creating a Connected Green

Infrastructure Network), AG3 (Protecting and Enhancing the Countryside setting of New and Existing Villages), AG4 (Maintaining the Individuality and Separation of all Villages) and AG5 (Respecting Areas of Local Significance) of the GANP.

13.7.10 Officers likewise consider that the proposed mitigation is in accordance with Policy GA1 (The Gilston Area) parts (n), (o) and (u) and the provisions of paragraph 130 of the NPPF 2021. The allocation of the site through the independently assessed Local Plan Process, acknowledged the inevitability of visual and landscape changes. The identified harm because of the development is outweighed by the significant benefits associated with the development.

## **13.8 Supporting Economic Growth**

13.8.1 The Village Centre will meet the day-to-day needs of residents as well as providing a local destination for residents of the wider Gilston Area and neighbouring villages/settlements. It will feature appropriately sized commercial units as well as key services which will be 'local' in nature. As a standalone centre, this will ensure the Village Centre has the vibrancy and viability to remain successful over the lifetime of the Proposed Development whilst as part of the Village Centre hierarchy, it will function as a "tier two" centre.

13.8.2 Within the village centre, 3095 sq m of commercial floorspace is to be safeguarded. An absolute minimum provision of 1,745 square metres of commercial and nursery floorspace is to be provided in the Village Centre, comprising of up to 1,195sqm of Office and any Light Industrial floorspace (Class E) and up to 550 square metres of Independent Day Nursery floorspace (Class E).

13.8.3 The delivery of the safeguarded land, beyond the secured 1195 sq m will be subject to a future market needs assessment to ensure confidence on delivery. This will complement the other centres of the Gilston Area and not be of a scale or role that would compete with existing centres within surrounding villages and settlements, such as Harlow Town Centre, as a higher order location for shopping services and leisure facilities.

13.8.4 A mix of appropriate main town centre land uses (inclusive of retail and offices) and individual quantum's has been indicatively identified as part of this Application to inform the Illustrative Masterplan and demonstrate a deliverable and sustainable Village Centre. This approach is also set out within the submitted Development Specification Statement. This will provide a level of control and comfort over the proportion of each land use that will need to be delivered to support the needs of Village 7 and fulfil the characteristics of a "tier two" centre.

13.8.5 This includes provision for up to a further 1,805 square metres of Class E Office and Light Industry floorspace, as well as up to 2,100 square metres of Class E Light Industry, Class B2 Industry and B8 Storage and Distribution floorspace

within the Village Centre. The requirement for this additional employment floorspace will be determined through a future market needs assessment to ensure confidence on delivery. Based on no demonstrable market requirement through early and later reviews.

- 13.8.6 This application proposes 1 village of the Gilston allocation, which includes for 7 villages in total. It is anticipated that each village will provide sufficient local facilities to serve the immediate needs of its residents and provide an indirect benefit to villages and existing properties beyond. The provision of local facilities is intrinsic to the creation of walkable neighbourhoods thereby reducing reliance on the private car. The co-location of facilities offers opportunities for a reduced number of trips.
- 13.8.7 The proposed village centre is broadly centrally located to the application site, close to the north/ south primary route known as Church Lane. The location is within a reasonably accessible distance to development across the application site. It is intended that the village centre will be a mixed-use space offering commercial, community, residential and recreational facilities.
- 13.8.8 Policy GA1 requires the provision of employment areas of around 5ha to be delivered within the allocation. Further HGGT team assessment identified a need for 34,000sqm across the Gilston Area with 4,800sqm to be provided in Village 7. The application identifies for this to be delivered in a mixed-use central core to the village. The detail of the employment uses will come forward through the future stages.
- 13.8.9 Policy GA1 (The Gilston Area) of the EHDP requires that a range of employment opportunities are created and Policy BU3 (Employment Areas) of the GANP states that employment uses will be encouraged to be in the village centres as part of mixed-use areas in the interests of sustainability and to support the vitality and viability of each village centre. The Parameter Plans identify a central mixed use/ village centre zone in which employment will be located, subject to market demand.
- 13.8.10 The applicants supporting information sets out anticipated economic outputs from the development. It is expected that the development will generate in the region of 1248 jobs during construction with 535 jobs created once construction is complete.
- 13.8.11 The construction phase will provide jobs and opportunities. By way of S106, there is a requirement for the developers to engage with local further educational establishments (e.g. Harlow College and Herts Regional College) to provide apprenticeship schemes and to support local employment. An Action

Plan will establish further initiatives, such as a Skills to support the construction and local employment.

- 13.8.12 The S106 also requires a market demand assessment to verify commercial market demand. This sits alongside a minimum requirement of 1745 sq m. Whilst this does not provide absolute certainty of delivery in the early stages of development, this needs to be balanced against ensuring that the employment land provided is attractive to users and provides viable and attractive employment land to enhance the vitality of the development. The employment land will require a critical mass of population and services and facilities, such as bus provision, accessibility, primary school and nursery etc to ensure its attractiveness to businesses wishing to re/locate.
- 13.8.13 Officers acknowledge the careful balance between placemaking and commercial pressures hence the demand led assessment approach and its control through the S106. In the interests of balance, the S.106 Agreement should secure a minimum quantum of employment floorspace (1745 sq m including 1195 office and light industry and 550 nursery provision) and safeguard employment land for a suitable period to ensure the development and placemaking is sufficiently progressed for the employment land to be attractive to operators. The Village masterplan will be informed by the market demand assessment.
- 13.8.14 With a commitment to the delivery of a minimum quantum of employment floorspace secured within the S.106 Agreement, along with the safeguarding of employment land, approach to understanding employer demand to inform master planning and approach to providing training and local employment opportunities, the scheme is considered to address the requirements of Policy GA1 (The Gilston Area) of the EHDP and Policy BU3 (Village Cores /Centres) and BU3 (Employment Areas) of the GANP.

### **13.9 Delivery of Community Infrastructure**

- 13.9.1 In providing new homes, those homes also need to be adequately serviced to provide a sustainable development and attractive place to live work and play. As such the village centre is proposed to provide a mixed-use heart to the village including a range of services and facilities required by those using the village. This ensures village 7 is sustainable on its own, as well as part of the GA1 allocation.
- 13.9.2 Primary School - A 3FE primary school is proposed within the village centre on an area of land of 3.42ha. This will provide primary school places for 630 pupils, which provides for the number of children likely to be living within the application site once built out, based on the indicative information (such as housing quantum and mix) submitted at this outline stage. This will be secured

by way of S106 agreement. The S106 agreement will further require detailed assessment of future requirements for Special Needs and Disabled Education through the mechanism of the Education Review Group (ERG). Where required this would form an integral part of the proposed Primary School.

- 13.9.3 Up to 550 sq m of floorspace is also proposed to provide a Children's Day Nursery within the village centre. It is possible that parents have children of varying ages and that local children will progress to the Primary School following attendance at the local nursery, as such the location of both uses close together within the village centre is practical. The nursery would be offered to private operators to run and manage.
- 13.9.4 A community building of up to 1060 sq m is proposed within the village centre area. The detail of the community building will need to be developed alongside the community to ensure the facility best meets demand, is self-sustaining and therefore viable and vibrant in the long term. This will be secured by way of S106.
- 13.9.5 A football Hub and Playing Field are proposed. The Football Hub has been indicatively designed to include a football hub building, car parking (60 spaces), 2 adult artificial grass football pitches, 1 adult grass pitch with associated shelters etc., 1 under 15s/ under 16s pitch and 1 under 13's/ under 14's pitch. The village Playing Field has been designed to include 1 adult grass pitch and a pavilion building. The facilities are proposed to be located within the Community Park. The S106 agreement will set out the future stages to achieve detailed designs for and delivery of the facilities.
- 13.9.6 The EHDC Open Spaces and Sports Facilities Assessment identifies a requirement for 14.36ha for outdoor sport facilities. The application provides for 15.56ha of provision.
- 13.9.7 EHDP Policy GA1 requires that community needs are met through the provision of on-site facilities for education, healthcare, sports and open spaces and active travel networks, with neighbourhood centres providing local facilities to meet day-to-day needs of new residents. Policy CFLR1 (Open Space, Sport and Recreation) states that developments will be expected to provide open spaces, indoor and outdoor sport, and recreation facilities to meet the needs arising from the development, setting criteria for their location and design. Policy CFLR7 (Community Facilities) provides criteria for the design and location of community facilities, including flexible designs to enable multiple uses and accessibility through active and sustainable modes of travel. Policy CFLR9 (Health and Wellbeing) provides criteria for the design and location of facilities for healthcare, faith and wellbeing, and facilities that encourage active and healthy lifestyles. Policy CFLR10 (Education) requires the provision of education facilities

to meet the needs arising from new development, providing criteria for their location and design.

- 13.9.8 The East Herts Health and Wellbeing Strategy 2019-2023 contains the Council's vision and objectives for creating healthy places and vibrant communities. It includes an Action Plan with for the creation of new community facilities through new development to support health and wellbeing. An update to the strategy: The East Herts Community Health & Wellbeing Plan 2023-2028 is currently out for consultation. The emerging plan expands upon the previous strategy including objectives for individuals and communities to support themselves and each other through community organisations.
- 13.9.9 GANP Policy AG9 (Phasing of Infrastructure Delivery) encourages the early delivery of social infrastructure having regard to the HGGT Vision and IDP, to meet cumulative needs of new and existing communities. Policy BU2 (Village Cores/ Centres) seeks to focus community facilities within village centres. Policy C1 (Community Facility Provision) repeats the approach set out in Policy BU2, with the addition of a requirement where appropriate, for the transfer of key community facilities into the ownership and stewardship of the local community as part of a governance agreement. Policy D1 (Establishing a Partnership with the Community) and Policy D2 (Community Ownership and Stewardship) both seek the engagement of the community in the design and stewardship of the village development.
- 13.9.10 Section 8 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places. Key objectives include promoting social interaction, providing safe, accessible and inclusive places to enable and support healthy lifestyles that provide the social, recreational and cultural facilities and services the community needs.
- 13.9.11 *Primary education and Early Years Provision* - Currently the nearest existing Primary Schools are located at Hunsdon, Stansted Abbots and within Harlow with limited or no capacity for additional students and no safe routes for walking or cycling from the application site. Up to 3850 sq m of education floorspace is proposed as part of this application, contained within 3.42ha of land. This is sufficient for a 3-form entry (3FE) Primary School.
- 13.9.12 The Primary School is proposed to be located within the village centre, broadly central to the application site. As such the Primary School would be within a reasonable walking distance for most residents and support the aspirational mode share targets for Gilston. A 3FE school is sufficient for 630 pupils. The anticipated pupil requirement from village 7 calculated using Hertfordshire County Council's strategic planning pupil yield methodology is 3FE. The proposed

school would therefore satisfy the demand as a result of the proposed up to 1500 homes at Village 7 and GA1 of the Local Plan in this regard.

13.9.13 A Gilston wide Education Review Group (ERG) will be required by way of S106. This will interrogate education demand further and the timing of delivery. It is possible that the school would be built as a 2FE school with room for a further 1FE if expansion were required in the future, but only where there is clear evidence through the work of the ERG to determine 2FE would meet current demands in a timely way. Factors such as build rate, birth rate, master planning requirements, housing mix and development phasing cannot be fully established now but may impact upon the Primary education requirements. Schools also provide opportunities for social and community activities, providing support for families. In the early stages of the new settlement this may be important to developing a strong community.

13.9.14 Secondary Education - This application proposes a contribution to Secondary Education secured by way of S106. The maximum level of funding secured by way of S106 is sufficient to secure 3 FE secondary education and can be used to support the delivery of a new secondary school for the Gilston area. Whilst not for determination under this application, new secondary schools are proposed within villages 1 and 5 of the Gilston allocation area. The S106 HoTs identify funding from this application can be directed to this new school or support provision of additional places at existing local secondary schools. Further modelling and review via the ERG will establish demand at the time of delivery and dictate the appropriate project for funding.

13.9.15 In the initial stages a temporary secondary school may be required to serve the Gilston area. The S106 agreement will include provision towards funding for the temporary secondary school and transport to and from such a school to ensure children can access the school safely.

13.9.16 Special Needs Education - The proposals include for Special Needs and Disabled Education provision to be provided within the village 7 Primary School. The demand will be assessed by the ERG and secured by way of S106. A contribution of £857,947 is to be secured by way of S106 towards special needs education provision. This approach will collocate facilities in the interests of sustainability and mode share and ensure an inclusive learning environment offering the broadest range of facilities to students of all needs.

13.9.17 Nursery Provision - Up to 550 sq m floorspace is proposed to support a day nursery. This could be publicly or privately owned/ operated and is expected to accommodate 84 children. The meets the demand arising from village 7. The timing and form of the provision will be explored through the ERG.

13.9.18 Healthcare - The 2019 Harlow and Gilston Garden Town (HGGT) Infrastructure Delivery Plan (IDP) covers S.106 contributions expected from HGGT developments towards healthcare provision to serve residents. The emerging HGGT IDP update has been informed by a Health Impact Assessment using the Healthy Urban Development Unit (HUDU) commissioned by Princess Alexandra Hospital. The Council has adopted the HGGT IDP as guidance and should be considered. The applicants submitted a Health Impact Assessment in their amendments of December 2022.

13.9.19 For primary health care, community, and mental health, the ICB is content with the provision of an offsite Health Centre which also meets the demand arising from village 7. Ambulance services space will be provided within the offsite health centre serving the development of the Gilston Area.

13.9.20 For acute care, the ICB consider Princess Alexandra Hospital (PAH) is seeking contributions towards meeting local health impacts (acute health needs) arising because of the development and identify the hospital has little or no capacity and a funding shortfall is also likely and request S106 contributions.

13.9.21 While Officers are sympathetic to the matter of acute care and the difficulties faced in the NHS, insufficient evidence has been provided to justify contributions towards the hospital and acute healthcare provision, regardless of whether the Hospital is relocated or remains in its current location. The Gilston Area allocation has been identified in response to household projections, which are the same projections used by the NHS to prepare and plan for service delivery.

13.9.22 The Trust has not been able to identify how funds would be spent, or how other measures other than new floorspace would provide the same mitigation, and this therefore fails the necessity test in the CIL Regulations. An existing capacity issue has been identified but no evidence is provided to explain how the funding sought will address 'new' impacts arising from development. Nor is it evidenced that the planned growth in adopted Plans allocated to meet ONS projections are not or cannot be accounted for in normal business planning for acute services. Finally, Officers have requested, but not been provided sufficient evidence to justify why the funding gap identified in the hospital relocation development option is fairly and reasonably related in scale and kind to the 'new' development rather than across the hospital catchment, and no evidence is provided to justify how shortfalls in service and existing capacity is related to the development.

13.9.23 The requests from the NHS have been carefully considered against the regulations governing planning obligations and examples of how similar requests have been treated been reviewed. Hospital access is important Princess Alexandra Hospital is intrinsic in providing services to the existing community. This role would not change because of hospital relocation. Funding of hospital

and ambulance services is the remit of the UK government via an NHS Hospital Trust funded by taxation. The hospital already provides a service to existing residents and would continue to do so whether it was relocated or not and as such is not necessary to make the development acceptable in planning terms and/ or directly related to the development and fails the tests set out in Regulation 122 of the CIL regulations.

- 13.9.24 This application responds to an allocation in the EHDP to meet the housing needs arising in East Herts. These housing needs largely arise from existing households. Development itself does not generate new population as the individuals already exist irrespective of whether they move to a different house. This population is already accounted for in terms of their demand on NHS services.
- 13.9.25 The application will provide proportionate funding towards health care facilities to serve the Gilston Area prior to the occupation of 250 units within the village. The healthcare provision will cost circa. £15m and will deliver enhanced services. The additional level of service provided within the new facility aims to reduce pressure on acute care services, including at Princess Alexandra Hospital. Funding will be secured by way of S106. The proposals therefore align with paragraphs 92 and 93 of the NPPF, the East Herts Wellbeing Strategy and Policy CFLR9 (Health and Wellbeing) of the EHDP.
- 13.9.26 *Emergency Services* - The application identifies a contribution equivalent to 15% of the overall figure towards the delivery of an emergency services hub located within the Gilston Area. The emergency services hub would provide space and facilities for police and fire services. Land is safeguarded within the Gilston area for the Hub within the mixed-use zone of village 6 (not within this application site). The financial contribution is secured by way of S106.
- 13.9.27 *Community Facilities* - The demand for a community hall arising from village 7 is calculated to be 420 sq m (forming part of the wider 1,060 sq m offer). This is intended to form a community hall/ building to enable a range of facilities for a range of uses. The provision of a community building will be secured by way of S106. The S106 will set out a specification for the building setting out the key items required to be delivered and identify the approach to its management. The building is intended to be located within the village centre, within reasonable walking distance for most residents and nearby existing properties.
- 13.9.28 1060 sq m of F2 use is proposed. F2 enables outdoor sports use for non-motorised vehicles, indoor or outdoor pools and ice rinks. In this case it is proposed to deliver a playing field for the village. The facility will be secured by way of S106. The F2 use is proposed to be located within the village centre. The

provision of this facility will enhance the recreational offer of the development in the interests of wellbeing and placemaking.

- 13.9.29 The application proposes up to 45 Local Area's Play (LAPs), five Local Equipped Areas of Play (LEAPs) and one Neighbourhood Equipped Areas of Play (NEAP). The precise quantum and location of these will be detailed in future stages, however all play areas will be within a reasonable walking distance of homes (LAP's – 100m, LEAPs – 400m, NEAP – 1000m) and the is reasonable space within the application boundary to deliver them, as shown by the illustrative masterplan.
- 13.9.30 The NEAP will contain the most equipment and will be within the Village Centre. This will be collocated with the other community facilities and education provision to provide a vibrant heart to the village and a broad recreation offer for all ages.
- 13.9.31 Three sites for allotments are proposed. Two of the allotment locations will be within the developable area of the application and a further location will be immediately to the east of the proposed Community Park. The sites will provide 1.14ha of land for allotments to accommodate 8 pitches. The provision of allotments and a specification for such will be included within the S106 and detail progressed through the Strategic Landscape Masterplan and the Village Masterplan stages.
- 13.9.32 *Sports Provision* - In addition to the F2 uses identified above, a Football Hub is proposed. The hub will be located on the northern edge of the development, in between the strategic greenspace and the developable area. The hub will deliver a football hub building (to include changing, office and toilet facilities), car parking for c. 60 cars, 2 adult artificial grass pitches, 2 adult grass pitches – 1 with shelters/ dug out, 1 under 15/16s grass pitch and 1 under 13/14s grass pitch.
- 13.9.33 The location of the hub on the development edge provides opportunity for a softer transition to the green space. The location has been carefully considered to avoid key views and impacts on the designated heritage assets at St Dunstan's Church and Hunsdon House.
- 13.9.34 To ensure the sports facilities are available all year round, floodlighting will be required. The hub will be located on the topographically higher part of the site and at the development edge. It is important therefore that lighting is controlled to ensure limited impacts on amenity, biodiversity, heritage, and landscape. The detailed design of residential development and the hub will include detail of the floodlighting provision and the extent of its use will be assessed at that stage.

13.9.35 EHDCs Open Space, Sport and Recreation Strategy Supplementary Planning Document sets out expectations for the types and quantum of facilities expected in new development. For Gilston the requirement is set allocation wide rather than specific to this application site. The scale of the allocation dictates that in some cases one larger facility serving the whole allocation are preferable, such as the requirement for a leisure centre with swimming pool and the football hub.

13.9.36 Initial advice from Sport England suggested the allocation should deliver 44 grass pitches. With further discussion Sport England agreed to 20 grass pitches and 4 artificial pitches. Artificial pitches can be more intensively used across a wider range of time and weather conditions. Village 7, whilst only comprising 15% of the allocation in housing terms is contributing 50% (2 no) of the artificial pitches required thereby more than mitigating its own demand.

13.9.37 Sport England identified a need for 4 rugby pitches for the Gilston Area. There is an established Rugby Club in Harlow which is capable of improvement and therefore funding will be directed to this facility. As the club is already up and running, a facility will be provided potentially more quickly and provide integration into the existing area for new residents at Gilston. Funding will be secured by S106.

13.9.38 Sports facilities require infrastructure, such as changing facilities, toilets, equipment storage and office facilities. The application makes provision for the necessary buildings within the football hub area.

13.9.39 The provision of sports facilities and funding will provide significant opportunities for health and wellbeing within and near to Gilston, creating active, healthy and sustainable places.

13.9.40 Open Space - The application provides for a range of public open space on a site that is currently in private ownership and inaccessible to the general public, expect for existing rights of way. The application will deliver a minimum of:

- 11.96ha of Parks, Public Gardens and Amenity Greenspaces
- 33.4ha of Natural and Semi Natural Greenspace
- 15.56ha of Outdoor Sports Land
- 0.95ha of Land for Children and Young People (Play Space)
- 1.14ha for Allotments.

13.9.41 The outdoor sport, allotment and Play Areas are discussed above. The broad locations are set out on the parameter plans. The precise locations will be determined at future stages to ensure comprehensive planning and placemaking. The proposed quanta exceed EHDC standards.

13.9.42 The parameter plans limit development in the northern part of the site. A community Park and natural and semi natural greenspace is proposed in this area with a football hub at its southern edge. Existing Hedgerows and Woodlands will be retained along with veteran and notable trees. These areas will provide a soft buffer to the proposed built form, thereby enhancing the setting of new development and existing heritage assets and providing a soft transition at the rural edge.

13.9.43 There will be overhead power lines in part of the northern open space area. This is secured through the parameter plans and serves to prevent a conflict between the utilities pylons/ overhead wires and development. The open space areas will contain some infrastructure such as routes for walking, cycling and maintenance, SUDS features such as ponds and swales and potentially isolated built development, such as a pump station or substation. The integration of these facilities into the open space ensures that they can be provided in a suitable location to serve the development effectively.

13.9.44 A green corridor will run east/ west through the development to provide pedestrian and cycle connectivity as well as routes for wildlife and SUDS infrastructure. This will provide connections with the wider Gilston area and in future provide connectivity beyond village 7. The precise alignment will be secured through the village 7 future stages, including the village masterplan and strategic landscape masterplan.

## **13.10 Wellbeing and Social Value**

13.10.1 A Health Impact Assessment has been submitted, setting out how the proposal will contribute towards health and wellbeing objectives. These principles are embedded in the Development Specification, which is a document for approval and to which future stages must comply and are set out in the Strategic Design Guide.

13.10.2 The principles are set out below and respond to Sport England's Active by Design standards and sustainable design principles which seek to make every-day activities easier to undertake through active methods of travel; services easier to access for all; and homes that are affordable, comfortable and that fulfil changing needs of residents over time, to foster a sense of community, personal wellbeing and to reduce the need for traditional healthcare services.

a. *Delivering a development that learns from best practice in healthy placemaking elsewhere, exploring new and innovative strategies and working in partnership across sectors to deliver beneficial wellbeing outcomes for current and future residents.*

- b. Making decisions about the design and delivery of the development based on a detailed understanding of the wider determinants of health.*
- c. Ensuring the principles of good design for health and wellbeing are embedded and are reflected at the Village Masterplan and Reserved Matters stages.*
- d. Delivering a new primary care centre in Village 1 (with the potential for another centre in Village 4) in an accessible village centre location. Delivery of healthcare facilities on-site will be considered from the very first homes being occupied - temporary provision may help to deliver GP access before the new health centre(s) is built.*
- e. Providing a wide range of tenure options, specialist housing and dementia friendly neighbourhoods, supporting older and vulnerable people to live as independently, safely and happily as possible.*
- f. Providing independent living and step-down care which will reduce pressure on hospital beds, supporting people come home from hospital and improving their long-term prognosis.*
- g. Deliver homes built to high standards of fabric energy efficiency, to ensure they are dry, warm and affordable to heat, and explore innovation and best practice on design for health and wellbeing (e.g., Happy by Design)*
- h. Residents of the Gilston Park Estate will have access to affordable opportunities for sport and leisure close to their homes.*
- i. Delivery of spaces and facilities that provide for the needs of children and young people, by implementing the principles for design and delivery of children and young people's services, play and recreation.*
- j. Working with the local authorities and the Garden Town Steering Group to instigate a process of knowledge and data sharing over time and a partnership approach to service design, delivery, and feedback.*

13.10.3 These considerations contribute to a sense of belonging and encourage retention creating strong and resilient communities. The future stages require collaborative engagement with existing communities and those who may become part of future communities. The Stewardship Strategy supports the process of community engagement embedding the principles of community ownership and social value into the design the village and the Gilston.

13.10.4 The ES considers this application and the cumulative effects of this application together with Villages 1-6 and other cumulative schemes. The ES considers the effects of the development related to community facilities in the context of the Socio-Economic and Community Effects chapter as well as within the Health chapter. The ES also considers that as the development will be designed to promote physical activity and active lifestyles through the built and natural environment, this is linked to improved physical and mental health, reducing risk of cardiovascular disease and other chronic conditions. Therefore, the ES considers residual effects to be negligible or beneficial.

13.10.5 The application commits to a wide range of community floorspace, through physical delivery, safeguarding land and financial contributions. This will ensure development needs are met. This is given positive weight. The proximity of new services and facilities to existing residents is also beneficial. Local services, on-site, within walking distance of new and existing homes combined with the commitments in the Development Specification to the creation of walkable and cycle-friendly neighbourhoods, will reduce the need to travel, contributing to wider objectives around modal shift to active and sustainable travel

## **13.11 The Natural Environment**

13.11.1 Policy GA1 (The Gilston Area) of the East Herts District Plan 2018 support developments that enhance the natural environment, provide a comprehensive green infrastructure network and net biodiversity gains. Policy DES2 (Landscape Character) requires proposals to demonstrate how they conserve, enhance or strengthen the landscape character and be supported by a Landscape and Visual Impact Appraisal. Policy DES3 (Landscaping) requires proposals retain, protect and enhance existing landscape features, ensuring no net loss, and where losses are unavoidable and justified should be compensated for appropriately.

13.11.2 EHDP Policy NE1 (International, National and Locally Designated Nature Conservation Sites) states that development that adversely affects the integrity of a designated site will not be permitted unless it can be demonstrated that there are material considerations that outweigh the harm. Policy NE2 (Sites or Features of Nature Conservation Interest (Non-Designated) recognises the importance of all non-designated assets and states that proposals should achieve a net gain to biodiversity. Policy NE3 (Species and Habitats) requires development to enhance biodiversity and to create opportunities for wildlife, protecting and enhancing habitats and avoiding impacts on species and habitats of principal importance for the purpose of conserving biodiversity as defined under Section 41 of the Natural Environment and Rural Communities Act 2006 (or as amended). Policy NE4 (Green Infrastructure) states that proposals should avoid the loss, fragmentation, or functionality of the green infrastructure network and to maximise opportunities for its enhancement and should demonstrate how lighting will not adversely impact on green infrastructure that functions as nocturnal wildlife movement and foraging corridors. Policy CFLR1 (Open Space, Sport and Recreation) requires the loss of open spaces to be replaced with a suitable alternative.

13.11.3 EHDP Policy EQ2 (Noise Pollution) and EQ3 (Light Pollution) seek to avoid and minimise impacts on the environment from noise generating activities and from glare and light spillage. Policy EQ4 (Air Quality) states that all developments are to include measures to minimise then mitigate impacts on air quality during construction and operation.

13.11.4 Gilston Area Neighbourhood Plan Policies AG1 (Promoting Sustainable Development in the Gilston Area) and AG2 (Creating a Connected Green Infrastructure Network) state that development should protect and enhance areas of ecological importance, minimising direct and indirect effects on natural landscape assets, to ensure suitable connections are created for wildlife, walking and cycling and to create new green spaces and habitats to achieve a net gain in biodiversity. Policy AG3 requires development in the Stort Valley to protect the rural setting and wetland environment and open views of the valley. Policy AG5 (Respecting Areas of Local Significance) acknowledges and permits in exceptional circumstances development needed for strategic infrastructure required for the Gilston Area. Policy AG8 (Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities) specifically seeks that new transport infrastructure proposals must minimise impacts on the character and environment of the River Stort, including potential noise, visual and pollution impacts. Policy TRA2 (Access to the Countryside) requires that connections to strategic green infrastructure such as the River Stort should minimise environmental impacts such as noise and light pollution.

13.11.5 Paragraphs 174 to 182 of the NPPF 2021 relate to the consideration of development proposals in the context of conserving and enhancing the natural environment. Key principles include protecting and enhancing sites of nature conservation importance in a manner commensurate to its designation, avoiding harm, mitigating impacts and as a last resort, compensating for harmful impacts.

13.11.6 A Habitats Regulations Assessment is set out (at Appendix A to this Report) pursuant to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended by Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (together "the Habitats Regulations"). As competent body under the terms of the Habitats Regulations the Local Planning Authority has undertaken a Habitats Regulations Assessment of the outline application together with other relevant plans or projects. The HRA comprises a screening assessment and appropriate assessment, as necessary, of the potential impacts, i.e. likely significant effects, of application, upon the National Network Sites of the Lee Valley SPA/Ramsar, Wormley-Hoddesdon Park Woods SAC and Epping Forest SAC. The screening considered whether the application comprising the Development alone, when considered as a whole and when considered in combination with other relevant plans and programmes, were likely to have a significant effect on the National Network Sites.

13.11.7 Appendix A to this report contains the HRA in full. The appropriate assessment concludes that having taken account of the information received (including consulting Natural England) and considering that mitigation measures will be adequately secured as part of any planning permissions, and are expected to be

effective beyond reasonable scientific doubt, the Council is satisfied that the applications comprising the Development (as defined in the HRA), either alone, as a whole Development or in combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site, nor conflict with relevant Conservation Objectives for the National Network sites.

- 13.11.8 The Council has a duty under section 40 of the Natural Environment and Rural Communities Act 2006 ("the NERC Act") to consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective, which is the conservation and enhancement of biodiversity. It also has a duty to consider the impact of development on habitats and species of principal importance as recorded pursuant to Section 41 of the NERC Act. This is a list of living organisms and types of habitat which are of principal importance for the purpose of conserving biodiversity in England, maintained by Natural England but published by the Secretary of State.
- 13.11.9 The Wildlife and Countryside Act 1981 (as amended) provides protection for certain plant species from intentional picking, uprooting or destruction under Schedule 8, and prevents the spread of invasive non-native species listed under Schedule 9. The Conservation of Habitats and Species Regulations 2017, the Water Environment (Water Framework Directive (England and Wales) Regulations 2017, The Countryside and Rights of Way Act 2000 and the Protection of Badgers Act 1992 are all relevant to biodiversity considerations.
- 13.11.10 Given the proximity to the Stort Valley there will likely be an increased demand for use of the valley for commuting or recreation. To preserve the sensitive environment, increased pressure from recreational use of the valley is directed to less sensitive parts of the valley and routes and existing habitats enhanced to ensure resilience to increased pressure. The application provides funding by way of S106 to support measures, such as providing new dedicated footpaths of improving existing routes like the towpath to direct users to defined routes away from ecologically sensitive areas; and through the creation of new wetland and enhancement of under-performing habitats to provide new habitats for more sensitive species away from routes used for recreation. The Council will receive the fund and will work with statutory bodies with an interest in the valley, to ensure the delivery of projects that mitigate the potential harm arising from increased recreational demand. The Council will liaise with the Herts and Middlesex Wildlife Trust who co-ordinate activities of the Stort Valley Partnership (SVP). The SVP is a grouping of landowners, statutory bodies including Natural England and the Canal and River Trust as well as formal and volunteer organisations with interests in the ecology of the valley and its waterways.
- 13.11.11 An Outline Ecological Management Plan accompanies the Environmental Statement providing an overarching framework for the creation and retention of

habitats and how these will be enhanced and managed sensitively in the long-term. Detailed ecological management plans are secured by way of condition and will address matters of design such as lighting and drainage to ensure that there are no significant impacts on designated sites and important habitats within or immediately adjacent to the Site.

13.11.12 During construction appropriate measures will be implemented to protect retained habitats and ensure protected species are not killed or injured, as well as to avoid impacts on designated sites such as the Hunsdon Mead SSSI and Lord's Wood LWS. These measures will be secured through the detailed Construction Traffic Environmental Management Plan (CTEMP) and the village Ecological Strategy. The CTEMP is required by way of condition, which will seek to protect the natural environment during Site clearance and construction activities, which may include enforcing pollution prevention methods and ways for avoiding or reducing damage and/or disturbance.

13.11.13 The only identified cumulative impact is on farmland birds through loss of arable habitat for wintering birds and predation. The measures outlined above ensure negative ecological effects are minimised, protects designated sites and provides enhancements for biodiversity such that there will be a biodiversity net gain. It is identified that the overall biodiversity net gain will be in the region of 30% for habitats and 19.52% for hedgerows, significantly higher than nationally set standards.

13.11.14 There are no statutory designated sites within the Site. To the south-west and west of the Site are two sites that make up part of the Lee Valley SPA and Ramsar site, that is of International conservation importance. The two sites are Rye Meads SSSI that lies approximately 2.5km south-west, where 39.95% of the SSSI units are in favourable condition, and Amwell Quarry SSSI that lies approximately 3.1km west, where 100% of the SSSI units are in favourable condition. Further south in the Lee Valley is Turnford and Chestnut Pits SSSI and Walthamstow Reservoirs SSSI, which are also components of the Lee Valley SPA and Ramsar site. All of the units for Turnford and Chestnut Pits SSSI are in favourable condition. For Walthamstow Reservoirs SSSI 100% of the SSSI units are in unfavourable, recovering condition.

13.11.15 Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC are within approximately 6.4km and 10.8km respectively of the Project. The closest SSSI unit within the SACs are Wormley-Hoddesdonpark Woods North SSSI to the south-west, where 88.58% of the SSSI units are in favourable condition and Epping Forest SSSI (only component SSSI for Epping Forest SAC) to the south, where 35.48% of the SSSI units are in favourable condition. Wormley-Hoddesdonpark Wood South SSSI is the other component SSSI of Wormley-Hoddesdonpark Woods SAC that lies further to the south-west of the Project,

where all SSSI units are in favourable condition. The SACs are of International conservation importance.

13.11.16 Hunsdon Mead SSSI is approximately 210m from the southern boundary of the Site and is an area of unimproved grassland, which supports a wide range of grassland species. The SSSI is traditionally managed as a hay meadow with winter flooding. The SSSI is in unfavourable condition. There is another SSSI within 5km of the Site: Harlow Woods SSSI, where 46.05% of the SSSI units are in favourable condition. The SSSI sites are of National conservation importance.

13.11.17 There are three Local Nature Reserves (LNR) within 5km of the Site: Harlow Marsh LNR which is the closest at approximately 1.5km to the south-east, Hawkenbury Meadow LNR and Nazeing Triangle LNR. The LNR sites are of County conservation importance.

13.11.18 Lee Valley SPA (and its component Amwell Quarry SSSI and Rye Meads SSSI) and Ramsar site, Wormley-Hoddesdonpark Woods SAC (and its component Wormley-Hoddesdonpark Woods North SSSI), Epping Forest SAC (and its component Epping Forest SSSI) and Hunsdon Mead SSSI are the statutory designated sites within the Zone of Influence for the ES. Hatfield Forest SSSI is susceptible to visitor pressure from within a Zone of Influence of 14.6km. Hatfield Forest SSSI, which is approximately 10.7km north-east of the Site, is the last small medieval Royal Forest to remain virtually intact in character and composition. The SSSI is owned and managed by the National Trust. While Hatfield Forest can be accessed by foot, due to its location most visitors are expected to travel by car. Visitor access numbers is limited by the amount of car parking space available (a grass parking area is open to visitor vehicles only when weather conditions are suitable). In the winter, to reduce damage to Hatfield Forest, car parking is limited to the hard standing area only.

13.11.19 A range of supporting information is submitted as part of the application. The most recent submission includes updated ecological surveys. These have been updated to ensure they are still accurate given the time passed. The amended surveys do not result in any material changes to the application. The revised surveys also respond to the updated DEFRA Biodiversity Impact Calculator (DEFRA 3).

13.11.20 The predominant use of the site is arable agricultural use and offers limited opportunities for wildlife. There are some grassland and woodland habitats within the site which offer limited conservation status, due to current management. There are scattered trees and some hedgerows within the site. The hedgerows are in decline as a result of their current management. There is limited scrub land at the boundaries of the site and some wet areas in the form

of ditches and ponds. There is a hardstanding and barn associated with Brick House Farm which falls within the site.

13.11.21 The habitats provide suitability for bats. Most of the bats identified are common or frequently found. Barbastelle Bats are considered rare and of district importance. The site is suitable for Hazel Dormouse, however Nest Tube surveys revealed no dormice. Badgers have been identified within the vicinity of the site, but no setts have been found within the site itself. There are records of otters and water voles to the south of the site, but not within the site itself. The onsite pond was surveyed for Great Crested Newts. None were found and there are no records within 5km. A reptile survey identified Slow Worms and Grass Snakes within the site. A total of 25 bird species were identified during surveys including species of conservation importance, including breeding and wintering birds.

13.11.22 Woodland and hedgerows are proposed to be retained and protected through the creation of buffers as shown on Parameter Plan 2. Proposals have been designed to keep any loss to a minimum. Parameter Plan 2 demonstrates that retained and adjacent habitats would be protected through the creation of buffer zones (20m to Existing Ancient Woodland, 10m to Existing Woodlands, 5m to Existing Hedgerow/Tree Line/Bramble). Existing habitats would be integrated within the green infrastructure of the Project as shown in the Parameter Plan 2 and Parameter Plan 3: Green Infrastructure and Open Space. These will include landscape areas which are not built development and the creation of new open space areas for biodiversity and recreation. The open space areas will ensure the maintenance of connectivity across the Site which is beneficial to species such as bat and reptiles which rely on the connectivity of habitat to move from one area of habitat to another.

13.11.23 The development would result in a loss of potential habitat for fauna species; however, the developable area is confined to the central part of the site which is primarily within arable use and of low value to most of the species found. Ensuring appropriate mitigation in the form of biodiversity net gain and ensuring connectivity, particularly through existing woodlands and hedgerows will mitigate potential loss.

13.11.24 The existing tree species are generally located within existing hedgerows, woodlands, and a few scattered trees. There are veteran and notable trees on site. The tree survey identifies 82 groups of or individual trees and assesses their species, size, characteristics, and condition. The survey identifies a range of broadleaved, native trees, hedgerows, and mixed woodland. Two individual veteran trees are noted, located north of Brick House Farm and on Church Lane. Veteran trees are afforded buffers by way of Natural England guidance which will need to be respected in future stages. There is a block of ancient woodland beyond the western boundary of the site. Ancient Woodland is similarly required

to be buffered from new development, which is reflected in the parameters plans.

13.11.25 Several notable trees are identified, including within the hedgerow to the north of the site, along Church Lane and in existing hedgerow boundaries across the rest of the site. Most hedgerows and notable trees are to be retained.

13.11.26 There will be some hedgerow loss required to achieve suitable visibility splays for the A414 access proposals. These sections will be replaced with new planting in an appropriate location to achieve suitable and safe access.

13.11.27 Short sections of hedgerows H38, H58 and H59 are of low intrinsic biodiversity value by virtue of being in poor quality, sparse and poorly composed. Replacement hedgerow planting will be provided to enhance the value to biodiversity of these areas.

13.11.28 Retaining existing tree stock will support the biodiversity gains proposed and provide value in respect of visual amenity and landscape character, as well as providing value in respect of climatic regulation, minimising solar gain.

13.11.29 New trees will be provided as part of the development proposals and this will be secured in future stages, not least through the preparation of the Strategic Landscape masterplan, which is required by way of condition.

13.11.30 Significant net gain is proposed. The proposals have the potential to deliver in the region of a 30% biodiversity net gain for habitats and a 21.52% net gain for hedgerows. This is significantly more than the Government's target of 10%. The loss of farmland habitats that supports ground nesting and wintering birds and provides foraging land for mammals, birds and bats is a significant adverse harm that cannot be fully mitigated. The proposal does however provide some mitigation through the improvement of remaining habitats including through managing woodland and farmland using conservation-led practices, providing additional woodland and hedgerow planting to provide resilience to these habitats, and through the creation of species-rich buffers and borders to new and existing green infrastructure assets.

13.11.31 The loss of habitats must be weighed against the public benefit arising from the development, and Officers consider that the identified harms will be outweighed by the benefits arising from the proposed village development. The HRA concludes that there will be no adverse effects on the integrity of any National Network Sites or conflict with the Conservation Objectives of these sites.

## 13.12 Historic Environment

13.12.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets duties for decision makers in relation to assessing the impacts of proposals on listed buildings and conservation areas. Section 66(1) states that in considering whether to grant planning permission which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The effect of this duty is that any harm to a listed building or its setting through a development proposal should be given substantial weight and importance in the planning balance.

13.12.2 Section 72(1) states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. However, Section 72(1) does not apply to setting. Similarly, to the statutory requirements as they apply to listed buildings, harm to the character and appearance of a conservation area should be given substantial weight and importance on the planning balance.

13.12.3 The Ancient Monuments and Archaeological Areas Act 1977 gives statutory protection to any structure, building or area of archaeological remains that is of particular historic and/or archaeological interest. The Act covers scheduled monuments which are located within the development.

13.12.4 Policy HA1 (Designated Heritage Assets) of the EHDP states that development proposals should preserve and where appropriate enhance the historic environment of East Herts. Proposals that would lead to substantial harm to the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefit of the proposal. Part IV of the policy states that the Council will pursue opportunities for the conservation and enjoyment of the historic environment, recognising its role and contribution in achieving sustainable development.

13.12.5 Policy HA2 (Non-Designated Heritage Assets) states that where a proposal would adversely affect a non-designated heritage asset, regard will be had to the scale of any harm and the significance of the heritage asset. Policy HA3 (Archaeology) requires the evaluation of archaeological interest through appropriate forms of assessment. Policy HA4 (Conservation Areas) requires proposals to preserve or enhance the special interest, character and appearance of conservation areas. Policy HA7 (Listed Buildings) (I) encourages proposals to actively seek opportunities to sustain and enhance the significance of listed buildings to ensure they are in viable use consistent with their conservation. Policy HA7 (III) requires that proposals that affect the setting of a listed building will only be

permitted where the setting is preserved. Policy HA8 (Historic Parks and Gardens) states that proposals should protect the special historic character, appearance or setting of registered historic parks and gardens, applying the same level of protection to locally important sites.

13.12.6 Policy AG1 (Promoting Sustainable Development in the Gilston Area) of the GANP states that development will be supported where proposals have positively considered the existing settlements of Gilston, Eastwick and Hunsdon with respect to their character, heritage, environment and landscape setting, adopting an integrated approach which considers the protection and where possible, enhancement of heritage assets. Policy H1 (Celebrating Existing Heritage Assets) requires proposals to undertake an assessment of historic assets and set out a clear approach to their protection, and where possible their enhancement. The assessment should consider the significance and historic role of heritage assets to avoid or minimise any conflict between their conservation and the proposal. The policy sets out a list of design and layout criteria that a proposal must meet to be supported, including measures to celebrate and give prominence to heritage assets. Long term heritage, conservation and management plans should be developed in consultation with the community.

13.12.7 It is noted that the preamble to Policy AG5 (Respecting Areas of Local Significance) of the GANP states that the purpose of the policy seeks to protect the integrity of the setting of existing settlements, heritage assets and landscape features, and is therefore considered in this heritage section in this spirit. While Policy AG5 itself does not specifically refer to heritage, it designates several sites that are within the setting and curtilage of heritage assets as Local Green Space, within which development is subject to strict criteria. The policy defines community boundary designations around existing settlements and requires the preparation of masterplans to involve community consultation on locally cherished views.

13.12.8 Paragraphs 194 to 208 of the NPPF 2021 relate to the consideration of development proposals in the context of conserving and enhancing the historic environment. LPAs are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset<sup>13</sup>) taking account of available evidence and any necessary expertise (paragraph 195 NPPF). They should take this into account when considering the impact of a proposal on a heritage asset, in order to avoid or minimise any conflict between the heritage asset's conservation<sup>14</sup> and any aspect of the proposal. Thus, the NPPF requires that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)*" (paragraph 199, NPPF). This requirement to give great weight to the asset's conservation

applies irrespective of the degree of harm whether it is substantial, total or less than substantial harm.

13.12.9 Significance is defined in Annex 2 of the NPPF as "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting." Setting of a heritage asset is defined in Annex 2 of the NPPF as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Conservation is defined in Annex 2 of the NPPF as "The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance."

13.12.10 Key principles of the NPPF relevant to the outline application include the requirement to assess the significance of any heritage assets affected (including through development in their setting), any harm to the significance of those assets, and whether those harms are substantial or less than substantial. Any harm to the significance of heritage assets from alteration or destruction or development within its setting requires clear and convincing justification (paragraph 200). Where development leads to harm to the significance of a heritage asset that is less than substantial, this harm should be weighed against the public benefits of the proposals (paragraph 202, NPPF). Harm that is substantial or leads to total loss must be outweighed by public benefits and the harm must be necessary to achieve the public benefits in order to justify the grant of planning permission (paragraph 201, NPPF).

13.12.11 Given the scale of the development there will be a range of impacts on heritage assets, both within the site boundary and nearby. It should be noted however that the site allocation, through Policies GA1 and GA2 of the East Herts District Plan, has accepted the principle that there will be a change to the setting of heritage assets by virtue of the allocation. As such, the allocation anticipates and deems acceptable in principle of some level of impact, including adverse impact. Indeed, such impact was recognised at the time the site was allocated and was addressed in the Heritage Impact Assessment and the proposed mitigation contained in that assessment which was considered during the Examination in Public and which has now been included as mitigation in this application. Policy GA1(o) sets out the criteria for considering heritage aspects and that the development will be expected to address the following, having regard to the Heritage Impact Assessment:

- "the protection and enhancement of heritage assets and their settings, both on-site and in the wider area through appropriate mitigation measures, having*

*regard to the Heritage Impact Assessment. Gilston Church and the Johnston Monument (both grade I listed), the moated site Scheduled Monuments at Eastwick, the Mount Scheduled Monument, and Gilston Park house (grade II\*) are of particular significance and sensitivity and any planning application should seek to ensure that these assets and their settings are conserved and, where appropriate, enhanced, through careful design; landscaping; open space; buffer zones; protection of key views; and, better management and interpretation of assets, where appropriate,"*

- 13.12.12 The applicant has consulted with Historic England and the Council's Conservation and Urban Design Team through each stage of the application process including in the preparation of the Heritage Impact Assessment carried out at Plan-making stage which has underpinned the heritage principles set out in the Development Specification. As a result of this engagement several amendments were made to the proposal. The Parameter Plans include Sensitive Development Areas which have the result of restricting the height and form of development within the vicinity of certain heritage assets. Through consultation the Sensitive Development Areas around heritage assets were significantly enlarged, and updated heritage design principles are set out in the Development Specification.
- 13.12.13 This report describes the heritage assets and considers the potential impact of the development as described by the ES and as referred to by the Council's Conservation and Urban Design Officer. Potential heritage impacts can include direct effects on assets such as through physical changes to listed buildings or below ground archaeology. Indirect impacts may result from changes to an asset's setting and significance.
- 13.12.14 The Hunsdon Brook Fishponds and moated sites are a scheduled monument which are located adjacent to the Site boundary. Scheduled monuments are nationally important heritage sites (both above and below-ground remains) that are protected under the 'Ancient Monuments and Archaeological Areas Act 1979'. An application to the Secretary of State is required for any works affecting a scheduled monument. Prior written permission, known as Scheduled Monument Consent (SMC) is required from the Secretary of State for works physically affecting a scheduled monument. SMC is separate from the statutory planning process. Development affecting the setting of a scheduled monument is dealt with wholly under the planning system and does not require SMC, as is the case with the Hunsdon Brook Fishponds and the moated sites. The proposals include for a landscaped buffer between the scheduled monument and residential development.
- 13.12.15 There are nine listed buildings within 1km of the Site whose settings and therefore significance could potentially be impacted by the Project, as well as one listed building within the Site (Stable and Cattleshed at Brickhouse Farm).

Consequently, future development of the Site has the potential to impact upon the setting and significance of these designated heritage assets.

13.12.16 The ES describes how the significance of effect is determined. It considers the magnitude of change based on the sensitivity of the affected asset, followed by an assessment according to the heritage value of the asset in terms of its significance. Where a proposal may affect the surroundings or setting within which an asset is experienced, an assessment is also made of whether, how and to what degree the setting contributes to the overall significance and value of a heritage asset. Heritage receptor values range from 'Exceptional' to 'Very Low'. Magnitudes of impact/ change range from Large to no change. The significance of the effect is then assessed rating from Major to Negligible. Major and Moderate effects are considered significant and to warrant mitigation. Effects are assessed within 1km of the site. Given the topography this is considered an appropriate geographical scope for assessment. The effects are assessed for construction and operational phases.

13.12.17 The ES was independently assessed on behalf of the council by Barton Willmore, including the heritage chapters. The following built heritage is located within 1km of the site:

13.12.18 Hunsdon House (Grade I) and the adjacent Parish Church of St Dunstan (Grade I). Within the churchyard are four listed monuments (each Grade II). At the western edge of the Site are the Hunsdon Brook Fishponds, which are a Scheduled Monument (ref: 1457907). Located c. 250m east of the Site boundary are the well-preserved remains of two medieval moated enclosures which have also been designated as Scheduled Monuments (ref: 1012184 and 1013025).

13.12.19 To the west of the Site, beyond Lords Wood and the Hunsdon Brook Fishponds lies Olives Farm House (Grade II\*), and associated listed buildings, including the stables, attached granary, barn, and the Old Bungalow (all Grade II). Historically these buildings are linked to Waltham Abbey and Bonningtons Hall, Stanstead Abbotts. This group of assets, and therefore were scoped out of this assessment due to topography and lack of intervisibility which is accepted by officers.

13.12.20 South of the Site, beyond the A414 dual carriageway, lies a group of buildings located within Briggens Park, a Registered Park and Garden including the Briggens House Hotel (Grade II), and ancillary Grade II listed buildings. There are wider views from the park itself towards the Site, albeit the dual carriageway and tree coverage obscures most of the views.

13.12.21 South of the Site, beyond the A414 dual carriageway, are Hunsdon Mill House, Pound House (Grade II), bridge and abutments and base of the former watermill (Grade II), which form a picturesque group along the River Stort. Opposite are Mead

Lodge (Grade II) and coach house block at Mead Lodge (Grade II). While the Mill and Pound House have an historical association with Hunsdon Village and House, this has been significantly degraded over time through development, such as the dual carriageway.

13.12.22 There are several heritage assets to the east of the Site at Eastwick comprising St Boltoph's Church (Grade II\*), six Grade II listed assets within Eastwick, as well as Eastwick Manor (Grade II), with separately listed stables and coach house (Grade II) to the immediate east of the village. There are two scheduled monuments at Eastwick: the moated site south of Eastwick Hall Farm, and the moated site and associated earthworks south-west of Home Wood. These heritage assets they were not included within the assessment due to the topography and lack of visual connection with the site such that these would not be affected by the proposals.

13.12.23 The following assets were considered of significance:

**Table 7: Heritage Asset Significance**

| Significance | Asset                              | Designation                |
|--------------|------------------------------------|----------------------------|
| Very High    | Hunsdon Brook Fishponds            | Scheduled Monument         |
|              | Moated Site south of Eastwick Farm | Scheduled Monument         |
|              | Hunsdon House                      | Grade I Listed             |
|              | St. Dunstans Church                | Grade I Listed             |
| High         | Brickhouse Farmhouse               | Grade II Listed            |
|              | Brickhouse Farm Barns              | Grade II Listed            |
|              | Briggens Park                      | Registered Park and Garden |
|              | Hunsdon Mill House                 | Grade II Listed            |

13.12.24 Hunsdon Brook Fishponds - The heritage significance and sensitivity to change of the receptor is 'very high' and, given the above proposed mitigation measures, the magnitude of change (impact) would be 'negligible'. There will be change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (southeast of the asset). Therefore, there is likely to be a permanent, long-term effect on the Hunsdon Brook Fishponds of minor significance.

13.12.25 The potential for future improved management, access, and interpretation to the fishponds in relation to the Project is an additional potential substantial benefit. The Sensitive Development Area ensures the details of development are assessed against set considerations to ensure these are appropriately considered with regard to the setting of the fishponds. Hydrological impacts

upon the Scheduled Monument were also considered and addressed with Historic England in agreeing that no material impacts will arise.

13.12.26 *Moated site south of Eastwick Farm* - The heritage significance and sensitivity to change of the receptor is 'very high' and, given the above proposed mitigation measures, the magnitude of change (impact) would be 'negligible'. There will be change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (southwest of the asset). Therefore, there is likely to be a permanent minor long-term effect on the Moated site south of Eastwick Farm. As the effect is minor the nature of the effect is considered to be neutral and there is not considered to be any material harm to the significance as a result.

13.12.27 *Hunsdon House* - The heritage significance of Hunsdon House, and its sensitivity, is 'very high' and the magnitude of change (impact) would be 'negligible'. There will be change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (south of the asset). Therefore, there is likely to be a permanent, long-term effect on Hunsdon House that is of minor significance and adverse nature following inherent design mitigation (at the moderate to high end of the spectrum of 'less than substantial harm' to the heritage significance of the asset in NPPF terms), owing to changes to its setting. The design mitigation includes restrictions to building locations and heights and controlling the form and quantity of floodlighting in the Football Hub at the detailed design stages.

13.12.28 *Parish Church of St Dunstan* - The heritage significance of Parish Church of St Dunstan, and its sensitivity to change, is 'very high' and the magnitude of change (impact) would be 'negligible'. There will be change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (south of the asset). Therefore, there is likely to be a permanent, long-term effect on Parish Church of St Dunstan of minor significance and adverse nature following mitigation in the form of sensitive development areas, landscape buffers, additional planting and controls to building location, densities and heights (equivalent to a low degree of 'less than substantial harm' to the heritage significance of the asset in NPPF terms), owing to changes to its setting.

13.12.29 *Brickhouse Farm House* - Brickhouse Farm (Grade II) is located, outside the Site boundary but at the southern end of the proposed new village centre. The adjacent trees and historic farm buildings would be retained, as well as the southern walled garden, all of which would seek to maintain its group value and historic character. Furthermore, this area has been identified as a SDA and therefore requires a high degree of consideration at the detailed design stages.

13.12.30 The heritage significance and sensitivity to change of Brickhouse Farm is 'high' and the magnitude of change (impact) would be 'small' to 'medium', as it has been possible to minimise the impact on the listed farmhouse through careful design and planning. There will be change to the surrounding agricultural land and therefore the character and setting of the asset with the introduction of built form and residential nature of the Project. As such there is likely to be a permanent, long-term effect on the receptor that is of moderate significance and adverse nature (equivalent to 'less than substantial harm' to the heritage significance of the asset in NPPF terms), owing to changes to its setting from rural to a village centre.

13.12.31 *Brickhouse Farm barn and attached stable and cattleshed* - Brickhouse Farm barn and cattleshed are located within the Site and derive their significance from the architectural and historical associations with the immediate setting including the surrounding agricultural land and the farmhouse itself. The Project would result in a change in character to the buildings' setting and would have an adverse impact on their significance. However, the design of the Project would take account of the most significant attributes, providing the building an appropriate space and high quality immediate setting. The historic barn and cattleshed would be retained and sensitively restored at the heart of the village where they would form valuable place-making landmarks (based on an already granted Listed Building Consent, see para 11.6.4). New development in the vicinity of the farm would be appropriately sited, scaled and detailed to ensure a positive relationship with the historic building. The SDA for the farmhouse also relates to the barns.

13.12.32 Two concrete-framed agricultural buildings are sited immediately to the south of the main Grade II Listed Brickhouse Farm Barn and directly between the cattle shed and stable ranges. These buildings have no inherent special architectural or historic interest or contribute to the special interest of the listed buildings and it is considered these do not form part of the curtilage listing of the Brickhouse Farm barn and attached stable and cattleshed. It is proposed that these two buildings along with later adjoining canopies attached to the cattle shed are demolished. The demolition of these buildings (along with the subsequent re-use and conversion of the Brickhouse Farm Barn) would better reveal the significance of the asset by returning it to a more intended form and removing the dominating features of the modern agricultural buildings which restrict visual connection and undermine setting of the listed assets (and also the Brickhouse Farm House by way of historic group value).

13.12.33 The heritage significance and sensitivity to change of the listed buildings is 'high' (and has been identified as a SDA) and the magnitude of change (impact) owing to changes to the receptor's setting would be 'small' to 'medium', as it has been possible to minimise the impact on the listed barn and cattleshed through

careful design and planning, including preserving its group value alongside the farmhouse. Therefore, there is likely to be a permanent, long-term effect on the receptor of moderate significance and adverse nature (equivalent to 'less than substantial harm' to the heritage significance of the asset in NPPF terms), owing to changes to its setting.

13.12.34 The sensitive re-use and conversion of the barn and cattleshed, as already consented in 2017 through a separate planning and Listed Building Consent application, is a heritage benefit which has the potential to be weighed against any adverse effects arising from the Project. A further heritage benefit would be the demolition of the concrete-framed agricultural buildings which currently obstruct the view towards the Brickhouse Farm Barn from the south. The demolition of these non-curtilage buildings would better reveal the significance of the designated asset and therefore would constitute a heritage benefit.

13.12.35 *Briggens Park and associated buildings* - Briggens Park, the northern tip of which is located to the south of the Site on the other side of the A414 dual carriageway, derives an element of its significance from its aesthetic value. The Park's primary relationship is with its immediate setting and the group of Grade II listed buildings within it. While the Park has historic associations with the Site, there are limited clear sightlines due to the sloping topography between the high point within the Park and the high point within the Site. There will be a change to the rural setting north of the A414 which may change longer distance views looking north and north east from within the Park.

13.12.36 The sensitivity to change of the receptor is 'high' and the magnitude of change (impact) would be 'negligible', as the Project will feature extensive landscaping and a sympathetic built form to minimise any potential visibility from Briggens Park. For this reason, the permanent, long-term effect of the Project would be of negligible significance and neutral in nature, with no harm being caused to the receptor's heritage significance in NPPF terms.

13.12.37 *Hunsdon Mill House and associated buildings* - Hunsdon Mill House and the associated buildings and structures have a historical relationship with the Site through their shared historical links with the Manor of Hunsdon. There will be change to the rural setting north of the A414 which may change longer distance views. However, this connection has been diminished over time, particularly due to the creation of the A414 dual carriageway, which largely severs the present-day relationship between the Site and these heritage assets. Furthermore, due to the topography and dense tree cover, there is reduced inter-visibility between these assets and the Site. The Project has, however, the potential to impact upon the significance of the three Grade II Listed Buildings (Brook Farmhouse, Barn Farmhouse and Barn Cottage) via a change in their setting. To mitigate this

impact, a landscape buffer will be incorporated around the perimeter of the Site, which will filter views to and from the receptors.

- 13.12.38 The receptor's sensitivity to change is 'high' and the magnitude of change (impact) would be 'small' to 'negligible', considering the above-mentioned mitigation measures. The expected permanent, long-term effect would therefore be of negligible significance and neutral in nature, causing no harm to the asset's heritage significance in NPPF terms.
- 13.12.39 Cumulative impacts may occur to the setting of built heritage assets. In respect of cumulative impacts in relation to villages 1-6. It is identified that the landscape character will change. Careful mitigation includes the Sensitive Development Areas and location of buffer zones, landscaping, and the highway network.
- 13.12.40 It is identified that there will be a minor effect on the Hunsdon Brook Fishponds and Hunsdon Mill House group of buildings. The benefits of the scheme are considered to outweigh the minor impacts for these assets. Briggens Park and associated buildings are separated from the site by the A414. Cumulative impacts on these assets are assessed as small.
- 13.12.41 Moderate significant effects are identified for Brickhouse Farm, the moated site at Eastwick Farm and Hunsdon House and St. Dunstan Parish Church. Although the development boundary abuts the edge of Hunsdon House's boundary to the north and northwest of the house, the built development as set out in the Parameter Plans is much further away approximately 1km to the south east of the House beyond the buffer around the power lines. This open space will provide good buffers between the development and the group of assets around the House. Furthermore, the Development Specification contains inherent mitigation measures to help reduce the impacts on Hunsdon House, such as restricting building height and consideration of visibility from any status rooms within Hunsdon House.
- 13.12.42 Archaeology - 3 areas of significance are identified in the north west area of the site. A geophysical survey and archaeological trenching have been undertaken. The existing use of the site is likely to have undermined upper-level archaeological deposits. The construction of modern farm buildings and utilities apparatus, as well as roads through the site will have had impacts on the archaeology. There is moderate to high potential for Neolithic to Roman and Post medieval to modern deposits. The application proposes a condition requiring a written scheme of investigation, further trenching, and reporting ahead of development. Further conditions will control any future finds.
- 13.12.43 Conclusion - The proposal will not lead to substantial harm to (or total loss of significance of) a designated heritage asset, therefore Paragraph 201 is not

invoked. Paragraph 202 of the NPPF requires that "*where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.*" Paragraph 203 states that "*the effect of a development on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated assets a balanced judgement will be required having regard to the scale of any harm or loss.*"

13.12.44 The Heritage Impact assessment considered through the Plan-making process, which informed the GA1 site allocation assessed the likely effects of the allocation on the historic landscape, on designated and undesignated historic assets. The Plan acknowledges that there will be some harm to the wider landscape character and to the setting of heritage assets because of the development leading to a less than substantial harm to the significance of heritage assets. The assessment in this report confirms that less than substantial harm will occur to heritage assets. This harm should be given substantial weight and importance and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal. Special regard should be given to the desirability of preserving buildings or settings or features of special architectural or historic interest which an asset possesses<sup>1</sup>.

13.12.45 Officers consider that the less than substantial harm to individual assets and overall is outweighed by the proposed benefits that will arise from this application which is submitted in response to a District Plan allocation for the delivery of 10,000 homes in the Gilston Area, with the allocation being essential to meeting the housing and development need of the district within and beyond the plan period to 2033.

13.12.46 The application proposes the delivery of 1,500 homes including affordable homes and other forms of accommodation including Gypsies and Travellers and Travelling Showpeople, it proposes a primary school, provides a range of community facilities, including community building, playing field and sports hub and supporting physical infrastructure through the creation of new roads, and utilities, and will enable the ability to make off-site transport improvements for the benefit of the wider community. It is therefore considered that the wider public benefits proposed by the application outweigh the less than substantial harm to the setting and significance of designated and non-designated heritage assets.

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<sup>1</sup> S.66 of The Planning (Listed Buildings and Conservation Areas) Act 1990

13.12.47 Officers consider that suitable safeguards are in place at this outline stage for the protection and enhancement of these assets at the Strategic Landscaping Masterplan, Village Masterplan and Reserved Matter stages, to ensure that the proposal is in accordance with Policy GA1 (The Gilston area), HA1 (Designated Heritage Assets), HA2 (Non-Designated Heritage Assets), HA3 (Archaeology), HA4 (Conservation Areas), HA7 (Listed Buildings) and HA8 (Historic Parks and Gardens) of the EHDP.

13.12.48 Officers also consider that the proposal has positively considered the protection and enhancement where necessary and appropriate of heritage assets in existing settlements of Gilston, Eastwick and Hunsdon, has carried out a comprehensive assessment of the significance and role of historic assets and through the Development Specification and measures proposed in the Heritage Statement sets a clear approach to the protection and enhancement where possible of heritage assets using measures that reflect and go beyond the criteria of considerations set out in the GANP. The masterplanning process is a collaborative endeavour involving the community enabling the consideration of management plans where necessary.

13.12.49 The Parameter Plans and Development Specification contain measures to prevent development on the Local Green Spaces set out in Policy AG5 of the GANP and to protect the integrity of existing communities through locating the Village Developable Areas outside the Community Boundaries identified in Figure 12 of the GANP, containing these areas within the strategic green corridors and buffers between villages. While the Development Specification and heritage assessments, including this report have considered the cherished views within the GANP, it will be impossible to deliver the allocation if one takes cherished views to mean that these views must remain free of development. This would contradict the District Plan, and as the GANP is prepared in accordance with the District Plan, this cannot be a correct interpretation of this policy.

13.12.50 The ES considered key views in the context of the setting and significance of heritage assets and the Development Specification prescribes a number of measures to protect and where possible enhance those key views through the masterplanning process. As above, the masterplanning process is a collaborative exercise and therefore the community will be engaged thus discharging the requirement to consult with the community on locally cherished views. The application is therefore considered to be in accordance with the provisions of Policies AG1 (Promoting Sustainable Development in the Gilston Area) and H1 (Celebrating Existing Heritage Assets) of the GANP.

### 13.13 Ground and Contamination

13.13.1 Policies WAT2 (Source Protection Zones), EQ1 (Contaminated Land and Land Instability), EQ2 (Noise Pollution), EQ3 (Light Pollution) and EQ4 (Air Quality) of the East Herts District Plan 2018 require developments to prevent and where necessary to mitigate impacts arising from development from contaminated land and land stability issues, noise and light pollution and air quality related impacts.

13.13.2 Policies AG3 (Protecting and Enhancing the Countryside Setting of New and Existing Villages) and AG8 (Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities) of the Gilston Area Neighbourhood Plan require effects on existing communities to be minimised, including impacts of development proposals on the Stort Valley, particularly noise and light pollution, particularly arising from traffic and transport infrastructure. Policy AG8 refers to management of construction traffic and monitoring to deal issues which could arise during construction.

13.13.3 The National Planning Policy for Waste 2014, to be read alongside the NPPF, states that when determining non-waste applications consideration should be given to the likely impact on existing waste management facilities and the waste hierarchy, ensuring that the handling of waste arising from the construction and operation of development maximises re-use and recovery operations and minimises off-site disposal.

13.13.4 Paragraphs 183 to 188 (section 15) of the NPPF 2021 relate to the consideration of development proposals in the context of ground conditions and pollution. Key principles include ensuring adequate assessments inform proposals to ensure land is suitable for the development and that development minimises potential adverse impacts arising from noise and light pollution, and that proposals contribute towards compliance with relevant air quality limits and objectives. Paragraph 174 of the NPPF relates to consideration conserving and enhancing the natural environment in new development, including recognising the benefits of the best and most versatile agricultural land.

13.13.5 An assessment of the effects of the development in respect of land, agricultural land quality, soil resources and agricultural holding is included in the ES. National planning policy requires decisions to recognise the economic and other benefits of the best and most versatile agricultural land (BMV). This is defined as land in excellent agricultural quality (Grade 1), very good quality (Grade 2) and good quality (Subgrade 3a) of the Agricultural Land Classification (ALC). Moderate, poor and very poor-quality land comprise ALC subgrade 3b, grade 4 and 5 respectively.

13.13.6 The ES assessment indicates that the application site comprises of Grades 2, 3a and 3b agricultural land. The development would therefore have an impact on BMV agricultural land. There is no direct mitigation for the permanent loss of BMV agricultural land as there would be a permanent land use change. The design of the development means that a large proportion of the site lies outside the developable areas. The considerable benefits of the scheme in respect of the delivery of homes, infrastructure, economic gain and biodiversity net gain as a result of the loss of BMV agricultural land outweigh the loss. East Hertfordshire is a largely rural district and proportionately has a greater proportion of BMV agricultural land than other areas. Cumulatively, the ES assessment considers the effect of the adjacent proposed villages and concludes that the loss of BMV agricultural land in villages 1-6 would have a significant effect, albeit that some BMV agricultural land will be retained within that site.

13.13.7 The application proposes the retention of the soils from the development area, storing and repurposing for use across the site e.g., for the noise bund, residential gardens and parklands. The embodied carbon and the enrichments that have developed over many years captured within the soil is not lost. In line with industry good practice and to accord with the County Council's minerals and waste development plans a Soil Resource Plan will be submitted, which will be secured by condition. Where soil resources are safeguarded and reused on site, the significance of the residual effects on soil (topsoil and subsoil) is assessed in the ES as being not significant.

13.13.8 The loss of BMV agricultural land was considered as part of the site allocation process, where it was considered that the benefits arising from the planned development would outweigh the loss of BMV agricultural land in the context of recognising the economic and other benefits of the development against the economic and other benefits of retaining the land for agricultural purposes. The application is therefore in general accordance with the NPPF when read as a whole and is in accordance with Policy GA1 of the EHDP.

13.13.9 Ground conditions and potential contamination risks have been assessed. The site does not include or lie within the immediate vicinity of any sites of geology or geomorphology interest. It is likely most of the site comprises Lowestoft Formation, with Glaciofluvial Deposits in the South Eastern area. There is a wetland area in the south eastern part of the site which has some potential for ground gas. The existing agricultural uses on site are identified as potentially giving rise to isolated areas of contamination e.g., agricultural storage and historic quarry pit. A condition will be imposed to secure further detail in respect of potential effects and to cover unexpected contamination. No obvious sources of significant contamination have been identified as likely to arise from the proposed range of land uses on the village development site.

13.13.10 The Hertfordshire Minerals Local Plan encourages the opportunistic extraction of minerals for use on site to reduce the need to transport sand and gravel to the site and to make sustainable use of these resources (Policy 5: Mineral Sterilisation and Policy 8: Mineral Safeguarding). The development therefore needs to demonstrate how a sustainable approach has been taken to mineral sourcing, construction techniques and waste minimisation, and how impacts on proximal authorities are minimised.

13.13.11 The application material indicates that the potential for opportunistic extraction is limited and as such there is no requirement for extraction proposed. This will make sustainable use of these valuable resources, reducing the need to export or import materials.

13.13.12 The BGS hazard ratings for ground stability have been defined as high to moderate for shrinking/swelling clays, compressible grounds, with very low ratings for landslides and potential for running sands. Due to the Site's naturally gentle-sloping nature, the Proposed Development is not anticipated to cause slope instability. The assessment provides recommendations for the design of foundations considering the identified ground conditions and will inform details post-planning.

13.13.13 The site is within the Source protection Zone associated with Roydon Pump Station. To protect drinking water resources, it is important to ensure no contamination pathways are created, either through construction or operation. Informatives and conditions are proposed to ensure appropriate construction methods and approvals are sought. The proposed preliminary drainage strategy makes provision for this in the assessments of surface water flow and attenuation volumes necessary to account for the parts of the site where infiltration is not a suitable means of managing surface water.

13.13.14 The site is covered by a Nitrate Vulnerable Zone designation due to the risks associated with agricultural nitrate pollution in proximity of the sites of ecological interest in the Stort Valley downstream of the site. The change from agricultural practices will significantly reduce such risks. Where land uses such as orchards and allotments come forward through the reserved matters stages, it is anticipated that the relative scale of these land uses will result in minimal risk as agricultural grade fertilisers would not be used.

13.13.15 Construction operations will be undertaken following all relevant codes of practice, which require frequent monitoring of ground stability, contaminant exposure and groundwater monitoring where necessary. This monitoring enables rapid detection, mitigation, and remediation to occur, which is vital given that the village development will ultimately drain to the Stort Valley upstream of SSSIs and the Lee Valley SPA/Ramsar National Network Site. A comprehensive

Construction Traffic and Environment Management Plan and Code of Construction Practice will provide control, and as such no adverse effects are considered likely during construction because of the proposal. This is in line with the provisions of Policy EQ1 (Contaminated Land and Land Instability) of the EHDP, Policy PL10 (Pollution and Contamination) of the HLDP and Policy AG8 (Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities) of the GANP.

### **13.14 Noise, Air Quality, Lighting, Waste and Utilities**

13.14.1 The ES includes chapters relating to Air Quality, and Noise and Vibration. These set out details on the effects of the development and how any adverse impacts will be mitigated in accordance with national and local planning policy.

#### *Air Quality*

13.14.2 The Air Quality Chapter and supporting assessment demonstrates that the impacts of the both the construction and operation of the development will not be significant. The assessment identifies mitigation measures required to be incorporated during the construction phase. A condition will be imposed to require a CTEMP, including a dust management plan.

13.14.3 No mitigation is identified for the operational phase of development. The future stages will assess the detailed design impacts of the proposal and ensure the proposals minimise air quality impacts through the lifetime of the scheme. These will come forward as part of future reserved matters applications in accordance with Policy EQ4 and the Council's Validation requirements.

13.14.4 Air quality impacts on the Lee Valley SPA and the Wormley- Hoddenspark Woods SAC and Epping Forest SAC are considered in response to the potential for increased recreational pressure. Traffic flow modelling identifies predicted usage. Nitrogen deposition and ammonia emission modelling is calculated.

13.14.5 For the Lee Valley Spa and Ramsar Neither the non-specific critical level for NOx nor the critical level for ammonia are exceeded. The 'fen, marsh and swamp' lower critical load for nitrogen deposition is exceeded - albeit marginally - at all points. For Epping Forest SAC The non-specific NOx critical level is marginally exceeded up to 111m from the road or 70m into the SAC. The 10 kg/ha/year lower critical load for nitrogen deposition is exceeded at all distances. Although APIS posits no specific critical level for ammonia for 'Atlantic acidophilous Beech forests', baseline deposition exceeds the generic critical level of 1 µg/m3 for lichens and bryophytes, but falls short of the generic critical load of 3 µg/m3 for higher plants.

13.14.6 In respect of nitrogen deposition, no exceedance is predicted in air quality thresholds in the immediate or post development scenario. It is unlikely the project alone – or in combination will have significant air quality effects on the Lee Valley RAMSAR.

13.14.7 In respect of Epping SAC, given that traffic emissions only have the potential to affect a minuscule area of the SAC - much of which comprises an access track - and that, within this area, such effects will be virtually indistinguishable from background levels, no viable pathway to a significant effect is considered to exist.

13.14.8 The area of the Epping Forest SSSI (that is not part of Epping Forest SAC) lies adjacent to the M11 the proposed traffic flows do not meet the threshold. A significant negative effect on air quality is therefore unlikely. There are unlikely to be any in-combination effects. It is not considered that there would be a material impact on Amwell Quarry or Hatfield Forest SSSI's.

13.14.9 It is acknowledged that the change in land use and form of development could result in air quality impacts to Brickhouse Farm, particularly during construction. The build out rate of the site will mean that there will be residents living on site for a significant amount of the construction periods who could also be subject to impacts from construction in respect of air quality. A condition is included to require a Construction Environmental Management Plan which is required to consider air quality impacts during construction and set out adequate measures to address potential impacts in line with best practice guidance.

#### *Noise*

13.14.10 The Noise and Vibration Assessment measures the impact of the scheme and its relationship to existing noise sources. The A414 borders the Site to the south, is identified as the predominant noise source within the area.

13.14.11 Most construction activity will result in a negligible to low impact. There will be some construction activities where a moderate or major adverse effect has been predicted. This typically occurs during the groundworks phase, when the distances between construction activity and receptors is at a minimum. Best practice methods of construction and mitigation to control the levels of noise will be secured through a CTEMP.

13.14.12 The construction vibration and construction road traffic assessments do not highlight any likely significant effects and, therefore, specific mitigation measures are not necessary.

13.14.13 The assessment demonstrates that noise levels from the A414 across the existing topography, exceed the recommended external levels of 55.00dB in a significant area at the south of the site. A landscaped noise barrier/ bund is

proposed along the southern boundary of the Site to mitigate noise related impacts for future residents. This is designed to ensure external noise levels adjacent to the A414 remain at or below 55dB.

13.14.14 The noise bund will result in:

- a. Reductions of up to 10dB for certain areas closest to the A414, and reductions of 1 to 5 dB for most of the development area.
- b. Day-time traffic noise levels to be below a predicted daytime noise level of 56dB Equivalent Continuous Sound Pressure Level (LAeq) for approximately 95% of the area for potential residential development.
- c. Predicted night-time noise levels to be below a predicted night day-time noise level of 46dB Equivalent Continuous Sound Pressure Level (LAeq) for approximately 75% of the area for potential residential development.

13.14.15 The raised landform will reflect noise back towards the A414 and mitigate the impact of the road on the Proposed Development. The bund will also provide enhanced opportunities for greenspace, SUDS infrastructure and pedestrian and cycle routes. The elevated location will provide additional opportunities for views over the Stort Valley from the foot and cycle way.

13.14.16 To achieve a successful noise barrier, the existing Site levels are proposed to be raised along the southern boundary by between 7 metres and 12 metres. The bund will have a 1:2 slope facing the A414 with appropriate landscaping and slopes of between 1:3 and 1:7 facing the development to provide an undulating landscape with visual interest and opportunities for a range of landscaping.

13.14.17 The extent of the landscaped noise barrier and supplementary functions have been discussed with Environmental Health and HCC Landscape and refined accordingly to ensure the affected areas of the Site as well as existing properties adjoining the A414 to the south of the Site boundary fully benefit from proposed mitigation.

13.14.18 Testing of the existing topography has taken place to explore how the bund will relate to surrounding open spaces, cycle, pedestrian and access routes, its presence within natural desire lines which predominantly run horizontally across Village 7, as well as opportunities for incorporating SuDS. This is with the purpose of ensuring that it is both natural and functional. The proposed design and layout are considered to provide an acceptable balance between noise, design and landscape matters.

13.14.19 Overall, the assessment demonstrates that most development will meet the required residential noise criteria and where development is more exposed to the identified noise source of the A414 appropriate mitigation has been designed to ensure that acceptable noise levels can be secured. The Proposed

Development is therefore acceptable in accordance with national and local planning policy.

*Lighting*

13.14.20 A lighting survey was carried out which identified sensitive receptors within and around the site. 21 receptors have been located. Dark Skies have been considered, particularly in relation to any sky glow from the nearby urban area of Harlow. The new development gives rise to the potential for light trespass, particularly in relation to artificial lighting in respect of construction activities and operational activities such as sports pitches and roads.

13.14.21 Design mitigations are proposed to ensure any impact of new lighting is minimised. During the construction phases, the mitigation measures may include:

- Site lighting will primarily be provided to ensure safe working conditions and to maintain security, while having regard to sensitive ecological receptors and occupied residential properties;
- Lighting would be positioned and directed so as avoid unnecessary light spill outside of construction areas and to ensure that the light distribution is toward the task area;
- Illuminance levels will be designed in accordance with BS EN 12464-2: 2014 and CIE 129;
- Lighting would be switched off when not required for safe working conditions and site security;
- Low-level lighting would be used in ecologically sensitive areas, where possible;
- All construction site lighting will, as far as practicable, be designed to ensure that artificial light emitted from works does not prejudice health, create a nuisance or lead to significant ecological disturbance impacts;
- Light shields/baffles will be used to control upward light to within the maximum 2.5% set out in the ILP Guidance Note, where possible;
- Lighting would be kept at 0° tilt to avoid sky glow, where practicable;
- Light dimming and automatic switch off would be used (where appropriate); and
- Warm/neutral white light would be used in proximity to railway corridors to avoid conflict with rail signal lights (being green, yellow, and red).

13.14.22 A condition will be imposed to ensure the future stages, including the assessment of reserved matters will assess lighting design in detail.

*Waste*

13.14.23 Policy 12 of the Hertfordshire Waste Local Plan requires that a Site Waste Management Plan (SWMP) be submitted and kept up to date as a live document.

The SWMP will record the actual waste to arise from demolition and construction phases, waste management actions for each type of waste including whether it is re-used, recycled, recovered or disposed of, and where disposal will occur and how. It should be noted that Hertfordshire does not accept hazardous waste so alternative provisions must be made for the safe recovery and disposal of hazardous waste. Officers therefore recommend conditions that require the submission of a Site Waste Management Plan for each phase of the development and a financial contribution towards the provision of waste management infrastructure, which will be secured in the S.106 Agreement.

13.14.24 The intention of the proposal is to re-purpose existing buildings where possible. Where existing buildings are to be demolished there is potential to contain asbestos or other hazardous materials. Therefore, this should be investigated, and the necessary steps taken to ensure the safety of workers on site and the proper management of waste material. In line with the County Council's Waste Core Strategy and Development Management Policies Document, waste should be sent to an appropriate waste management facility. Officers recommend conditions requiring the submission of a Site Waste Management Plan in line with the provisions of the Hertfordshire Waste Local Plan.

#### *Utilities*

13.14.25 Outline permission is sought for utility and energy facilities and infrastructure. These works often do not require planning permission of themselves as they are afforded rights under the General Permitted Development Order when undertaken by statutory undertakers. Where works are not covered by permitted development, they will be proposed through separate planning applications or as part of Reserved Matters Applications.

13.14.26 There are existing electricity pylons running along the northern part of the site that will be retained in situ. The parameter plans identify that the overhead lines will remain outside of the developable area and therefore there will be no conflict with future residential or built development. The overhead lines require careful treatment to ensure construction or operational development do not conflict with the supply and/ or create risk to users.

13.14.27 There is existing gas infrastructure in the vicinity of the site, however, in accordance with anticipated national regulatory changes it is proposed that no new gas supply will be provided to the site.

13.14.28 Fibre to the premises will be provided to every property, providing high-speed broadband connections.

### *Conclusion*

13.14.29 The key technical impacts of the application have been assessed. In respect of noise, suitable mitigation is proposed by way of a landscaped noise bund which in addition will provide opportunities for landscaping and biodiversity, support the SUDS infrastructure for the development and provide opportunities for recreation. The air quality impacts are not considered to be significant and mitigation is controlled through the construction management plans. Lighting is a matter of detail but the parameter plans constrain the developable areas and provide sensitive development areas, as well as areas for enhanced planting to minimise future lighting impacts, which will be assessed in detail at the future stages. Utilities have been considered and appropriate mechanisms are in place to ensure utilities can be delivered to the site including high speed broadband. The application is therefore considered to be in accordance with the provisions of EQ2 (Noise) and EQ3 (Air Quality) of the EHDC Local Plan and policies AG3 and AG8 of the GANP.

## **13.15 Flooding, Surface Water & climate Change**

13.15.1 Policies WAT1 (Flood Risk Management), WAT3 (Water Quality and the Water Environment) and WAT5 (Sustainable Drainage) of the of the East Herts District Plan 2018 require that development proposals should neither increase the likelihood or intensity of any form of flooding, nor the risk to people property, crops or livestock, both on site and to neighbouring land or further downstream. Furthermore, development should account for impacts of climate change and should build in long term resilience against increased water levels. Additionally, development proposals are required to preserve or enhance the water environment by ensuring improvements in surface water quality and the ecological value of watercourses. Opportunities for the removal of culverts, river restoration and naturalisation should be considered as part of any development adjacent to a watercourse.

13.15.2 EHDP Policies CC1 (Climate Change Adaptation) and CC2 (Climate Change Mitigation) require development to make provision for climate change, integrating green infrastructure into the design, demonstrating how carbon dioxide emissions will be minimised through design, and that the energy embodied in construction materials should be reduced through re-use and recycling, where possible of existing materials and the use of sustainable materials and local sourcing. Policy DES4 states that all developments should incorporate high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods.

13.15.3 In addition, the Council's Sustainability SPD suggest carbon reduction benchmarks and encourages development to demonstrate excellence in

sustainable development by taking innovative approaches to net zero carbon design and minimising overheating. The Council has also endorsed the HGGT Sustainability Guidance and Checklist as a material consideration for the determination of applications.

- 13.15.4 Policy AG1 (Promoting Sustainable Development in the Gilston Area) of the GANP states that development should incorporate measures to conserve water resources, protect existing communities from the impacts of flood risk and climate change, maximise energy and water efficiency, and deliver high-quality low carbon homes, utilising wood or recycled material in construction. Policy AG2 (Creating a Connected Green Infrastructure Network) states that land should be provided for an effective drainage system that is designed to take into account historic flooding; to protect the Stort water systems and take inspiration from traditional ditch and pond features.
- 13.15.5 Paragraphs 152 to 158 (section 14) of the NPPF relate to the consideration of development proposals in the context of planning for climate change. Key principles include ensuring that development is designed to be resilient to changes and risks associated with climate change and that the planning system should support the transition to a low carbon future. Paragraphs 159 to 169 relate to planning for flood risk, directing development away from locations that are at highest risk of flooding, ensuring that proposals do not cause risks from flooding.
- 13.15.6 Paragraph 159 of the NPPF 2021 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and where development is necessary, the development should be made safe for its lifetime without increasing the risk of flooding elsewhere. To determine this, Paragraph 161 states that a sequential test should be applied and then, if necessary, an exception test should be carried out. At the Plan-making stage a Strategic Flood Risk Assessment (SFRA) was undertaken to inform the location of development options. The SFRA determined the location of the allocation outside the flood zones and identified a need for detailed site-specific Flood Risk Assessments to be undertaken in support of development proposals.
- 13.15.7 The proposed village developable area is located within Flood Zone 1, meaning that the site is at low risk of flooding from pluvial, existing drains, sewers and water mains and artificial sources (such as Gilston Park Lake), and is not at risk from tidal or groundwater flooding (Figure 19 below). The site is within the catchment of the River Stort and Stort Navigation, which is designated under the Water Framework Directive as a Main River. Groundwater Source Protection Zones underlie a proportion of the site which are sensitive receptors to any potential land contamination from previous or future land uses.

13.15.8 The development will result in a fundamental change to the surface water environment. Currently the land is used for intensive arable agriculture in large open fields with minimal vegetation cover outside of field boundaries and retained woodland/ hedgerows. While approximately half the site will remain undeveloped the proposals introduce built development, which must be designed to prevent flooding as a result of surface water entering the natural water network too quickly during a storm event. An assessment of the potential effects of the development on the surface water environment has been submitted as part of the ES. The assessment considered flood risk and vulnerability, flood zones, sequential and exception test, climate change allowances, sources of potential flooding, flooding from drains and sewers, flooding from water mains and artificial sources.

13.15.9 Following extensive engagement with the Lead Local Flood Authorities of Hertfordshire and Essex County Councils, the Environment Agency and Thames Water, a Flood Risk Assessment, a Surface Water Drainage Strategy and a Sewage Treatment and Foul Drainage Strategy have been prepared. These strategies describe how surface water and foul water will be managed to ensure water quality is maintained, that flood risk is managed in accordance with policy, and that sewerage infrastructure can be provided to support the development.

13.15.10 To consider the worst-case scenario, drainage attenuation volumes have been calculated using the 1 in 100-year storm event with a 40% uplift to account for climate change. The modelling uses the greenfield run off rate of 6 litres per second per hectare (6l/s/ha) for the worst case 1 in 100-year storm event and the drainage strategy indicates a range of measures to be used to ensure surface water runoff from the development maintains that level of flow. One of the main tools is through the creation of landscape features that intercept surface water flow such as ponds and attenuation basins designed to accommodate water during heavy rainfall events along with planting of trees and other vegetation, not only in open spaces or green corridors, but incorporated into urban landscapes such as street trees, rain gardens and public realms. Water can also become a deliberate design feature within the urban realm, which not only provides attenuation, but has cooling properties as well as providing educational opportunities. The masterplan is required to incorporate water into the village design.

13.15.11 The application information sets out a vision for a considerable amount of woodland, natural and semi natural planting and landscaping across the site to improve the functionality of green corridors as well as providing habitats for wildlife. The also has a function as a natural flood management tool. Such planting improves water quality, increases biodiversity, improves amenity and wellbeing, improves carbon sequestration and climate resilience, and improves air quality.

13.15.12 Residual surface water still needs to be managed using Sustainable Drainage Systems (SuDS). Measures proposed include the use of swales and attenuation basins, creation of ponds and as a last resort, on-site storage. As all surface water will be designed to flow into the natural watercourse of the River Stort, appropriate levels of treatment will be required on-site prior to discharging into the river. The design of SuDS will be considered as part of the Strategic Landscape Masterplanning and Village Masterplanning stages.

13.15.13 As the application is in outline, the development parameters are assessed at this stage. The construction of the development will change the current topography of the land in some locations which may change surface water drainage patterns as will different land uses such as hard standing or open spaces. During the master planning process further drainage modelling will be required to iteratively test the emerging layout and built form. A Drainage Strategy, alongside the Strategic Landscape Masterplan will form part of the Village Masterplan and Design Code which will include measures such as water attenuation at the plot level (grey water recycling) and the integration of SuDS into the built fabric of the village development such as through rain gardens and open water channels within the public realm, not just within green spaces. Not only does open water have cooling properties, reducing urban heat island effects, but it also acts as a carbon sink and fosters an understanding of the use of water and the need for water conservation. Such details will be resolved at the Village Masterplanning stage and as such are included in the required scope of masterplans in the recommended conditions.

13.15.14 Changes to land levels and surfaces as a result of the development will influence surface water drainage patterns. These effects will be temporary and transient as construction moves around the site. As part of the management of construction practices a Water Management Plan would be implemented by the contractor on site which would require water quality monitoring and a programme of suitable mitigation measures. No significant adverse effects on the surface water environment are predicted. Officers consider the information provided is sufficient to conclude that the development will have an acceptable impact on surface water drainage and appropriate details can be secured at RM stage.

13.15.15 Foul water will be discharged into the proposed foul water system comprising gravity sewers or where not possible, though pumping stations to reconnect to the gravity system. Connections to the existing Thames Water Stort Valley Trunk Sewer will be required. Thames Water have confirmed that there is capacity at the Rye Meads Sewage Treatment Works to take foul drainage and provide treatment up until 2036, after which capacity will need to be increased, which provides a reasonable contingency to serve the development in its entirety.

13.15.16 The Environment Agency cite that they have no concerns on the understanding that planned improvements to Rye Meads will occur and that Thames Water can take the increased foul water without deterioration to water courses receiving discharges from the treatment works.

13.15.17 Whilst the application is in outline, sustainability, including responses to climate change have been carefully considered. The viability appraisal has been based on all homes responding to the future homes standards and delivering a circa. 75% improvement on Carbon Emissions against current building regulations.

13.15.18 Measures such as community heating, solar thermal and photovoltaic panels and wastewater heat recovery have been suggested to meet future standards. The applicants intend to take a fabric first approach which could include increased cavity widths, triple glazing, and thermal lintels. Features such as convenient and integrated recycling storage, rainwater harvesting, energy efficient appliances and opportunities for individual and community food growing, including allotments and orchards would support the sustainable aims of Gilston. The first homes are intended to be delivered during 2025 and therefore would be subject to the future homes standards in respect of building regulations.

13.15.19 The developments aspiration mode share targets and significant proportion of services and facilities within walkable neighbourhoods would reduce reliance on the private car and support health and sustainability aims.

13.15.20 The application proposes significant steps toward achieving a high level of sustainability for the development and sustainable drainage to minimise flooding and support water quality, as well as to provide opportunities for landscaping, amenity, and biodiversity. The application is therefore considered to comply with policies GA1, WAAT1, WAT 2, WAT 5 and CC1 and CC2 of the Local Plan and policies AG1, 2 and 8 and policy LA1 of the GANP.

## **13.16 Stewardship**

13.16.1 A key tenet of the Policy GA1 allocation is the community ownership and long-term stewardship of community assets. Part v.(h) requires the provision of significant managed open space and parklands, and a limited number of buildings associated with that use, within the village centre, the ownership of which will be transferred to a community trust or other mechanism that ensures long term stewardship and governance for the benefit of the community. Part vii. states that the delivery of the Gilston Area is to include a mechanism for securing the long-term stewardship, protection, and maintenance; and encouraging a successful and active community, including an innovative approach to create the

conditions for local resident participation in the design and stewardship of their new communities.

13.16.2 Policy D2 of the GANP also requires arrangements for future governance and stewardship of the Gilston Area, further requiring that an agreed governance structure be in place at the outset of development to ensure the delivery and management of community assets is undertaken in a timely manner. Policy C1 states that where appropriate measures should be in place for the transfer of key community facilities into the ownership and stewardship of the local community as part of the above governance arrangement.

13.16.3 The applicant has worked with the Council, HGGT partners and community representatives to develop a Gilston Area Governance and Stewardship Strategy (November 2022), which builds upon and replaces the Governance Strategy previously submitted. The strategy supports the Gilston Area Concept framework. The vision of the strategy is *"for high quality stewardship and resident wellbeing covering the community ownership, management and planned use of the public open spaces and community assets will be a key requirement to achieve this goal. This will not just be to benefit the new residents but will also support integration of these seven new neighbourhoods and associated amenities with the surrounding established communities."* Engagement on the strategy identified six key criteria that the strategy needs to address:

- a. *All community assets will require long term stewardship, including public open space, village greens, allotments and orchards, sports facilities, children's play areas, community buildings and public art.*
- b. *The farmland, parks and green infrastructure need to be managed as a coherent whole to ensure consistency of standards throughout, to maximise the ecological enhancement, and to achieve economies of scale for effective hard and soft landscape management.*
- c. *These open spaces and community assets are for public benefit for all those who live, work or visit the Gilston Area, including existing residents in surrounding parishes.* iv. *A sense of community, both within the Gilston Area and between the surrounding settlements, is to be developed through effective communication and community development from the outset.*
- d. *The governance structure must enable and actively encourage strong resident participation and facilitate special interest contributions from key stakeholders.*
- e. *A resident and commercial levy will be required to support the costs of maintaining the open spaces and community assets, but this should be collected locally, spent locally, and not for commercial gain to private companies.*

13.16.4 The strategy seeks to address the policy requirements and the objectives above by setting out a framework for the stewardship of the development which will

evolve through the next planning stages, as the development itself progresses and the new community grows. Stewardship seeks to enable community participation in decision making. As such, the strategy proposes that a Gilston Area Community Management Trust ("GACMT") is established with clearly defined core responsibilities related to the management and guardianship of spaces and community and cultural development; and potential community service responsibilities, such as training, education, and providing local services for example.

13.16.5 The full detail of the community assets to be endowed to GACMT is still to be determined but is intended to include a range of assets (i.e. more than more than the greenspaces), including some income generating and/ or self-sustaining assets, such as the Football Hub and/ or Community Building. The intention is to offer the more local parks, green spaces, playgrounds, allotments, orchards and productive gardens to the GACMT. Ownership of these assets, which will include elements of the strategic and village drainage network, will require GACMT to procure and carry out certain maintenance and management functions. The S.106 Agreement will define the scope, plans and delivery triggers for each of the assets (including land) that the applicant intends to offer the community/trust.

13.16.6 At this outline stage it is not possible to know exactly precise details and timings of the assets to be delivered and offered to the community. Building on from what was agreed as part of the strategy, the next step for the applicant is to establish a Business Plan which will include the framework and milestones for how the community infrastructure will delivered as the development plans evolve over the next twenty years. The requirement for a Business Plan will be enshrined in the S.106 Agreement and will set out the mechanism for transferring or leasing land to the GACMT once assets have been created and certified as being fit for purpose with an agreed management plan. Because there will be a need for different types of management depending upon the role and function of the infrastructure, the GACMT will have to have sufficient experience and expertise, and as such will be underpinned by representation on the Trust by the developers and local authorities alongside the new community until such time that the Trust is fully able to take responsibility.

13.16.7 An Outline Business Plan will also be developed, in tandem with the village masterplan and strategic landscape masterplan, to build on the strategy as the designs the community infrastructure develop. This will provide further details on the implementation process; phasing and further details for the community infrastructure coming forward in the first village and landscape areas; a draft financial model for whole scheme; details on establishment of GACMT and associated bodies; and, a clear delivery programme. Prior to delivery of the first community infrastructure a Detailed Business Plan will be produced, and this will evolve and be kept updated as the development plans evolve.

13.16.8 Alongside the stewardship and management of physical assets, the GACMT will be responsible for outreach into and engagement with the community to create a sense of ownership, belonging and well-being. This has already started, by way of the applicant's engagement with current community representatives and will continue to evolve so that the new residents of Gilston are informed and engaged as the new community grows. The GAMCT will therefore be required to carry out community development activities that engage residents, empower and include them in decision-making about the place that they live in. At the early stage of the development much of this activity will be carried out by the developers and local authorities (which includes parishes) guided by agreed community engagement plans, the first ones relating to the masterplanning then reserved matters planning processes.

13.16.9 Community engagement activities will also evolve over time as the community grows. For example, it could be that the Trust facilitates membership of existing local community groups, which over time expand into new groups or clubs depending upon resident's interests. This will assist in fostering relationships between existing and new residents and in creating a community identity. Such community spirit has been recognised as being a key part to residents' sense of well-being. The GACMT will also be required to maximise opportunities to achieve economic benefit from its expenditure and income where possible (so reduce its dependence on service charges), supporting local empowerment in the procurement of services from the local area where possible.

13.16.10 To achieve all these things the GAMCT requires a robust governance structure with the necessary legal framework for the ownership of asset and responsibility for resources. The Strategy describes that the Trust will need to ensure strong management and accountability for service delivery, demonstrable public benefit, and inclusive community participation. There will therefore be:

- *one overarching **Gilston Area Community Management Trust** (a charitable organisation at its core) which will own and have the responsibility for all the endowed community assets and will be the beneficiary of the endowment (from the developers) and service charge income (from new households). The Trust will comprise a board of trustees appointed to manage the work of the charity. The membership structure will enable residents to fill membership roles on the board, evolving over time to have less developer representation and more community members.*
- *A **Gilston Area Community Interest Company (GACIC)**, which is a commercial trading subsidiary (VAT registered) that will manage income for the benefit of the Trust acting as estate manager for the Trust. The GACIC could have its own board appointed for its commercial and business expertise.*

- A **Gilston Area Community Forum (GACF)** which will be a wide and inclusive consultative group having input into the Trust's strategy, made of village and other representatives, being focussed on strategic, Gilston Area wide matters.
- Seven **Village Advisory Groups** which will be formed after first occupations in each new village. Each group will have formal input into the Trust's strategy including through the GACF, but will be focussed on local, village-specific matters, including the use and application of the service charge income, allowing a localised direction to the Trust's activities.

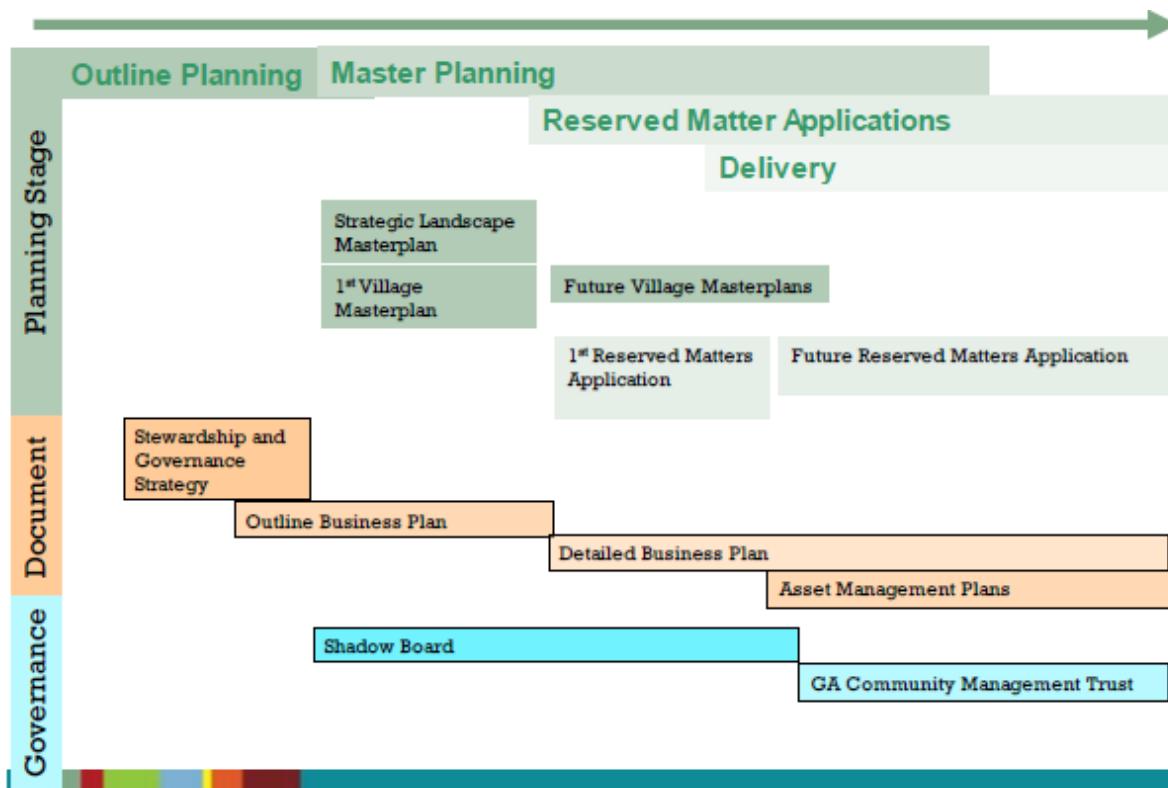
13.16.11 The strategy recommends establishing a Shadow Advisory Board to be formed shortly after the signing of the S.106 Agreement and grant of outline consent to help inform and shape the development of the emerging Trust. The Shadow Advisory Board will comprise representatives from the developers, the HGGT, East Herts Council and Neighbourhood Planning Group, who will approve the creation for the GACMT and form the charity, ensuring that relevant consultation is undertaken as necessary. The shadow board will then transition after the initial development period, with most members of the shadow board expected to become directors of the Trust to provide continuity.

13.16.12 While the governance structure is important, there is a lot of reliance upon the ability for the stewardship body to maintain assets in the longer term, so quality provision is retained. As mentioned, above, to run a community centre or manage a green space with a conservation-led maintenance regime, or to maintain a strategic drainage network will require financial investment and stability. The strategy therefore describes that the applicants (and future housebuilders) will retain relevant responsibility for the management and funding of community assets until the asset is transferred under agreed terms to the GAMCT. The applicants have made allowances for endowment and financial support within the viability appraisal and the Outline Business Plan will set the framework and timing for how anticipated costs will be calculated and resources available, which will be refined as assets are developed through the design and planning process. As indicated above, some assets will provide income generating opportunities, such as the charged hiring of facilities for example. However, it is proposed that a stewardship charge will be made on households to ensure there is a steady income that can be applied to maintenance of community assets and community activities. The Outline Business Plan will set out the financial model that will be used to calculate the level of charge.,

13.16.13 The proposed approach has been developed through close dialogue with the Council, the HGGT partners and most importantly with the community. It is considered reasonable and sensible that details continue to evolve over the course of the planning of this scheme. The outline application will be followed by masterplans and reserved matters, with each stage building up layers of detail and certainty; likewise, the Stewardship Strategy will go through a series of

iterations and steps to refine the details ready for new residents as illustrated in Figure 5 below.

**Figure 5: The Stewardship Planning Approval Process Detail**



13.16.14 It is considered that the Stewardship Strategy contains a sound approach to securing the long-term stewardship of the Gilston Area and the inclusion and empowerment of the community in shaping and managing their new community into the future, underpinned by financial endowment and expert resource and as such is considered to positively address the requirements of Policy GA1 (The Gilston Area) parts v.(h) and vii. of the EHDP and Policy D2 (Community Ownership and Stewardship) of the GANP.

### **13.17 Infrastructure Delivery**

13.17.1 As indicated in Figure 5 in section 13.2 above, the delivery of the Gilston allocation - including development outside of the scope of this application - could come forward in the following order: Village 1, Village 7, Village 2, Village 5, Village 3, Village 6 and Village 4. However, as this information is indicative, it is important that there are agreed milestones for the delivery of key pieces of infrastructure required to support the delivery of the homes.

13.17.2 Indicative phasing plans were provided which show the anticipated order in which the crossings and associated works are expected to be carried out. These plans are currently in refinement and at the discharge of planning conditions

stage. The first part of the CSC works will also enable the earlier commencement of the ESC. Detailed Highway approval processes will be undertaken, as will work relating to the compulsory purchase of land required to enable the delivery of the ESC.

13.17.3 For items of infrastructure that require long planning time such as schools, it is necessary to ensure there are mechanisms in place for the transfer of land, servicing and delivery of school land. As such, the S.106 Agreement will set out these mechanisms in detail. Likewise, the delivery of on-site infrastructure will be phased to ensure as early a delivery as possible, acknowledging that it is not physically possible to bring all infrastructure forward at once. There will therefore need to be a programme of delivery submitted that will be refined over time. A condition is imposed that requires the submission of a strategic Landscape Infrastructure Delivery Plan and Village Infrastructure delivery Plans to set out the anticipated phasing of key infrastructure within the SLMP area for the village.

### **13.18 Movement and highway considerations**

13.18.1 National and local policies and guidance seek a reduction in the growth of car usage and the greater use of more sustainable modes of transport. This is also a key objective of the HGGT which sets out an aspiration that 60% of all journeys within the Gilston Area will be by sustainable modes.

13.18.2 Hertfordshire's Local Transport Plan 2018 -2031 (LTP3). The Plan sets out the objectives, policies, and key schemes that will encourage a switch from private car journeys to sustainable transport (e.g. walking, cycling and passenger transport) wherever possible. Local Plan Policy GA1 requires development to provide for integrated and accessible sustainable transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport for new residents to travel within the Gilston Area and to key destinations. This supports Local Plan policy TAR1 which requires development in the district to achieve accessibility improvements and promote sustainable transport.

13.18.3 TRA1 of the GANP states that development should be designed to achieve the sustainable mobility targets set by the Harlow and Gilston Garden Town Transport Strategy, through measures to prioritise and enable active and sustainable modes of travel within the site and connecting beyond the site to existing settlements as well as to key destinations within Harlow.

13.18.4 Transport Assessment (TA) has been submitted in support of the application. The TA considers the impact of the proposals on the highway network, having regard to the likely impacts if Village 7 were to come forward on its own as a standalone

development, and also if were to come forward cumulatively alongside the Villages 1 to 6 proposals and other locally committed development. The TA also sets out strategies for sustainable modes of transport and associated approaches to Travel Planning which seek to minimise journeys by private vehicles in favour of sustainable modes of transport.

- 13.18.5 The proposals have been the subject of significant scrutiny by Hertfordshire County Council as Highway Authority (and Essex Highway Authority given the site's proximity to Essex). Since their original submission in 2019, there have been several revisions to the Parameter Plans, Development Specification and the TA which informs their content, in order to address comments raised by the Highway Authorities.
- 13.18.6 The purpose of Parameter Plan 4 (Vehicular Access and Movement) is to show the means of access to the site as well as how all modes movement will be accommodated. The location and network of primary streets and where they can accommodate private vehicles has been carefully considered. A framework travel plan has been submitted.
- 13.18.7 Policy TRA2 of the GANP seeks to ensure that PRoW networks are enhanced where possible and that new pedestrian routes be provided to the Stort towpath. TRA2 also states that 'routes' should consider the tranquillity of the Green Infrastructure Network and other natural greenspaces and the need to minimise environmental impacts such as noise and light pollution.
- 13.18.8 The means of access - in this case includes the Sustainable Transport Corridor (STC), a network of strategic primary foot/cycle paths, the interconnection of these with existing routes through and adjoining the site, a proposed supplemental (indicative) STC bus route and indicative secondary bus route. The key transport items are defined on Parameter Plan 4. Village 7 will comprise an existing means of access to the north, a primary access point connecting to Village 6 and an improved means of access from the A414. The A414 access is considered for detailed approval as part of this Application. Drawing 110042/A/130 rev A details the improved means of access from the A414 and shows the proposed signalisation of the existing junction.
- 13.18.9 Internal movement is proposed as a hierarchy of routes prioritising travel by sustainable modes through the Sustainable Transport Corridor (STC) to include bus, walking and cycling. Parameter Plan 4 identifies the location of the STC, inclusive of an indicate Primary Vehicular Route. To ensure the STC does not prejudice future deign detail and place making quality, the parameter plan identifies a +/- 50 metres horizontal limit of deviation ("LOD") as shown by the Deviation Zone. The STC will link the primary access point into the site from the A414 through to the adjoining development taking place within Village 6 of the

Gilston Area. A realigned Church Lane will provide an existing local vehicular link from the A414, connecting to the existing route of Church Lane within the northern extent of the Site and leading onto Hunsdon.

- 13.18.10 Internal vehicular movements will be served by a network of primary, secondary and tertiary streets which will be defined at the future stages. The Illustrative masterplan identifies Secondary and Tertiary Routes, Pedestrian and Cycle Links Plan showing one way they could be delivered to achieve sufficient connectivity within and beyond the site.
- 13.18.11 It is anticipated that a bus route will extend from the Village Centre along the vehicle through-route which runs north towards Hunsdon as part of the realigned Church Lane. A strategic network of primary off-road foot/cycle paths is proposed to extend across the V7 Developable Area and provide connections to the wider Gilston Area network. Indicative routes are shown on Parameter Plan 4 and informed by the principles set out in the submitted Development Specification Statement.
- 13.18.12 The objective, to encourage the use of sustainable modes of transport, prioritising pedestrian and cycle movements through a network of routes, will ensure Village 7 is highly permeable and accessible from east to west and north to south. As such, the existing public rights of way will be retained and enhanced through improved and new connections as required by Policy CFLR3 and Policy TRA1 (f) and is shown on Parameter Plan 4.
- 13.18.13 The Village Centre will bring together the various movement networks that provide transport and comprise a Sustainable Transport Hub which will act as an interchange, integrating bus facilities, a cycle hire scheme with electric bikes, electric vehicle charging points for vehicles and bicycles and cycle parking. It will provide fast connection to Harlow Train Station and Harlow Town Centre and incorporate high quality facilities in the form of real-time departure boards, the potential for smart ticketing and sheltered seating.
- 13.18.14 The developable area shown on the Parameter Plans has been designed to the proposed homes are within a 400 metres radius (5 minutes' walk) of a bus stop with a frequent bus service and 800 metres radius (10 minutes' walk, 5 minutes cycle) of the Village Centre and Sustainable Transport Hub. In accordance with Policy TRA1 (d) this will ensure that residents have easy and direct access to key services and facilities and support the use of sustainable modes in the interests of delivering a sustainable and healthy community.

*Primary Access – Detailed Proposals*

- 13.18.15 The existing A414/Church Lane junction will form the western end of the Sustainable Transport Corridor (STC) connecting Village 7 to Village 1 and across

the Central Crossing into Harlow. Plans showing the proposed general arrangement and vehicle tracking are provided. This will form the primary access to and from the development site and is applied for in detail.

- 13.18.16 The junction will be signalised to accommodate new dedicated turning lanes into and out of the Site via Church Lane and to provide formal at-grade pedestrian and cycle crossing facilities over the A414, which will improve pedestrian and cyclist connectivity between the Site and the Stort Valley notably.
- 13.18.17 The junction will allow for all vehicular movements and will also accommodate bus priority measures in the form of bus lanes, and signal controls. The proposed access is envisaged to have a gateway treatment on Church Lane to slow northbound traffic before connecting into the Village 7 street network.
- 13.18.18 The signalisation of this junction will also help manage vehicle speeds on the A414 eastbound direction, in anticipation of the proposed signalised A414/Fifth Avenue/Eastwick Road junction. Church Lane will accommodate footways and cycleways linking this junction with the Site's walking and cycling network.
- 13.18.19 Landscaped areas along the southern edge of the Site will help mitigate the A414's noise and air quality impacts on the proposed residential areas, as well as functioning as an attractive amenity space with dedicated pedestrian and cyclist routes.

#### *Transport Mitigation and Enhancement*

- 13.18.20 The transport assessment sets out transport impact and suggested mitigation. The proposed highway mitigation incorporates a range of on and off-Site, new and improved highway and sustainable transport measures.
- 13.18.21 The primary on and off-Site highway improvements include:

On-site:

- a. *Improved vehicular primary means of access from A414.*
- b. *Access/connection zone from Village 7 to Village 6.*
- c. *Realignment of Church Lane, leading to Hunsdon.*
- d. *Sustainable Transport Corridor.*
- e. *Supplemental Sustainable Transport Corridor (indicative) bus route, inclusive of a bus gate.*
- f. *Secondary vehicular routes, including bus routes.*
- g. *A Sustainable Transport Hub within the Village Centre*
- h. *A network of pedestrian and cycle routes.*

### Off-Site

- I. V7 – V1 *The Eastwick Link. A pedestrian and cycle link between Village 7 and Village 1 prior to the completion of the V1-V7 Sustainable Transport Corridor (STC) and Central Crossing, identified indicatively at this stage.*
- II. *A414/Fifth Avenue improvements. Creation of a signalised junction arrangement.*
- III. *Off-road cycle and walking network from Village 7 to Roydon Station – route tbc.*
- IV. *Off-road cycle and walking network from Village 7 to Roydon Station via canal towpath. including upgrading and widening the existing towpath along the Stort Canal between Hunsdon Lock and Roydon Station (in the form of proportional financial contributions).*
- V. *Roydon station improvements. Including improved cycle facilities, improved public realm and a raised carriageway to assist cyclists and pedestrian crossing between the station and the cycle route. This will be provided for via proportional financial contributions.*
- VI. *Off-road cycle and walking network from Village 7 to Harlow Town Station via canal towpath. Including proportional financial contributions towards upgrading and widening the existing towpath along the Stort Canal between Hunsdon Lock and Harlow Town Station.*
- VII. *New access to Harlow Town Station from the north.*

### Sustainable Transport Improvements

13.18.22 The following improvements are proposed in order to achieve mode share targets:

- a. *Pump-priming of new bus services to Village 7. This could involve pump-priming of a range of new/improved services to connect Village 7 to Harlow Train Station and Harlow Town Centre as well as other local destinations such as the Pinnacle and Temple Fields employment areas and will be explored in detail with HCC Transport and other relevant stakeholders such as bus operators at the Village Masterplan and reserved matters stage and as part of the Gilston wide bus strategy*
- b. *All homes to be within 800 metres (10-minute walk) of a Sustainable Transport Hub and within 400 metres (or a 5-minute walk) of a bus stop with a frequent bus service.*
- c. *High-quality network of walking and cycling routes across the site, connected to new and improved offsite commuter and leisure routes, including routes to Village 1, Harlow Town Station and Roydon Station.*
- d. *A defined Sustainable Transport Corridor (V1-V7) which will encourage travel by sustainable modes, to include bus prioritisation and dedicated facilities for walking and cycling to provide quick, efficient and direct connections between the Transport Hubs of each Village.*
- e. *Public and active transport support. This includes funding for Travel Plan coordinators and promotion and marketing of sustainable travel among new*

residents and businesses as well as commitment to prepare a Car Parking Strategy at masterplan stage to establish principles that encourage sustainable travel behaviour.

f. In supporting the above, the Travel Plan will be used to implement a number of "smarter travel" measures, such as personal travel planning, discounted bus passes, a cycling workshop, car-sharing scheme, car club spaces and electric bicycle charging points. Vehicle charging points will be also provided across the Proposed Development to encourage the uptake of electric vehicles and help offset carbon emissions. These "smarter travel" measures will be made available for external school trips to and from Village 7 to seek to achieve the 60/40 mode split target.

13.18.23 The funding, timing and delivery of infrastructure will be secured by way of S106 agreement which officers consider is acceptable to manage impacts in isolation and cumulatively.

#### *Vehicle and Cycle Parking*

13.18.24 Parking is a matter of detailed design that will come forward in the future stages. The level of car and cycle parking associated with the Proposed Development will be informed by a parking strategy derived from accessibility zones considered in the context of supporting the modal shift towards sustainable travel required across the Garden Town and the creation of walkable neighbourhoods and healthy streets that are safe, vibrant public spaces that connect people to the places where they live, work, and play.

13.18.25 A Car Parking Strategy for Village 7 will be prepared at the masterplan stage which will seek to address the above, establishing principles for how parking will be designed, located and managed to encourage trips that are easier, safer and more convenient by walking, cycling and public transport as opposed to private car journeys. These principles will inform the approach to parking provision within each development plot at the Reserved Matters stage.

13.18.26 The Illustrative Masterplan has accommodated for a total 2,377 residential and 232 non-residential car parking spaces in the form of on-street, on-plot and communal parking squares. In terms of cycle parking, total of 3,319 residential and 325 non-residential cycle parking spaces are proposed in the form of on-plot, secure cycle stores and on-street cycle parking. This is set out in detail within the supporting Transport Assessment. This provision is in accordance with maximum standards set out within EHDC's SPD 'Vehicle Parking Provision at New Development 2008' and the District Plan (2018) and therefore demonstrates that a policy compliant level of parking can be delivered within the developable area.

13.18.27 In relation to electric car charging provision, it is proposed to comply with the new emerging London Plan standards (2019 Draft Consolidated Changes version), which are more specific and ambitious than those set out in EHDC's Parking Standards. In broad terms, a minimum of 20% of all residential parking spaces will have active charging points, with passive provision for all remaining residential spaces.

13.18.28 All houses on the Site will feature electric active charging points (on-plot), 20% of the total resident parking associated with flats will feature active charging points with passive provision for all remaining residential spaces (excluding visitor parking) and a minimum of 20% of visitor parking provided within the village centre will feature active charging points.

### *Transport Summary*

13.18.29 The proposals have been subject to extensive discussions with HCC, EHDC, and the other local planning authorities that form part of the Harlow and Gilston Garden Town in the interest of a comprehensive approach to the delivery of the Gilston Area. The TA demonstrates that the impacts of the Proposed Development with the identified on-Site and off-Site transport improvements are acceptable in highways terms and will not materially impact on the wider highway network with such mitigations and enhancements in place. The information provided within the TA and wider submitted information, together with the assessment of consultees, is considered sufficient to allow an assessment to be made of the acceptability of the development in highways and transport terms. Overall, the Village 7 proposals will positively contribute to achieving the HGGT mode share target as well as wider sustainability objectives for the Area.

## **14. Planning Balance and Conclusion**

14.1.1 *Principle of Development* - This proposal is for the delivery of a significant proportion of the GA1 site allocation, including approximately 15% of the homes required by Policy GA1 (The Gilston Area) of the East Herts District Plan 2018 which allocates the Gilston Area for 10,000 new houses. This allocation forms part of the development strategy in the District Plan as detailed in Policies DPS1 (Housing, Employment and Retail Growth), DPS2 (The Development Strategy 2011-2033) and DPS3 (Housing Supply 2011-2033). This application forms 15% of the overall housing allocation but has been planned comprehensively with the adjacent site promoter to ensure that site-wide considerations have been undertaken. The delivery of the strategic site allocation and the provision of the residential and community infrastructure to meet identified needs carries significant positive weight and the development is acceptable in principle.

14.1.2 *Design Parameters and Principles* - The outline application is supported by a comprehensive suite of documents that together provide a clear understanding of the parameters of the proposals. The Strategic Design Guide, Parameter Plans and the detailed Development Specification contain principles and commitments to quality place-making principles; identify the constraints to development; and define areas within which particular design and layout measures are required to ensure that future masterplans and detailed Reserved Matters Applications avoid adverse impacts on heritage and ecological features. These measures address the requirements set out in national and local policy and should be given positive weight.

14.1.3 Notwithstanding this, the delivery of a development at this scale will result in a fundamental change to the nature of the locality. Rural villages will be surrounded by or will be adjacent to a new urban environment, with its visual impacts and intensity of activity currently not experienced in a landscape that is largely agricultural in nature. These potential harms were acknowledged in the allocation of the site and Officers consider that the benefits of the new development outweigh the visual and landscape harm that will arise from the delivery of the proposals.

14.1.4 *Supporting Economic Growth* - The application proposes a village centre designed to provide for day to day commercial, retail and business needs. New commercial uses and education facilities will generate a significant number of on-site jobs and new employment floorspace will provide opportunities for new and existing businesses. In addition, there will be over ten years of construction-related jobs and ancillary jobs created. The application also makes provision for assisting residents to be able to access jobs through a commitment to skills and training activities.

14.1.5 Indirectly, the creation of new homes and communities in proximity to Harlow will bring economic benefits to a wider area, supporting the regeneration of Harlow by helping to draw investment into the town. This is in line with national and local policy and HGGT objectives and is given positive weight.

14.1.6 *Delivery of Community Infrastructure* - The village development proposal makes provision for considerable quantum of community floorspace, education facilities, parks and open spaces for sport and recreation, a range of built sports facilities, health care, nursery and retail and commercial opportunities designed to be located within walking distance of new homes, accessed by active and sustainable travel routes. The provision of facilities on-site to meet daily needs, will reduce the need to travel and inequalities related to lack of access to services. This is in line with national and local policies and is given positive weight.

14.1.7 *Protecting and Enhancing the Natural Environment* - The application Parameters seek to avoid harm to features of nature conservation interest, locating the Village Developable Area away from sensitive natural assets like ancient woodland. The proposed biodiversity strategy and ecological management plan which will be secured via condition provide clear principles and measures to reduce impacts through design and construction activities. There will be no adverse effects on SSSIs or irreplaceable habitats through the development. However, there will be a fundamental change to the environment from the conversion of agricultural habitats to built development. And there will be some residual harm arising from the introduction of artificial lighting into an area otherwise devoid of light, albeit minimised through appropriate siting of development areas.

14.1.8 The loss of farmland habitats that supports ground nesting and wintering birds and provides foraging land for mammals, birds and bats is a creates some adverse harm. The proposal does however provide some mitigation through the improvement of remaining habitats including through managing woodland and farmland using conservation-led practices, providing additional woodland and hedgerow planting to provide resilience to these habitats, and through the creation of species-rich buffers and borders to new and existing green infrastructure assets. Through various mitigative measures the scheme will have the potential to deliver a 19.52% net gain to hedgerow units, 30% for habitat units. The loss of habitats must be weighed against the public benefit arising from the development, and Officers consider that the identified harms will be outweighed by the benefits arising from the proposed village development. The HRA concludes that there will be no adverse effects on the integrity of any National Network Sites or conflict with the Conservation Objectives of these sites.

14.1.9 *Climate Change, Flood Risk and Sustainable Drainage* - The application has assessed the impacts of the development in terms of flood risk, undertaking appropriate surveys and calculations commensurate to the outline application stage. The LLFA and EA have been engaged throughout the consideration of the application and are satisfied that through a stepped approach to refining the drainage strategy information at master planning and Reserved Matters Application stages, risks associated with flooding will be satisfactorily avoided and mitigated through the implementation of appropriate, agreed attenuation solutions.

14.1.10 The water supply and wastewater companies have plans and programmes in place to ensure adequate supply of water and treatment of wastewater demands arising from the development. And the application has considered the carbon impacts of the proposed development parameters and has devised an energy strategy for the creation of renewable sources of energy to serve all

buildings. No gas supply will be provided. Through the implementation of integrated drainage networks, a fabric-first approach to design supplemented by renewable sources of energy the proposal takes account of climate change impacts in line with national and local policy objectives. Furthermore, incorporating renewable energy sources into new homes will provide residents with energy resilience into the future, and the approach to be secured by condition whereby energy statements are to be provided with each Reserved Matters Application will ensure that changing standards and best practice solutions will be captured as the development progresses. This is considered to have positive weight above simply meeting policy requirements.

14.1.11 *Transport Considerations* - Extensive transport assessments have been undertaken working collaboratively with the highway authority and with input from neighbouring authority, Essex county Council. Several direct and indirect mitigation measures are proposed, the most significant is the delivery of the two river crossings, providing new active and sustainable routes to serve the village development itself, but also enable the delivery of a wider STC network within Harlow. The benefits of the two crossings were considered in the relevant reports and the applications have already been approved. The Transport Assessment indicates that overall, there will be no significant (severe) residual impacts on the highway network following the implementation of agreed mitigation measures. In addition to the physical delivery of transport infrastructure and junction improvements, the application makes provision for the ongoing monitoring of impacts and a Travel Plan that includes measures to encourage active and sustainable travel by new residents and businesses within the site. The assessments indicate that using conservative assumptions, the proposed development should achieve the 60% mode share target contained in the HGGT Transport Strategy. This is considered to have positive weight.

14.1.12 *Protection and Enhancement of the Historic Environment* - The application has been designed to avoid as far as possible adverse effects on heritage assets, both above and under the ground. There will however be a fundamental change to the rural landscape which will have adverse effects on the setting of many of the listed buildings and scheduled monuments located within the site, and those outside but surrounded by the site area. This will result in a less than substantial harm to the significance of the heritage assets.

14.1.13 This harm should be given substantial weight and importance and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal. Special regard should be given to the desirability of preserving buildings or settings or features of special architectural or historic interest which an asset possesses. Officers consider that the less than substantial harm is outweighed by the proposed benefits that will arise from this application which is submitted in response to a District Plan allocation for the

delivery of 10,000 homes in the Gilston Area, with the allocation being essential to meeting the housing and development need of the district within and beyond the plan period to 2033.

14.1.14 *Contamination and Pollution* - Detailed assessments have been undertaken in relation to potential sources of pollution including noise, air and lighting and through ground works and the conversion of agricultural land to built development. The implementation of standard methods of construction will help to minimise the impacts associated with the construction of the development. The Development Specification contains principles relating to noise and light to inform master planning and detailed Reserved Matters stages that will ensure good acoustic conditions are created for the purpose of residential amenity; and to minimise the effects of lighting, particularly for the purpose of preventing ecological impacts. However, notwithstanding the proposed mitigation measures, the introduction of an urban form of development into an area currently devoid of light, noise and general disturbance will result in adverse effects that cannot be fully mitigated. It is however, acknowledged that these impacts were considered at the Plan making stage and therefore the allocation of the GA1 has accepted a degree of harm in this regard.

14.1.15 *Long Term Stewardship* - The application includes a Stewardship Strategy that sets out the mechanisms for establishing a governance structure which includes representatives of the community that will be tasked with the long-term stewardship of community assets that are transferred into the ownership of the stewardship body. Given the outline application these arrangements will evolve through each stage of the application process. In addition to the management and maintenance of physical assets, the stewardship body will undertake community development activities including establishing forums whereby new residents can engage with and influence decisions relating to their community. This is considered to have significant positive weight.

14.1.16 *Delivery of Infrastructure* - Officers are satisfied that the Heads of Terms for the s.106 obligations and ensure sufficient certainty to ensure the obligation will secure the delivery of all infrastructure and facilities necessary to make the development acceptable and to which regard has been had in the assessment of the proposal in this report. Further, officers are also satisfied that appropriate mechanisms can and will be provided in the S.106 obligation (combined with the proposed planning conditions) to ensure necessary infrastructure is available and delivered at the point in time when it is required.

14.1.17 *Delivery of the District Plan Housing Strategy* - This proposal is for the delivery of a substantial scale of development submitted in response to an allocation for the delivery of 10,000 homes in the East Herts District Plan. This scheme will deliver

15% of the total allocation (1,500 homes), which represents a significant proportion of the Council's identified housing need within the Plan period, but also provides for continuity of delivery beyond the current Plan period. This scheme is therefore vital to the Council's five-year supply of housing.

14.1.18 A recent appeal decision concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The consequence of not having a five year supply is that the 'tilted balance' is engaged in the decision-making process. The tilted balance refers to paragraphs 11(c) and 11(d) of the NPPF which states that if the most relevant Local Plan policies for determining a planning application are out of date (such as when a five year supply cannot be demonstrated), the application should be approved unless the application of NPPF policies that protect areas or assets of particular importance (as defined by the NPPF) provide a clear reason for refusing permission or the harms caused by the application significantly and demonstrably outweigh its benefits, when assessed against policies of the NPPF as a whole. In this context, the policies considered to be out of date include those relating to the development strategy and delivery of housing which have been referred to earlier in this report. This gives significant additional weight to the approval of and delivery of housing from this site, to support the continued delivery of homes within East Hertfordshire in a timely manner.

14.1.19 'Areas or assets of particular importance' relevant to this application includes designated heritage assets and SSSI and other irreplaceable habitat sites. In this case, the application will result in less than substantial harm to a range of heritage assets; likely significant effects on SSSIs beyond the site have been assessed through an Appropriate Assessment, which concluded that the development on its own and in-combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site; and would not lead to the loss of any irreplaceable habitat. It is considered that the heritage harm and loss of habitats are outweighed by the public benefits associated with the development and as such, no conflict with NPPF heritage or natural environment policies arises.

14.1.20 For the purposes of NPPF para.11(d\_(ii)), officers have identified the benefits of the proposal above, including the delivery of new market and affordable homes and other development for which there is a clear need. Officers consider that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits. Therefore, in line with the provisions of Paragraph 11(d) ii of the NPPF 2021 and overall Officers recommend that the application should be approved.

14.1.21 The starting point for decision-taking is the development plan (see, for example, para 12 of the NPPF). The proposal accords with the development plan when

read as a whole and thus benefits from the statutory presumption set out in section 38(6) it also accords with the NPPF – being an ‘other material consideration’ under section 38(6) – to which significant weight should be attached, which reinforces the policy support for the proposal planning permission should, therefore, be granted even without application of the tilted balance in para 11.

- 14.1.22 In addition, however, and applying para 11d) of the NPPF (because the Council’s housing policies could be considered out-of-date), then this also strongly supports the grant of planning permission because: (i) the application of policies in the NPPF of particular importance do not provide a clear reason for refusal (to the contrary, they lend substantial support to the proposal, as set out in the report above); and (ii) any adverse effects of the proposal are significantly and demonstrably outweighed by the benefits arising from the proposal when assessed against the NPPF as a whole, all for the reasons set out in this report.
- 14.1.23 Officers consider that the application accords with the development plan and other material considerations.

## **15. RECOMMENDATION**

- 15.1.1 That planning permission be **GRANTED**, subject to a legal agreement and the draft conditions set out at the end of this report.
- 15.1.2 That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement, the contributions to be contained therein and the conditions.

## **16. Draft Legal Agreement Heads of Terms**

- 16.1.1 Note: All figures quoted above are subject to indexation (unless otherwise specifically referenced in the Heads of Teams included at Appendix B and the identification of CIL Regulation-compliant projects. As such, Officers request delegated authority in consultation with the Head of Planning and Building Control, to agree and finalise the precise planning obligation package to ensure that all contributions meet the legal and policy tests.

## **17. Summary of Reasons for Decision**

- 17.1.1 East Herts Council has considered the applicant's proposal in a positive and proactive manner about the policies of the Development Plan and any relevant material considerations. The proposal complies with the development plan and national policy and it is considered that permission should be granted for the reasons given in this report.

## **Application 3/19/2124/OUT**

### **Appendix A**

### **Screening and Appropriate Assessment under the Habitat Regulations 2017: 2023**

#### **1. Introduction**

- 1.1 This Habitat Regulations Assessment Screening and Appropriate Assessment (AA) is prepared for the Village 7 application, taking into account the in-combination effects of the Villages 1-6 Outline Application and the Central and Eastern Stort Crossing approved schemes. It therefore incorporates all previous updates presented in February 2023 as part of the Village 1-6 committee report.
- 1.2 Please note that the two Crossings applications were approved by East Herts and Harlow Councils in March 2022 and the Villages 1-6 outline application received resolution to grant permission subject to the completion of a S.106 Agreement on 28<sup>th</sup> February 2023.
- 1.3 This report comprises East Herts Council's analysis, findings and conclusions in relation to the Council's duties, as the local planning authority and competent authority in relation to the Directive 92/43/EEC of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'), and the European Parliament and Council Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive'), as transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) (the 'Habitats Regulations'). Therefore, the Habitats Regulations for England and Wales have become part of retained EU law with limited amendments which reflect that the UK has left the EU and ensure that they remain legally operative.
- 1.4 The Council, as Local Planning Authority is a competent authority in relation to the Directive 92/43/EEC of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'), and the European Parliament and Council Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive'), as transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) (the 'Habitats Regulations'). As such, the Council has undertaken a Habitats Regulations Assessment of the planning applications submitted by the Applicant Taylor Wimpey. It is noted that for HRA purposes:

- a. East Herts Council is the competent authority for the outline applications for Village 7 (referred to as “the Council throughout the HRA which is annexed to the Officer Reports at Appendix A); and
- b. Natural England is the statutory nature conservation body (SNCB) under the Habitats Regulations.

1.5 This report constitutes the Council’s Screening and Appropriate Assessment (AA) pursuant to the Habitats Regulations and has been prepared in relation to the following application.

- 3/19/2124/OUT Village 7 Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures and erection of a residential led mixed use development comprising: up to 1,500 residential market and affordable homes; a mixed use local village centre; retail, business, commercial and community uses; primary school, early years and nursery facilities; leisure and sports facilities including a football hub; provision for 8 no. pitches for Gypsies & Travellers; open spaces, ecological areas, woodlands and public realm; pedestrian, cycle and vehicular accesses and network within the site; associated drainage, utilities, energy and waste facilities and infrastructure; works to and realignment of the existing highway; other supporting works, facilities and infrastructure; together with associated temporary enabling works or structures. With all matters reserved apart from detailed works to the A414 Church Lane junction (phased development).

1.6 For the purposes of screening and identifying individual and in-combination likely effects on National Network (or European) Sites the report also considers the following applications:

- 3/19/1045/OUT (East Herts Council Reference) – Outline planning application for 8,500 homes and community infrastructure as part of the Gilston Area strategic allocation (resolution to grant 28<sup>th</sup> February 2023).
- 3/19/1046/FUL (East Herts Council Reference) / HW/CRB/19/00220 (Harlow Council Reference) – Application for the widening of the existing Fifth Avenue crossing including works to the Eastwick Lodge junction, the provision of a new northbound carriageway and a dedicated pedestrian and cycle bridge. Also known as the “Central Stort Crossing”. – Application approved March 2022
- 3/19/1051/FUL (East Herts Council Reference) / HW/CRB/19/00221 (Harlow Council Reference) – Application for a new road and bridge structures between the Eastwick Lodge junction and River Way in Harlow, providing new junctions into Village 1/ Terlings Park, Pye Corner and Village 2. Also known as “the Eastern Stort Crossing” (“the Villages 1-6 Applications”). – Application approved March 2022

1.7 Planning permission for the proposed development should only be granted if, the Competent Authority considers that it meets the requirements set out by the Habitats

Regulations. The National Network comprises Special Protection Areas (SPAs), Special Areas of Conservation (SACs) designated under the EU Birds and Habitats Directives respectively) and, as a matter of Government policy, Wetlands of International Importance (or Ramsar sites).

- 1.8 The Applicant (Taylor Wimpey formerly Briggens Estate) prepared and submitted to the Council in October 2019 an Environmental Statement which included Information for Habitats Regulations Assessment ("2019 IHRA"). In August 2021 the Applicant submitted an ES Addendum which contained Appendix 4: Transport and Access Technical Note and Transport Assessment Addendum and Appendix 5: Air Quality Technical Note. The purpose of these two particular appendices was to consider the traffic and transport related impacts arising from a scenario in which Village 7 came forward as a stand-alone proposal absent of Villages 1-6, i.e. without the linked sustainable transport benefits, in addition to a cumulative assessment. The ES Addendum are referred to in this AA as "2021 IHRA". This Habitats Information (the 2019 IHRA and 2021 IHRA) comprised an assessment of the Development alone and in combination with other plans and projects, including the adjacent Outline Application for Villages 1-6). For completeness, the Council has also considered the Information for Habitats Regulations Assessment (Appendix 14.4 as amended of the Environmental Statement) for Villages 1-6 (application 3/19/1045/OUT) ("the Villages 1-6 Habitats Information").
- 1.9 The Council consider the Habitats Information to be sufficient and has used both Environmental Statements, together with consultation response/s from Natural England, to inform its own independent screening and appropriate assessment, known as the Habitat Regulations Assessment ("HRA") pursuant to Regulation 63 of the Habitats Regulations 2017 (as amended). Engagement has been carried out with and inputs have been made to this HRA from chartered ecologists at Hertfordshire Ecology (as advisors to East Herts Council), Barton Willmore (as advisors to East Herts Council), chartered ecologists at EPR Consulting (as advisors to both Applicants) and Weightmans LLP (as legal advisors to the Council). Furthermore, Natural England has been consulted during the preparation of this HRA.
- 1.10 Whilst there is no prescribed methodology, the HRA processes involves an assessment process of up to four stages – depending on the outcomes of each - before a competent authority can determine that planning permission or any other consent may be granted for development where, following appropriate assessment, no adverse effects on the integrity of the protected National Network sites are found. Those four stages each being a distinct stage involve:-
  - a. *Stage 1: Screening* – identification of likely significant effects of plans or projects, alone or in combination with others, on National Network Sites with key designations (i.e. Special Protection Areas, Special Areas of Conservation and Sites of Community Importance). At this stage, drawing on case law (People Over Wind), no mitigation measures can be factored in;

- b. *Stage 2: Appropriate Assessment* – consideration of the impacts on the integrity of National Network Sites, either alone or in combination with other plans and projects, including, consideration of mitigation options;
- c. *Stage 3: Alternative Solutions* – where adverse effects on the integrity of a site cannot be ruled out, an assessment of alternative ways of achieving the objectives of the project to establish whether there are solutions that would avoid, or have a lesser effect on National Network Sites;
- d. *Stage 4: Imperative reasons of overriding public interest (IROPI) and compensation* - If the authority assesses that no alternative solution exists, and adverse impacts remain, imperative reasons of overriding public interest must be proven. If achieved, compensation must also be shown to be deliverable.

1.11 It is important to recognise that although sequential, stage 3 is only engaged where any adverse effects on the integrity of a site cannot be ruled out (with no reasonable scientific doubt) and stage 4 is very much a last resort and must satisfy strict tests. The HRA process required and undertaken is described in further detail in section 5.5 in this report. The National Network Sites which are the subject of the HRA are: -

- Lee Valley Special Protection Area (SPA) and Ramsar
- Wormley-Hoddesdonpark Woods Special Area of Conservation (SAC)
- Epping Forest SAC

## 2. Executive Summary

2.1 This Screening and Appropriate Assessment (AA) applies to the Village 7 planning application (“the Development”) in combination with the Villages 1-6 planning applications (including two Crossings applications) for the purpose of robustly understanding and screening likely significant effects of the Development alone or in- combination with other applications in the Gilston Area. The resultant HRA therefore considers the potential adverse effects arising from the Development alone and the combined delivery of these four schemes, i.e. the development of the Gilston Area as a whole on the integrity of National Network Sites of nature conservation importance as defined by the Habitats Regulations, 2017 (as amended).

2.2 These Applications were made pursuant to Policies GA1 and GA2 of the East Herts District Plan which designates land at the Gilston Area for the development of 10,000 homes and supporting infrastructure. The two full applications for transport infrastructure schemes (the Central and Eastern Stort Crossings) are also identified in the Harlow Local Development Plan as essential transport infrastructure. The Village 7 application was, in combination with the Villages 1-6 applications also factored into the Habitat Regulations Assessments carried out in relation to each local plan for both East Herts Council and Harlow District Council which were subject to a full Examination in Public before adoption.

2.3 Natural England as Statutory National Competent Body has been engaged through the multiple planning application stages. Natural England, as well as the Habitats Information supplied by the Applicant, identified three potential sources of impact which the Council considers properly reflect the relevant sources, pathways and receptors:

- recreational pressure arising from increased visitation of publicly accessible sites;
- air quality changes arising from traffic generated by the proposed development; and
- changes in water quality or quantity.

2.4 This HRA has been undertaken for the Village 7 Development taking account of the other Gilston Area Developments. At the Screening stage, the HRA does not consider or rely on any mitigation measures proposed as part of any one of the Applications or in combination.

2.5 Likely significant effects arising from recreational pressure on the Lee Valley SPA/Ramsar and Epping Forest SAC National Network Sites were screened out due to the existing active management of the Sites which already restricts and controls recreational access, and were not therefore considered further as part of the second stage, the Appropriate Assessment. However, following a precautionary approach, likely significant effects could not be ruled out from recreational pressure on Wormley-Hoddesdonpark Woods SAC as there is currently no active recreation management strategy in place and was therefore considered further in the Appropriate Assessment.

2.6 Likely significant effects could not be ruled out at the screening stage due to the anticipated impact of air pollution on the Lee Valley SPA/Ramsar. Consequently, an Appropriate Assessment was undertaken to assess the impact from the number of vehicle movements in the vicinity of the Rye Meads SSSI component of the Lee Valley SPA/Ramsar Site arising from the Development alone and in combination with the Villages 1-6 Development once operational.

2.7 In terms of water quality and quantity, the HRA screened out the potential for likely significant effects on the Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC. However, potential water quality effects on the Lee Valley SPA/Ramsar are considered further through the Appropriate Assessment because potential impacts on water quality on the Rye Meads SSSI component of the Lee Valley SPA/Ramsar could not be ruled out without the need for mitigation associated with the Village 7 Development when considered in combination with the Villages 1-6 Development.

2.8 Potential Air Quality effects on the Epping Forest SAC are considered further through the Appropriate Assessment due to the number of vehicle movements in the vicinity of the Epping Forest SAC from the Development in-combination with other plans and projects.

2.9 Following the appropriate assessment the Council was able to ascertain that the Development, alone, and in combination with the Villages 1-6 proposal, and in combination with other plans and projects, would avoid adverse effects on the integrity of the National Network sites in the zone of influence of the Development as a result of recreational demand, air quality effects and water quality and quantity effects.

2.10 When considered independently, the two Crossings applications would not result in additional vehicle movements which would increase air quality impacts upon the Lee Valley SPA/Ramsar Site, Wormley-Hoddesdonpark Woods SAC, and Epping Forest SAC. However, the two Crossings Applications combined will change the distribution of vehicle movements associated with the Village 7 and Village 1-6 application, providing options for trips to be taken on routes not in the vicinity of the National Network Sites. By considering the four Applications together as the Gilston Area Development a 'worst-case' HRA assessment has been undertaken on a precautionary basis.

2.11 The Appropriate Assessment takes into account the proposed mitigation and conditions associated with construction management processes, timing and phasing of delivery which will be applied to each of the Applications in the Development.

2.12 The Local Planning Authorities consider that with mitigation secured through planning conditions (as set out in Appendix B), the Village 7 Application alone and in combination with the Villages 1-6 Application comprising the Gilston Area Development as a whole will not have an adverse effect on the integrity of the Lee Valley SPA/Ramsar Site, Wormley-Hoddesdonpark Woods SAC, or Epping Forest SAC, either alone or in combination with other plans and projects, and that the proposed Development can therefore be consented in compliance with the Habitats Regulations and applicable guidance and case law.

### **3. Regulatory Requirements & Case Law**

3.1 The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Habitats Directives) into domestic law. They have been updated by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

3.2 Regulation 63 of the Habitats Regulations 2017 imposes a requirement upon a competent authority (including local planning authorities) to carry out a Habitats Regulations Assessment to protect National Network sites ("HRA") as follows:

*"(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

*(a) is likely to have a significant effect on a site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.*

*(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required".*

Regulation 63 (5) provides that:

*"in the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site."*

Regulation 63 (6) states that:

*"in considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given."*

### **Relevant Case Law**

3.3 The European Court of Justice in *Case C-127/02 of the European Court of Justice* (ECJ) ("the Waddenze Case") clarified significant points as to the interpretation of the Habitats Directive, in particular as to the approach to 'likely significant effects' and that an appropriate assessment is necessary: -

*"...if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either alone or in combination with other plans and projects..."* (Paragraph 44) and

*"...where such a plan or project has an effect on that site but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned..."* (paragraph 47)

3.4 The ECJ in Waddenze also confirmed that a plan or project can only be authorised where it will not have an adverse effect on the integrity of a European Site and "...that is the case where no reasonable scientific doubt remains as to the absence of such effects" (paragraph 59).

3.5 In the case of *Ireland v An Bord Pleanala* [2013] EU ECJ (Case C-258/11) ("Sweetman case"), the ECJ considered the meaning of "*adversely affect the integrity*" of an SAC or SCI under Article 6(3) of the Habitats Directive (now transposed in Regulation 63). The case related to a road scheme that would permanently destroy 1.47 hectares of a 270 hectare SCI in Ireland that was protected as a priority habitat for its limestone pavement. The ECJ noted that the *precautionary approach* to assessment of impacts "applies all the more" where the affected habitat is a priority habitat type and if a project will lead to the lasting and irreparable loss of the whole or part of a priority natural habitat type (whose conservation was the objective that justified the designation of the site), the competent authority must conclude that such a plan or project will adversely affect the integrity of that site. It must therefore prevent the development.

3.6 The April 2018 judgment in the Court of Justice of the European Union in *People Over Wind & Peter Sweetman v Coillte Teoranta*, (Case C-323/17) EU:C:2018:244 ('People over Wind') decided that when making screening decisions for the purposes of deciding whether an appropriate assessment is required of the impacts of a proposed plan or project on a protected site, competent authorities should not take into account any mitigation measures.

3.7 In 2019, the government amended the National Planning Policy Framework guidance to clarify the impact of the People Over Wind judgement on the HRA process and regulations were introduced from 28 December 2018 to clarify certain "planning tools" (i.e in the Habitats (Amendment) Regulations 2018). Thus, the NPPF presumption in favour of sustainable development does not apply if the plan or project is likely to have a significant effect on a European, now National Network Site (either alone or in combination with other plans or projects), unless an appropriate assessment concludes that there will be no adverse effect from the plan or project on the integrity of a European / National Network site.

3.8 As a result, a competent authority must not take account of mitigation measures at Screening Stage 1 and may only take account of such mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of an appropriate assessment itself.

## **2019 Regulations**

3.9 Post Brexit, the 2019 Regulations involved the transfer of functions from the European Commission to the appropriate authorities in England and Wales to ensure that the Habitats Regulations 2017 could continue to operate effectively. All other processes, including the HRA process prescribed by Regulation 63, under the Habitats Regulations 2017 remain the same and existing guidance applies. The 2019 Regulations established a 'national site network' on land and at sea, including both the inshore and offshore marine areas in the UK. Effectively, the 'national site network' now applicable in the UK includes:

- a. existing SACs and SPAs which were already designated under the Habitats Directives (and previously referred to as Natura or European Sites), and
- b. any new SACs and SPAs designated under the UK Habitats Regulations.

3.10 The 'network objectives' established for the national site network are to: -

- maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS); and
- contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

3.11 A HRA refers to the several distinct and sequential stages of Assessment which to be undertaken in accordance with the Habitats Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites identified under these regulations are referred to as 'habitats sites' in the National Planning Policy Framework.

3.12 All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on a European site (now 'a National Network site'). This consideration – typically referred to as the 'Habitats Regulations Assessment' – should take into account the likely significant effects both of the plan or project by itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded at Screening (Stage 1), a competent authority must make an Appropriate Assessment of the implications of the plan or project for that site, in view the site's structure, function and conservation objectives (Stage 2). Where there are adverse impacts identified at Stage 2, the competent authority must assess mitigation options to determine the adverse effect on the integrity of a National Network site.

3.13 If mitigation options cannot avoid adverse effects, then development consent can only be given if Stages 3 and / or 4 are followed. The competent authority may grant permission or consent to the plan or project only after having ruled out adverse effects on the integrity of the habitats site following application of appropriate mitigation if necessary at the Appropriate Assessment stage. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

## **4. Objectives and Process of a Habitats Regulations Assessment**

4.1 The process of HRA involves an initial 'Screening' stage, which requires an Appropriate Assessment (AA), if a plan or project is likely to have significant effects on a National

Network Site (either individually or in combination with other plans or projects) which cannot be ruled out without having regard to mitigation measures. The Habitat Regulations do not set out a specific methodology; rather they place obligations on the competent authority (i.e. a local planning authority) which are fulfilled by a four stage HRA process involving:

- a. *Stage 1: Screening* – to identify the likely impacts of a project on a relevant protected National Network Site, either alone or in combination with other plans and projects. Case law has determined that at this stage mitigation measures should not be considered in determining whether it is necessary to carry out an appropriate assessment of the impact of a proposed plan or project on a protected site. Planning Practice Guidance expects assessments to be undertaken using a precautionary approach, i.e. taking into account the worst case scenario. This Report has followed this guidance.
- b. *Stage 2: Appropriate Assessment* – The competent authority considers the impacts on the integrity of a protected site, either alone or in combination with other plans and projects, with regard to the site's structure, function and its conservation objectives. Where there are adverse impacts, an assessment of mitigation options is undertaken to determine the adverse effect on the integrity of the site. If at this stage adverse effects cannot be avoided or mitigated, then the third stage follows.
- c. *Stage 3: Assessment of alternative solutions* - the competent authority is required to assess alternative ways of achieving the objectives of the project to establish whether there are solutions that would avoid, or have a lesser effect on a protected National Network site.
- d. *Stage 4: Imperative reasons of overriding public interest (IROPI)* - If the competent authority assesses that no alternative solution exists and adverse impacts remain an IROPI assessment must be undertaken. This stage assesses whether the development is necessary by reason of IROPI. If yes, the potential compensatory measures necessary to maintain the overall coherence of the site or integrity of the site network.

## 5. Stage 1: Screening

### 5.1 Screening and the Precautionary Approach

- 5.1.1 As detailed above the screening stage of the HRA is designed to consider whether the plan or project is likely to have a significant effect on the integrity of National Network Sites either alone or in combination with other plans and projects without taking into account mitigation. Screening is the process that addresses and records the reasoning and conclusions in relation to Regulation 63 (1) of the Conservation of Habitats Regulations 2017, which requires that before deciding to give permission for a plan or project which:

*"(a) is likely to have a significant effect on a European Site or a European offshore marine site (either alone or in combination with other plans or projects, and*

*(b) is not directly connected with or necessary to the management of that site'*

*[the competent authority] must make an appropriate assessment of the implications of the plan or project in view of that site's conservation objectives."*

5.1.2 If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (Appropriate Assessment) on a precautionary basis. In undertaking an assessment of 'likely significant effects' under the Habitats Regulations, authoritative case law has established that:

- An effect is likely if it '*cannot be excluded on the basis of objective information*'<sup>1</sup>
- An effect is significant if it '*is likely to undermine the conservation objectives*'<sup>2</sup>
- In undertaking a screening assessment for likely significant effects '*it is not that significant effects are probable, a risk is sufficient*'...but there must be credible evidence that there is '*a real, rather than a hypothetical risk*'<sup>3</sup>.

5.1.3 The Advocate General's opinion in *Sweetman* also offers some simple guidance that the screening step 'operates merely as a trigger' which asks '*should we bother to check?*'<sup>4</sup>.

5.1.4 More guidance on the approach to screening and appropriate assessments is contained in the recently published Joint Nature Conservation Committee (JNCC) Report 696: Guidance on Decision-making Thresholds for Air Pollution<sup>5</sup>, December 2021. This guidance provides a summary of relevant case law and precedents that now frame how assessments are carried out. As such the guidance is not just relevant to air pollution considerations but informs a decision-maker on how to take account of individual and combined effects on National Network Sites.

5.1.5 In terms of the precautionary approach, the guidance explains the following:

*"Decision-making is informed by best available scientific information. In some cases, the available science provides a decision maker with clear and precise information capable of removing any doubt as to the consequences of a proposed activity. In other areas the available science is subject to limitations meaning that decision makers must use their*

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<sup>1</sup> Case C127-02 *Waddenzee* (refer para 45)

<sup>2</sup> Case C127-02 *Waddenzee* (refer para 48)

<sup>3</sup> *Boggis v Natural England and Waveney DC* [2009] EWCA Civ 1061 (refer paras 36-37)

<sup>4</sup> Case C 258/11 *Sweetman* Advocate General Opinion (refer paras 49-50)

<sup>5</sup> <https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-2b4026c88447/JNCC-Report-696-Main-FINAL-WEB.pdf>

Joint Nature Conservation Committee (JNCC) Report 696: Guidance on Decision-making Thresholds for Air Pollution

*professional judgement and consider the available evidence in light of the decision-making framework, and specific legal tests, which apply.*

*Decisions are therefore constrained by the evidence which is available at the time a decision is taken. The extent to which uncertainty in the evidence base influences decision-making will depend upon the underpinning legislative framework. The most precautionary approach to decision-making for designated sites is required under the Habitats Regulations where it is established case law that:*

- In screening for likely significant effects, an effect is 'likely' if it cannot be excluded on the basis of objective information. An effect is 'significant' if it undermines the conservation objectives.*
- In applying the integrity test (after an appropriate assessment), decision makers must be satisfied that no reasonable scientific doubt remains as to the absence of adverse effects to site integrity."*

5.1.6 Furthermore, the guidance states:

*"whilst a precautionary approach may be required to an assessment of air pollution effects, no legislative framework requires the exclusion of all doubt. The Habitats Regulations requires the exclusion of reasonable scientific doubt. Doubt which is unscientific or unreasonable need not constrain decision-making. The Courts have also recognised that there is no such thing as absolute certainty. Instead, decision makers need to identify reasonably foreseeable risks, on the basis of information that can reasonably be obtained and put in place a legally enforceable framework with a view to preventing those risks from materialising. Furthermore, the Courts have also established that, whilst a risk is sufficient to constrain development under the Habitats Regulations, there must be credible evidence that there is a real, rather than a purely hypothetical, risk which must be considered."*

## 5.2 The Development Screened

5.2.1 The Development subject to this screening comprises the Application submitted by Taylor Wimpey ("the Applicants"). In carrying out this screening regard was had to the information supplied by the Applicant and the consultation response/s from Natural England. By considering this application in combination with all three Applications comprising the Villages 1-6 Development a robust comprehensive Screening and HRA can be undertaken of the effects of each of the Application individually and 'in-combination' for the Gilston Area development as a whole. The Development comprises the following:

- 3/19/2124/OUT Village 7 Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures and erection of a residential led mixed use development comprising: up to 1,500 residential market and

affordable homes; a mixed use local village centre; retail, business, commercial and community uses; primary school, early years and nursery facilities; leisure and sports facilities including a football hub; provision for 8 no. pitches for Gypsies & Travellers; open spaces, ecological areas, woodlands and public realm; pedestrian, cycle and vehicular accesses and network within the site; associated drainage, utilities, energy and waste facilities and infrastructure; works to and realignment of the existing highway; other supporting works, facilities and infrastructure; together with associated temporary enabling works or structures. With all matters reserved apart from detailed works to the A414 Church Lane junction (phased development).

5.2.2 The 'in combination' applications also considered comprise the separate applications for 8,500 homes through an Outline Application known as Villages 1-6 and two road and bridge infrastructure applications known as the Central Stort Crossing (CSC) and Eastern Stort Crossing (ESC) with the following descriptions of development: -

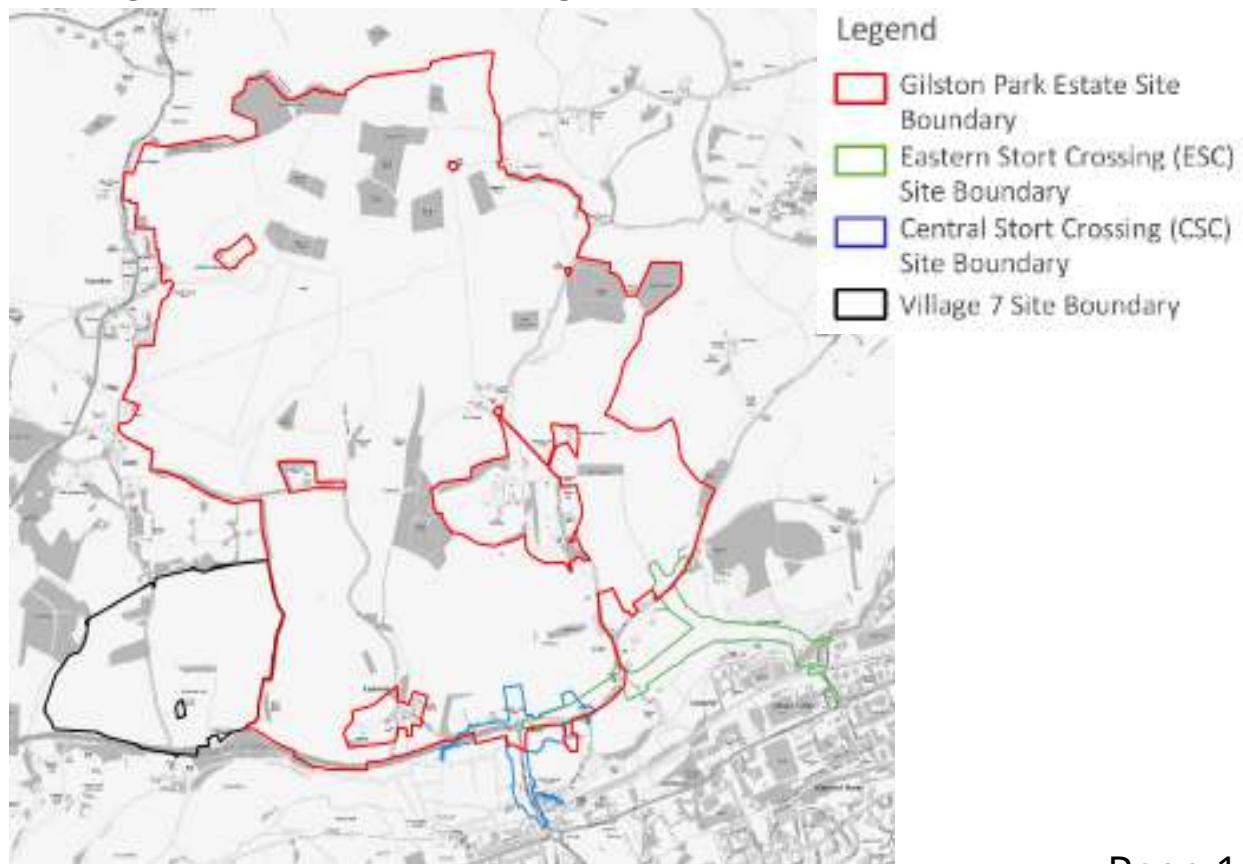
- 3/19/1045/OUT – *Outline planning with all matters reserved apart from external vehicular access for the redevelopment of the site through the demolition of existing buildings and erection of a residential led mixed use development comprising up to 8,500 residential homes including market and affordable homes; retirement homes and extra care facilities; a range of community uses including primary and secondary schools, health centres and nursery facilities; retail and related uses; leisure facilities; business and commercial uses; open space and public realm; sustainable urban drainage systems; utility and energy facilities and infrastructure; waste management facilities; vehicular bridge links; creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site; improvements to the existing highway and local road network; undergrounding and diversion of power lines; lighting; engineering works, infrastructure and associated facilities; together with temporary works or structures required by the development.*
- 3/19/1046/FUL – *Alterations to the existing Fifth Avenue road/rail bridge, and creation of new bridges to support the widened highway to west of the existing structure to create the Central Stort Crossing, including embankment works, pedestrian and cycle facilities, a pedestrian and cycle bridge over Eastwick Road, lighting and landscaping works and other associated works.*
- 3/19/1051/FUL - *Erection of a new road, pedestrian and cycle bridge; replacement of an existing rail bridge at River Way; alterations to the existing local highway network; lighting and landscaping works; listed building works to Fiddlers Brook Bridge; and other associated works.*
- 3/19/1049/LBC – *Repair works and replacement white post and 3-rail balustrade to bridge.*

5.2.3 The Village 7 Development site comprises an area of land of 117.4ha, of which 66ha is proposed as developable area for the development of a village of 1,500 homes.

5.2.4 The Villages 1-6 Development site as a whole covers approximately 993Ha, of which 407.5Ha is proposed as developable area for the creation of six new villages. The Central Stort Crossing and Eastern Stort Crossing proposals comprise a further 19Ha and 26.9Ha respectively.

5.2.5 The Village 7 Development represents 15% of the total Gilston Area allocation of 10,000 homes. The remaining 8,500 homes comprised in the Gilston Area allocation are the subject of a separate outline planning application known as "Villages 1-6" (promoted by the developer Places for People) which received resolution to grant permission subject to a S.106 Agreement on 28<sup>th</sup> February 2023 by East Herts Council. The Villages 1-6 Environmental Statement and Information for Habitats Regulations Assessment has been taken into account in this assessment and the 'in-combination' likely significant effects of Villages 1-6 have been assessed together with the Development. The Gilston Area allocation is the largest single allocation in the East Herts District Plan, with development planned to extend beyond the Plan period of 2033. Approximately 3,000 homes are anticipated to be delivered by 2033 with the remaining 7,000 being delivered up to 2040/41. Figure 1 below illustrates the application areas of each of the applications as well as the site area for Village 7. Figure 2 illustrates the Village Developable Area as proposed in the Village 7 development alongside the Villages 1-6 Outline Application.

**Figure 1: Site Area for Village Development Applications plus Central Stort Crossing and Eastern Stort Crossing**



**Figure 2: Village Developable Areas – Village 1-6 Element of the Development**



Source: Gilston Area Concept Framework (2018)

### 5.3 Wider Context

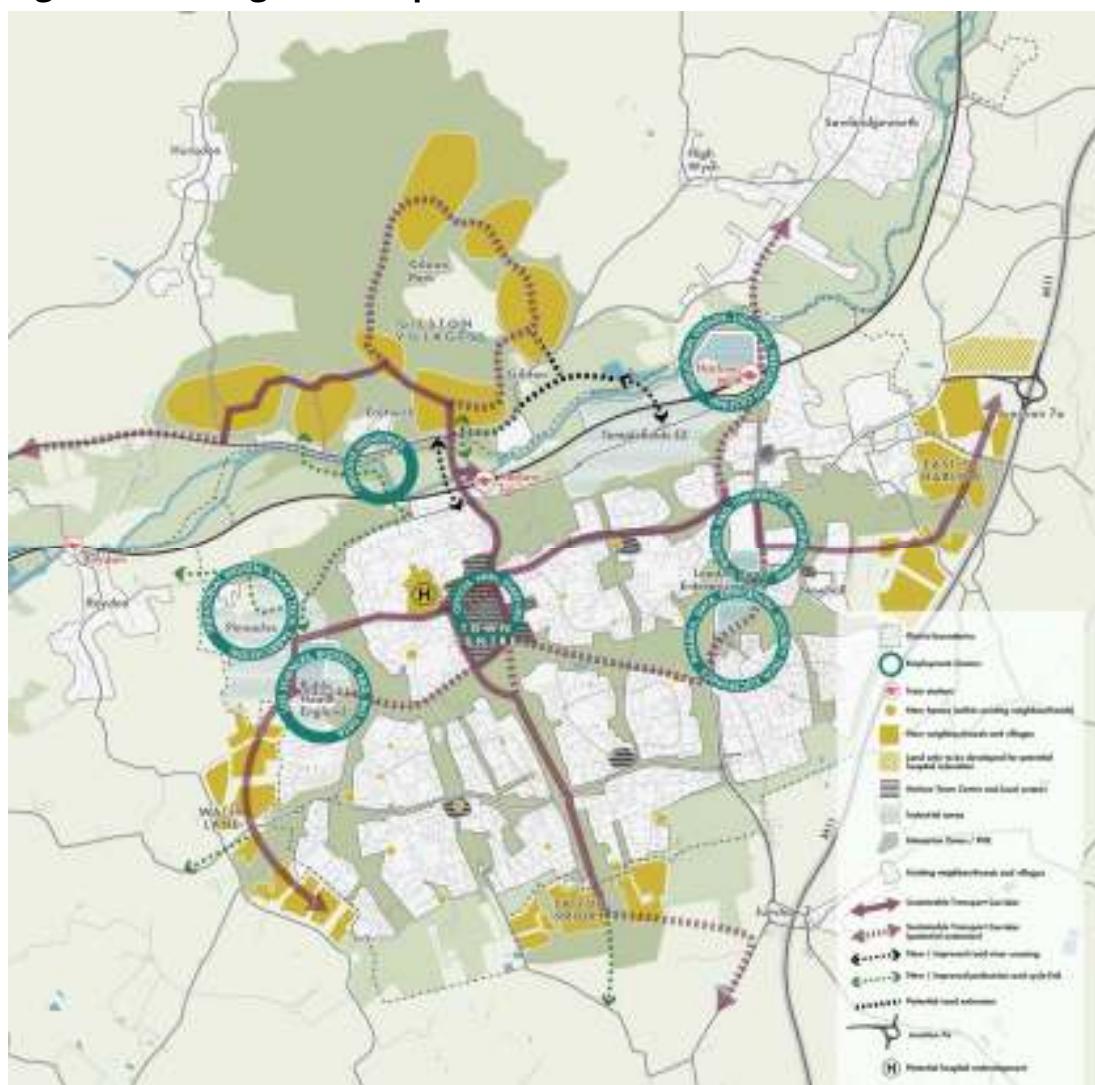
5.3.1 The Gilston Area is also part of the wider Harlow and Gilston Garden Town (HGGT), which was designated in 2017. The HGGT involves partnership working between a number of local authorities including East Herts, Epping Forest and Harlow District Councils (being local planning authorities for land comprised in the Garden Town) and Essex and Hertfordshire County Councils (being the highways and education authorities) to deliver transformational growth in and around Harlow according to Garden City principles, to ensure that growth plans for the Garden Town support sustainable living and a healthy economy, provide a good quality of life for existing and future residents and to respond to local landscape and character.

5.3.2 The HGGT comprises new and existing communities in and around Harlow as defined in the East Herts District Plan, Harlow Local Development Plan and Epping Forest Local Plan. These allocated strategic sites which form part of the HGGT are planned on Garden City principles and comprise 23,500 to 24,500 new homes: 10,000 in the Gilston Area; East Harlow (3,350 homes in Harlow and Epping Forest Districts); Latton Priory (1,050 homes south of Harlow in Epping Forest District); and the Water Lane Area (2,100 homes west of Harlow in Epping Forest District). A further 7,000-8,000 homes are to be

delivered within Harlow during the plan period to 2033. These sites are currently at pre-application stage with the respective Local Planning Authorities. Figure 3 below indicates the locations of each of these strategic sites (“the Strategic Sites”).

5.3.3 Because the Development comprises part of the wider HGGT area, the local plans of each local authority has been taken into account during this HRA. In doing so, the HRAs undertaken to support the three local plans of East Herts, Harlow and Epping Forest Districts have also been taken into account, thereby capturing the 'in-combination effects of the wider growth planned in the vicinity of the Development site and its Zone of Influence. The Applicant's IHRA 2019 includes a list of each known development site taken into account as part of the cumulative considerations in the Environmental Statement, and Appendix D to this report lists the plans and projects taken into account as part of the in-combination assessment for this HRA.

**Figure 3: Strategic Development within the HGGT Vision**



## **5.4 Applicant EIA and HRA Information**

5.4.1 The proposed development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 Category 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as an 'urban development project' likely to have significant effects on the environment by virtue of its nature, size or location.

5.4.2 An ES was submitted by Briggens Estate prior to selling the site to Taylor Wimpey with the application 3/19/2124/OUT in October 2019 (the " 2019 ES"). The 2019 ES included an Information for Habitat Regulations Assessment Report ("2019 IHRA"). Natural England advised that further consideration be given in the 2019 IHRA to air quality and water quality effects specifically on the Lee Valley SPA/Ramsar. Natural England also advised that the 2019 IHRA be revised to consider the effects of the development in the absence of proposed mitigation to ensure compliance with the recent European Court of Justice case C323/17, commonly referred to as 'People over Wind' judgement. The ES Addendum submitted in August 2021 included information relevant to the HRA/AA in Appendix 4: Transport and Access Technical Note and Transport Assessment Addendum and Appendix 5: Air Quality Technical Note. The purpose of these two particular appendices was to consider the traffic and transport related impacts of a scenario in which Village 7 came forward as a stand-alone proposal absent of Villages 1-6 by way of comparison. This therefore allowed an understanding of the scheme absent of the various sustainable transport mitigation measures provided through the larger Villages 1-6 Development. The ES Addendum are referred to in this AA as "2021 IHRA". The ES Addendum was subject to further consultation, including with Natural England.

5.4.3 The 2019 IHRA considered in detail the nature of each protected site, the detail of the proposed Development and a cumulative consideration of the Development project in combination with other known plans and projects, including Villages 1-6 and the Strategic Sites and development plans of adjacent districts. Consultation with Natural England was sought from the former applicant in 2018 but no advice was received prior to the submission of the Village 7 application. However, consultation was undertaken through the planning application and copies of the Natural England responses to the 2019 IHRA and subsequent application amendment consultations are contained in Appendix A to this report. The 2019 IHRA for Village 7, subsequent ES Addendum documents, combined with information submitted in respect of the Villages 1-6 applications are considered to provide sufficient information to inform the Appropriate Assessment in respect of the Development alone and in combination with other plans or projects.

## **5.5 Stage 1: Screening – Zone of Influence**

5.5.1 In carrying out an assessment of the potential effects of a development proposal on an International Site, the 'source-pathway-receptor' concept provides a useful model for

framing and objectively evaluating the mechanisms through which potential effects may occur. Table 1 below sets out the various parts of the model and how they relate to each other.

**Table 1: Conceptual Impact Assessment Model**

| Source   | Pathway   | Receptor  |
|--|---|---|
| Elements of the development proposals that are likely to generate or contribute towards certain environmental effects. | Changes in environmental conditions caused by aspects of the development proposals that have the potential to affect an identified impact receptor. | The interest features/conservation objectives of the International Site concerned, and the environmental conditions required to support it. |

5.5.2 The Guidelines for Ecological Impact Assessment, 2018 (the “EIA Guidelines”) define a Zone of Influence as:

*“...the area over which ecological features may be affected by the biophysical changes caused by the proposed project and associated activities”.*

5.5.3 In this case, the ZOI of the proposed Development will encompass different areas, and thus potentially impact upon different ecological receptors, depending upon the spatial extent of the relevant biophysical change. Natural England advised in their advice to the Villages 1-6 applicant in 2013 and 2017 (which are included in annexes to the Villages 1-6 2020 IHRA) that the proposed Development could have the potential, during its operational phase, to cause the following biophysical changes, which could result in ecological effects on National Network sites:

- recreational pressure arising from increased visitation of publicly accessible sites;
- air quality changes arising from traffic generated by the proposed development; and
- changes in water quality or quantity.

5.5.4 This advice is considered relevant to the Village 7 proposal, and as the same ecological consultant was appointed to represent both applicants, the same advice was used to inform the Village 7 2019 IHRA.

5.5.5 The recent JNCC guidance on Decision-Making Thresholds for Air Pollution<sup>6</sup> advises that only National Network Sites within the zone of influence should be included within the scope of the HRA and that *“for the purpose of decision-making, unless local circumstances support a wider zone, plan HRA should take account of the potential effects of traffic emissions on European Sites located within 10km of the plan boundary. This zone is based*

<sup>6</sup> JNCC Report 696: Guidance on Decision-making Thresholds for Air Pollution (JNCC, December, 2021)

<https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-2b4026c88447/JNCC-Report-696-Main-FINAL-WEB.pdf>

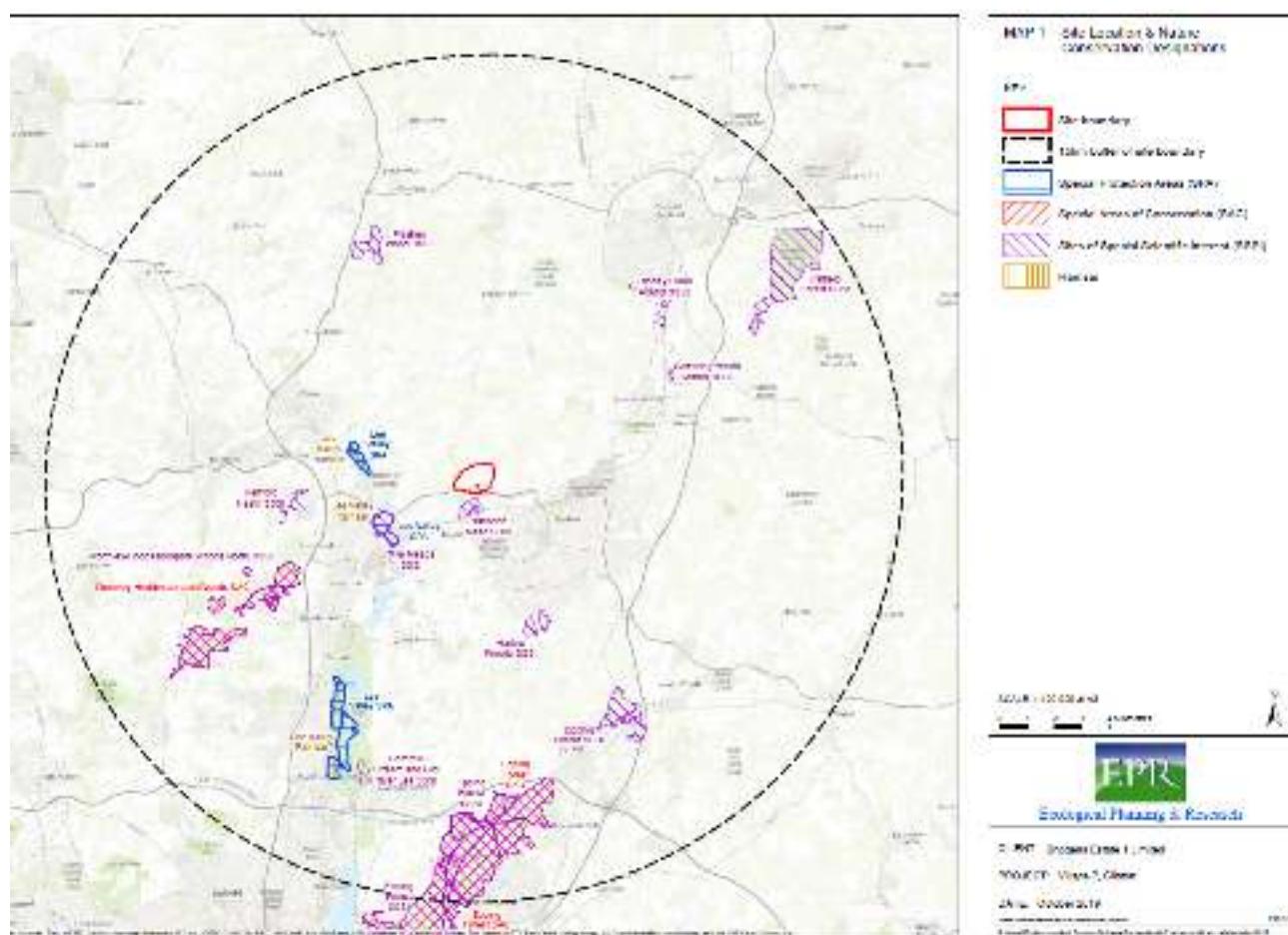
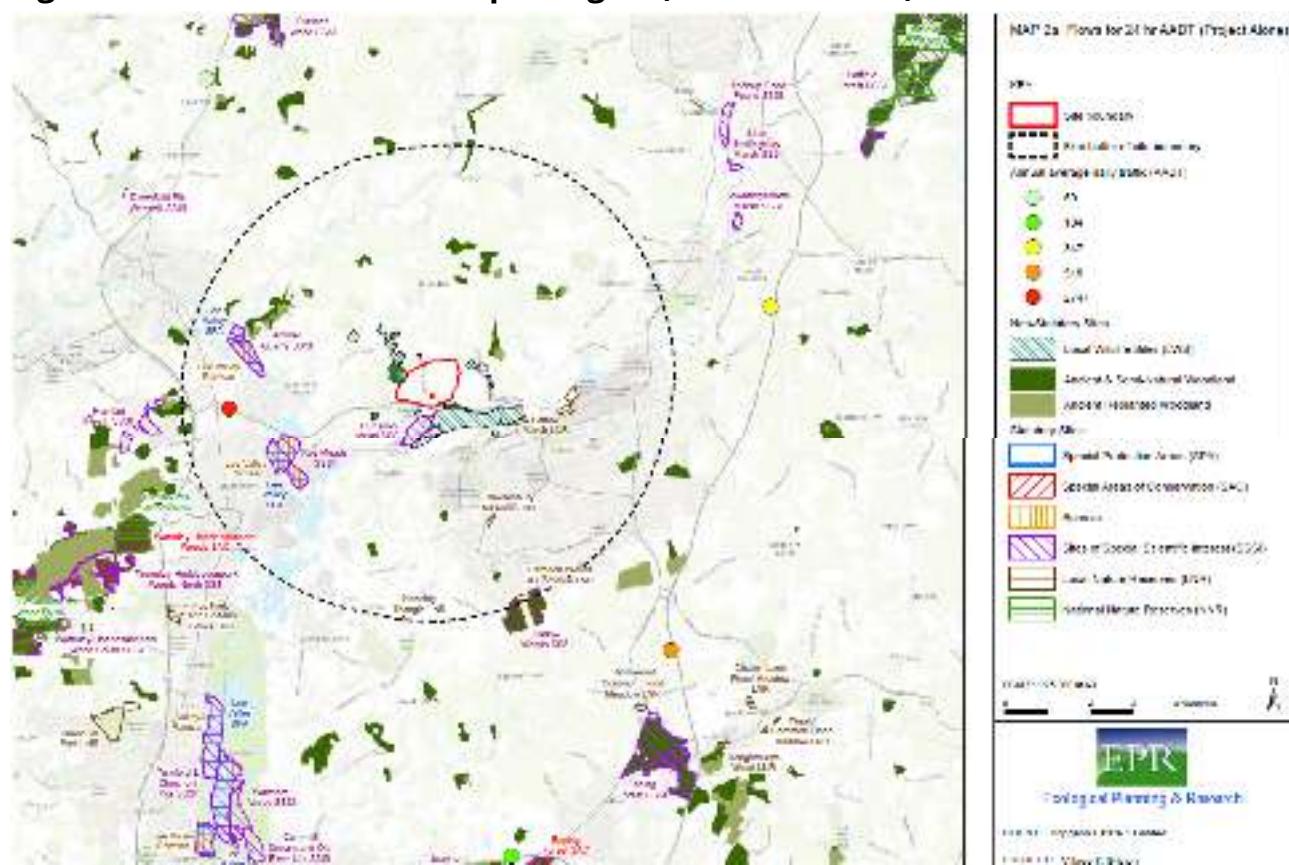
*on professional judgement recognising that the effects of growth from development beyond 10km will have been accounted for in the Nitrogen Futures<sup>7</sup> modelling work business as usual scenario.”* It is considered that the 10km distance threshold is appropriate for this HRA given the scale of the Development.

5.5.6 Natural England advised that the three National Network Sites closest to the Development should be considered as being within the Zol of the Development due to the potential to exert the above changes either alone, or in combination with other plans and projects, namely the development plans of neighbouring authorities. This concurs with the 10km distance threshold advised by the JNCC advice above as illustrated in Figure 4 below which shows 5km and 15km from the Village 7 site and Figure 4a which shows 5km and 10km from the Villages 1-6 site. The National Network Sites which are considered to fall within the Zol of Village 7 and Villages 1-6 are included in Table 2.

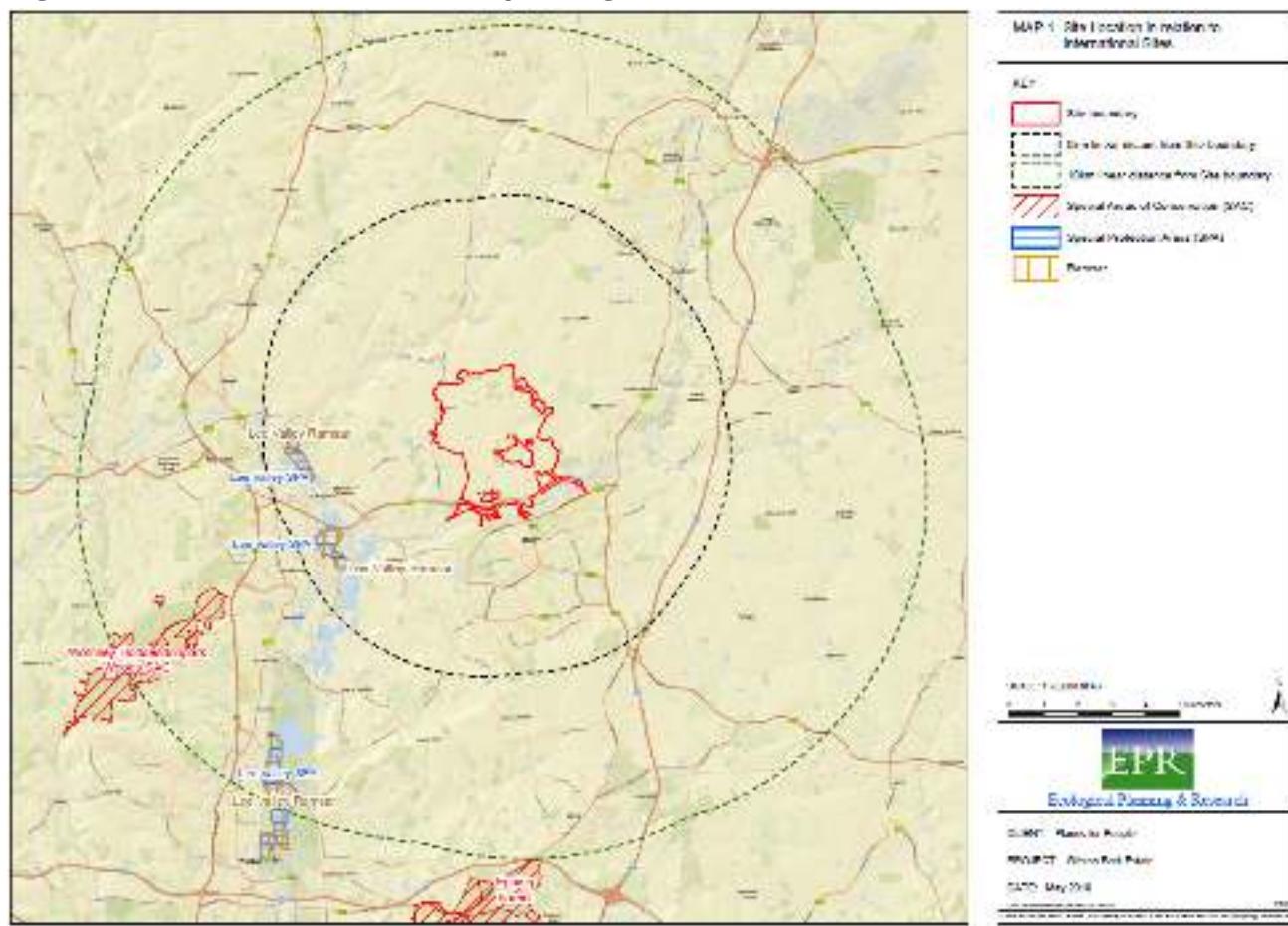
**Table 2: European Sites in Zone of Influence Village 7 and Villages 1-6**

| <b>Site</b>                     | <b>Linear Distance from the Site Boundary</b> | <b>Linear Distance from the Villages 1-6 Site Boundary</b> | <b>Direction from the Site Boundary</b> |
|---------------------------------|---|--|---|
| Lee Valley SPA and Ramsar Site  | 2.5km   | 3.6km  | West                                    |
| Wormley-Hoddesdonpark Woods SAC | 6.4km   | 7.4km  | South-west                              |
| Epping Forest SAC               | 10.8km  | 10km   | South                                   |

**Figure 4: Zone of Influence Map Village 7 (5km and 15km)**



**Figure 4a: Zone of Influence Map Villages 1-6 (5km and 10km)**



- 5.5.7 Given the distance of the National Network Sites from the Development site (as a whole) and the particular functions of the proposed Development, it is considered that the Development is not directly connected to or necessary for the management of the National Network sites within the Zol. This conclusion is in line with HRA undertaken for the East Herts District Plan 2018.
- 5.5.8 In order to assess whether the proposed development, alone or in combination with other plans and projects, is likely to have significant effects on a National Site Network Site in view of its conservation objectives, each of these sites must be characterised.

## 5.6 Stage 1: Screening – National Network Site Characterisation

- 5.6.1 Site characterisation details are informed by the applicant's 2019 IHRA undertaken by consultants Ecological Planning and Research (EPR) and confirmed using the Natural England information database which provides details for each designated site. It is noted that the most up to date information recorded on the Natural England databases have been used to inform this screening. Natural England has been consulted during the preparation of this HRA and has raised no concerns regarding the use of the Natural England data being the best available data. Links to relevant National Network Site data

sources are included throughout the text where necessary and included in the Bibliography.

### **Lee Valley SPA and Ramsar Site**

5.6.2 The Lee Valley SPA covers an area of 447.87 ha, comprising a series of embanked water supply reservoirs, sewage treatment lagoons and former gravel pits that display a range of man-made and semi-natural wetland and valley bottom habitats. The Lee Valley SPA is comprised of 4 separate Sites of Special Scientific Interest (SSSIs), Amwell Quarry SSSI, Rye Meads SSSI, Turnford and Cheshunt Pits SSSI and Walthamstow Reservoirs.

5.6.3 The SPA/Ramsar stretches over a distance of 16 miles northward along the River Lea to the north of London and is within the North Thames Basin National Character Area. Lee Valley SPA lies roughly parallel and to the east of the A10 between Finsbury Park, London and Ware in Hertfordshire. Walthamstow Reservoirs are situated to the south of the M25 motorway which cuts across the SPA/Ramsar site. The SPA crosses both the East Anglian Plain and London Basin Natural Areas. All of the component SSSIs lie within the Lee Valley Regional Park. Parts of the SPA are managed as nature reserves by the Herts and Middlesex Wildlife Trust (HMWT) and the RSPB.

5.6.4 All the habitats within the SPA are man-made. Walthamstow Reservoir, constructed in the latter half of the nineteenth century, comprises of ten relatively small and shallow water storage basins. Several of these are fringed by sloping earth banks and together with the presence of wooded islands form distinctive habitat features. In recent years Thames Water, in partnership with London Borough of Waltham Forest and London Wildlife Trust, have enhanced the Reservoirs for wildlife. In 2017 they were opened to the general public as the Walthamstow Wetlands.

5.6.5 Rye Meads SSSI comprises of wet meadows, disused and operational effluent lagoons and Rye House marsh. These three areas provide a variety of different habitats including open water habitats swamp communities, tall fen communities, marshy grassland and scrub. The meadows are the last substantial remnants of ancient floodplain on the rich alluvial soils of the Lee Valley. The site supports one of the largest areas of tall fen vegetation in the county and provides a valuable habitat for birds and locally uncommon plants.

5.6.6 Amwell Quarry SSSI is a former gravel pit site in the Lee Valley near Ware, which supports nationally important numbers of wintering wildfowl, along with outstanding assemblages of breeding birds and of dragonflies and damselflies. The site includes two large lakes which were excavated between 1973 and 1990, and a variety of associated wetland, grassland and woodland habitats.

5.6.7 The Turnford and Cheshunt Pits SSSI include ten former gravel pits ranging in age from North Metropolitan Pit which is among the oldest pits in the Lee Valley to Hooks Marsh Lake which was not excavated until the 1970s, and cover a span of over 40 years. Because of the profusion of pits and islands, several of the pits have extensive

shorelines; North Metropolitan Pit alone having an estimated shoreline of about 7.2km. Also included in the site are all the associated areas of marsh, grassland, ruderal herbs, scrub and woodland; part of the Small River Lee; and a further water body, Hall Marsh Scrape, which was constructed specifically for use by waterfowl. The pits are of national importance for wintering gadwall and shoveler.

5.6.8 The Lee Valley is designated as an SPA and Ramsar site (see Figure 4 for location) due to the presence of overwintering populations of the following Birds Directive Annex I species:

- Bittern *Botaurus stellaris* (6% of the wintering population of Great Britain);
- Gadwall *Anas strepera* (2.6% of the wintering population of Great Britain); and
- Shoveler *Anas clypeata* (1.9% of the wintering population of Great Britain).

5.6.9 The Bittern, Gadwall and Shoveler are recorded on the amber list of the Birds of Conservation Concern 5 list<sup>8</sup>, a status unchanged since the previous list. While the site is not designated due to the presence of Tufted Duck *Aythya fuligula* or Common Tern *Sterna hirundo*, it is noted that the Common Tern is also listed on the amber list and is considered threatened in Europe. The Tufted Duck is now listed on the green list as being vulnerable in Europe, with its status moved to a higher threat status than in previous lists.

5.6.10 In addition to these qualifying bird species, the site qualifies as a Ramsar site under criterion 2 by supporting the nationally scarce plant species Whorled Water-milfoil *Myriophyllum verticillatum* and the rare and vulnerable invertebrate *Micronecta minutissima* - a water-boatman, though this water boatman is cited as being of least concern in the Red List Excluding Birds<sup>9</sup>.

5.6.11 A Site Improvement Plan for the SPA has been published, dated 2014. Table 3 below summarises the issues identified, the threats and measures/ actions to be taken. Of the eight issues identified, water pollution, hydrological changes, public disturbance and air pollution are of most relevance to this assessment.

**Table 3: Summary of Issues, Threats and Measures/ Actions for Lee Valley SPA and Ramsar**

| Issue | Threat | Measures/ Action |
|-------|--------|------------------|
|-------|--------|------------------|

<sup>8</sup> <https://britishbirds.co.uk/content/status-our-bird-populations> The Fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List Assessment of Extinction Risk for Great Britain, December 2021.

<sup>9</sup> <https://lists.bnbnatlas.org/speciesListItem/list> Red List for Great Britain Post 2001 – Red list conservation status of Great Britain species excluding birds, based on IUCN guidelines.

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

|                             |   |   |
|-----------------------------|---|---|
| Water pollution             | Changes in water quality need to be managed to prevent loss of suitable habitat and food sources.   | Define the appropriate water quality standards for significant water bodies to inform management of changes in water quality.   |
|                             |   | Agree water quality management for significant water bodies with key stakeholders.  |
|                             |   | Develop and implement a Diffuse Water Pollution Plan  |
| Hydrological changes        | Reservoir levels linked to operational requirements and all water bodies subject to natural fluctuations accounting for abstraction and climatic change.                                    | Define more clearly the water level requirements for the habitats supporting the SPA bird features.   |
|                             |   | Agree the necessary water level management with key stakeholders for significant water bodies   |
| Public access/ disturbance  | Areas of the SPA are subject to a range of recreational pressures including water sports, angling and dog walking. This has the potential to affect SPA populations directly or indirectly. | Investigate whether there is a need for change to access management.  |
|                             |   | Agree appropriate management measures with stakeholders to align with best practice.  |
| Inappropriate scrub control | The reedbed habitats, muddy fringes, and bankside all provide habitat as part of the mosaic for the SPA birds. Scrub control is necessary to ensure these habitats are maintained.          | Secure resources to target management delivery.   |
| Fisheries: fish stocking    | Fish population and species composition needs to be appropriate to ensure suitable habitats including food resource and water quality are maintained for SPA bird species.                  | Define the appropriate fish community targets for significant water bodies.   |
|                             |   | Action a plan to agree necessary fisheries management for significant water bodies.   |
| Invasive species            | Azolla and/or invasive aquatic blanket weeds will adversely affect aquatic habitat (food sources).  | Review and update management control of invasive aquatic plant species, and agree regular review process. This needs a more strategic approach that is more planned and less reactive to outbreaks. |

|  |   |  |
|--|---|--|
| Inappropriate cutting/mowing                           | The reedbed requires rotational management for Bittern.   | Secure resources to target management delivery.  |
| Air pollution: risk of atmospheric nitrogen deposition | Nitrogen deposition exceeds site relevant critical loads. | Further investigate potential atmospheric nitrogen impacts on the site based on application of guidance from Chief Scientist Group Nitrogen Task and Finish Group. |

5.6.12 The Conservation Objectives for the SPA published in February 2019<sup>10</sup> are to ensure that the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features; and,
- The distribution of the qualifying features within the site.

*Lee Valley SPA and Ramsar Site – Current Condition*

5.6.13 The condition of the SSSI units is provided in Table 4. Open water extent and depth, water quality, edge treatments, reed bed coverage and connections between parts of the SPA are key to maintaining the integrity of the SPA as a whole and each SSSI component has particular functions within the network.

**Table 4: Condition of Lee Valley SPA and Ramsar SSSI Units**

| <b>Unit No.</b>                       | <b>Condition</b>          | <b>Reason for below Favourable Condition</b>  |
|---------------------------------------|---------------------------|---|
| Amwell Quarry SSSI – Assessed in 2007 |                           |   |
| 1                                     | Favourable                |   |
| 2                                     | Favourable                |   |
| Rye Meads SSSI – Assessed in 2013     |                           |   |
| 1                                     | Favourable                |   |
| 2                                     | Favourable                |   |
| 3                                     | Unfavourable - recovering | The open water habitats are regarded as favourable supporting populations of overwintering gadwall, shoveler; breeding tufted duck. However, the non-breeding population of tufted duck (unit 3-5) and breeding pairs of common tern are currently unfavourable and |

<sup>10</sup> <http://publications.naturalengland.org.uk/file/6516586265706496> Lee Valley SPA and Ramsar Conservation

|  |                           |   |
|--|---------------------------|---|
|  |                           | there is a need for an ongoing investigation with action to seek to adequately address this.  |
| 4  | Unfavourable - recovering | Mosaic of swamp; reedbed, in favourable condition for extent and quality features including regularly visiting o/w bittern. Furthermore, the open water habitats support favourable populations of the listed overwintering wetland ducks (gadwall, shoveler); breeding tufted duck. However, the non-breeding population of tufted duck (unit 3-5) and breeding pairs of common tern are currently unfavourable and there is a need for an ongoing investigation with action to seek to adequately address this. |
| 5  | Unfavourable - recovering | As above  |
| 6  | Favourable                |   |
| Turnford and Cheshunt Pits SSSI – Assessed in 2013 |                           |   |
| 1  | Favourable                |   |
| 2  | Favourable                |   |
| 3  | Favourable                |   |
| 4  | Favourable                |   |
| 5  | Favourable                |   |
| 6  | Favourable                |   |
| 7  | Favourable                |   |
| 8  | Favourable                |   |
| 9  | Favourable                |   |
| Walthamstow Reservoirs – Assessed in 2014          |                           |   |
| 1  | Unfavourable – recovering | Wintering cormorant, tufted duck and shoveler counts, and breeding pochard and tufted duck numbers, were all assessed as favourable against the baseline data. Breeding heron numbers continue to fail the minimum threshold, but this is not considered to be a result of detrimental site management. The underlying causes are being investigated.   |
| 2  | Unfavourable – recovering | As above  |
| 3  | Unfavourable – recovering | As above  |
| 4  | Unfavourable – recovering | As above  |
| 5  | Unfavourable – recovering | As above  |
| 6  | Unfavourable – recovering | As above  |

|    |                           |          |
|----|---------------------------|----------|
| 7  | Unfavourable – recovering | As above |
| 8  | Unfavourable – recovering | As above |
| 9  | Unfavourable – recovering | As above |
| 10 | Unfavourable – recovering | As above |

### **Wormley-Hoddesdonpark Woods SAC**

5.6.14 Wormley-Hoddesdonpark Woods SAC covers an area of 336.47ha and is comprised of two SSSIs: Wormley-Hoddesdonpark Woods South SSSI and Wormley-Hoddesdonpark Woods North SSSI. The SAC is located within Broxbourne borough west of the A10 junction with Hoddesdon. The SAC is part of a wider complex of woodlands that run east-west between Broxbourne and Welwyn Garden City.

5.6.15 This site covers a series of woods lying mainly on London clay, with some gravel deposits and areas of chalky boulder clay. Most woodlands are ancient with associated areas of secondary woodland which have grown up on old fields and glades. The varied geology combines with the former land uses to produce a mosaic of vegetation. The largest part of the site is oak-bracken-bramble woodland, dominated by sessile oak *Quercus petraea* and hornbeam *Carpinus betulus*, with areas of pedunculate oak *Quercus robur* and hornbeam. Further there are large stands of almost pure hornbeam (former coppice).

5.6.16 There are also marshy areas with alder *Alnus glutinosa*, pendulous sedge *Carex pendula* and yellow pimpernel *Lysimachia nemorum* as well as areas with higher proportions of ash *Fraxinus excelsior*, Dogs Mercury *Mercurialis perennis* and Yellow Archangel *Lamium galeobdolon* on the chalky boulder clay. Areas dominated by bluebell *Hyacinthoides non-scripta* do occur, but elsewhere there are stands of great wood-rush *Luzula sylvatica* with carpets of the mosses *Dicranum majus* and *Leucobryum glaucum*. Locally, a bryophyte community more typical of continental Europe occurs, including the mosses *Dicranum montanum*, *D. flagellare* and *D. tauricum*. Nationally the woods are regarded as the best remaining example of the south eastern sessile oak hornbeam woods.

5.6.17 The qualifying feature for Wormley-Hoddesdonpark Woods SAC (see Figure 4 for location) is Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*.  
 "Wormley-Hoddesdonpark Woods in south-east England has large stands of almost pure hornbeam *Carpinus betulus* (former coppice), with sessile oak *Quercus petraea* standards. Areas dominated by bluebell *Hyacinthoides non-scripta* do occur, but elsewhere there are stands of great wood-rush *Luzula sylvatica* with carpets of the mosses *Dicranum majus* and *Leucobryum glaucum*. Locally, a bryophyte

community more typical of continental Europe occurs, including the mosses *Dicranum montanum*, *D. flagellare* and *D. tauricum*.<sup>11</sup>

5.6.18 A Site Improvement Plan for the SAC has been published, dated 2015<sup>12</sup>. Table 5 below summarises the issues identified, the threats and measures/ actions to be taken. Of the seven issues identified, air pollution and public access/ disturbance are of most relevance to this assessment.

**Table 5: Summary of Issues, Threats and Measures/ Actions for Wormley-Hoddesdonpark Woods SAC**

| Issue            | Threat   | Measures/ Action  |
|------------------|--|---|
| Disease          | Acute Oak Decline is present in at least two parts of the site and affects both native Oak <i>Quercus</i> species, which are key components of this woodland type. Oaks can be killed by Acute Oak Decline within 5 years of symptoms appearing. Research is underway on the causal agents and spread of the disease. Based on current knowledge Acute Oak Decline has the potential in the long-term to cause high Oak mortality right across the site. | Carry out a comprehensive survey for Acute Oak Decline, including privately-owned land and woods outside but close to the SAC boundary.<br><br>Inform all owners/ managers of the local distribution and symptoms of Acute Oak Decline and, where necessary, of control recommendations.  |
| Invasive species | Several tree and shrub species not native to the site are present. Where they are not being actively controlled, they are gradually spreading. The more invasive of these include Sycamore <i>Acer pseudoplatanus</i> , Turkey Oak <i>Quercus cerris</i> , Rhododendron <i>Rhododendron ponticum</i> and Snowberry <i>Symporicarpos albus</i> .  | Carry out a comprehensive survey of non-native invasive plant species, including privately-owned land and woods outside but close to the SAC boundary.<br><br>Inform all owners/ managers of the local distribution and identification of the main invasive species and, where necessary, of control recommendations and funding options under Countryside Stewardship. |
|                  | Nitrogen deposition exceeds the site-relevant critical load for  | Further investigate the impacts of atmospheric nitrogen   |

<sup>11</sup> <http://publications.naturalengland.org.uk/file/6742166290563072> Conservation Objectives Supplementary Advice on Conserving and Restoring Site Features for Wormley-Hoddesdonpark Woods SAC, 2019

<sup>12</sup> <http://publications.naturalengland.org.uk/publication/6314181103976448> Wormley-Hoddesdonpark Woods Site Improvement Plan

|  |   |  |
|--|---|--|
| Air pollution: risk of atmospheric nitrogen deposition | <p>ecosystem protection and hence there is a risk of harmful effects, but the sensitive features are currently considered to be in favourable condition on the site. This requires further investigation.</p>   | <p>deposition, based on the application of guidance from the Chief Scientist's Group Nitrogen Task and Finish Group.</p>   |
| Deer   | <p>Browsing and grazing by deer can reduce tree regeneration (from seedlings or coppice stools) and damage the woodland understorey and ground flora. At this site, deer damage levels are currently only moderate and do not appear to be affecting tree regeneration, habitat structure or species composition greatly. However, subtle damaging effects can be difficult to identify and monitor, and deer populations can increase rapidly.</p> | <p>Establish a 'lightweight' monitoring system for species or other site features likely to be sensitive to N deposition (e.g. N-sensitive bryophytes at selected locations).</p>  |
|  |   | <p>Establish more small (4m x 4m) deer exclosures to monitor effects of deer on ground flora and tree/shrub regeneration.</p> <p>Improve monitoring of deer numbers and damage, extending it to include privately-owned land and woods outside but close to the SAC boundary. Identify and focus on locations, species and other site features likely to be particularly sensitive to deer damage (e.g. recently coppiced areas or those with scarce, palatable ground flora species).</p> <p>Monitor impacts of other potentially damaging species such as squirrels, if initial findings suggest they may also be reducing natural regeneration significantly.</p> |
| Vehicles: illicit                                      | <p>Illegal use of restricted byways and bridleways by off-road vehicles causes localised but sometimes severe rutting and soil compaction, damaging the woodland ground flora, shrubs and trees. Fly-tipping damages</p>  | <p>Use monitoring results to identify areas adversely affected by deer and advise owners/managers on deer management and funding opportunities under Countryside Stewardship.</p>  |
|  |   | <p>Identify areas still being damaged and the access points/routes used.</p> <p>Where necessary, construct or repair barriers to prevent illicit access by vehicles, install more signage and CCTV cameras, and pursue prosecutions.</p>   |

|                                  |  |   |
|----------------------------------|--|---|
|                                  | the ground flora directly and can introduce toxins and alien species.  |   |
| Forestry and woodland management | The larger woodland units with public access are under appropriate management but some of the smaller, privately owned units are not. Though it is quite acceptable for a significant proportion of the site to be left as 'minimum intervention' high forest, in some circumstances a lack of active management can lead to adverse effects. These include a reduction in structural and species diversity (particularly in previously coppiced areas), the loss of temporary and permanent open space, the over-shading and deterioration of veteran pollards, and the spread of invasive species. | For units adversely affected by lack of recent management or inappropriate management, encourage production of Woodland Management Plans compatible with the SAC's conservation objectives and entry into new Countryside Stewardship Scheme agreements. Use results of surveys addressing other issues to refine priorities.                               |
| Public access/disturbance        | The site is a large, attractive area of ancient woodland with extensive public access and close to large urban centres, so it is heavily used by the public for recreational purposes. Sensitive management of access points and routes by the site's main owners has been largely successful in mitigating the potential adverse effects of this high level of use. However, visitor numbers continue to increase, the types of use can change unpredictably and less obvious adverse effects on important flora and fauna could be missed during routine, 'general purpose' monitoring.            | Establish a 'light-weight' monitoring system for species or other site features likely to be sensitive to effects of public access (e.g. vulnerable ground flora or veteran pollards close to main access points/routes).<br><br>Regularly review monitoring results and where feasible, modify access arrangements, signage etc to remedy adverse effects. |

5.6.19 The Conservation Objectives of the SAC published in January 2019 are to ensure that the integrity of the site is maintained or restored as appropriate, and that the site

contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats;
- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which qualifying natural habitats rely.

*Wormley-Hoddesdon park Woods SAC – Current Condition*

5.6.20 The condition of the SSSI units is provided in Table 6. The Conservation Objectives indicate that in terms of the structure and function of the SAC, the qualifying feature of the woodland (*quercus robur* (European Oak) covers approximately 75% of the SAC area, often mixed with other woodland species. The Conservation Objectives include maintaining at least 3 age classes (as well as dead wood) and tree canopy cover in order to maintain species diversity for habitat purposes and to create the necessary micro-climate and woodland structure. These factors are monitored and are achieved through a pollarding and coppicing management regime. The woodland structure and quantity of the European Oak is key to maintaining the integrity of the SAC.

**Table 6: Condition of Wormley-Hoddesdonpark Woods SAC SSSI Units**

| <b>Unit No.</b>  | <b>Condition</b>               | <b>Reason for below Favourable Condition</b>  |
|--|--------------------------------|---|
| Wormley-Hoddesdonpark Woods South SSSI – Assessed in 2017                      |                                |   |
| 1  | Favourable                     |   |
| 2  | Favourable                     |   |
| 3  | Favourable                     |   |
| 4  | Favourable                     |   |
| 5  | Favourable                     |   |
| 6  | Favourable                     |   |
| 7  | Favourable                     |   |
| 8  | Favourable                     |   |
| Wormley-Hoddesdonpark Woods North SSSI – Assessed in 2009, 2012, 2017 and 2021 |                                |   |
| 1  | Favourable 2017                |   |
| 2  | Unfavourable – recovering 2017 | The owners are currently restoring this unit to a more open, wood-pasture structure by removing most of the non-native conifers planted on the unit in the mid-twentieth century. The cover of non-native tree species on the unit has been substantially reduced as a result and acid grassland/heathland plant communities will be able to colonise the cleared area from the adjacent glades over the next few years. The unit currently fails to reach the targets set for open space, canopy cover and cover of non-native species but this is all addressed by the current management regime and phased removal of conifer and there has been a noticeable improvement as a result of the recent management and the unit should achieve favourable condition in a few years |
| 3  | Favourable 2009                |   |
| 4  | Favourable 2009                |   |
| 5  | Favourable 2017                |   |
| 6  | Favourable 2017                |   |
| 7  | Favourable 2017                |   |
| 8  | Unfavourable declining 2017    | The common was assessed against wood pasture targets. Though it was assessed as Favourable in 2012, it was felt that the issues raised at the time hadn't been addressed and this reflects in the Unfavourable declining condition. It is felt that the unit could quickly return to Favourable condition once these issues   |

|    |                               |   |
|----|-------------------------------|---|
|    |                               | have been addressed. The woodland shows signs of under-management and management operations are needed:- Removing by pulling or cutting non-native species such as Sycamore and conifers that are encroaching from the neighbouring plantation. The bigger Sycamores will need felling. Regular pulling might be necessary.- Selective thinning (young trees, saplings, some scrub) to restore the right balance of open space and canopy cover as required by wood pasture targets.- Possible re-pollarding of selected trees to create new pollards that will replace the old pollards eventually. The ground flora and the amount of dead wood (both standing and lying) was appropriate.  |
| 9  | Favourable 2017               |   |
| 10 | Unfavourable recovering 2017  | <p>This is a stretch of the old Roman Road, Ermine Street. It is lined by veteran Hornbeam pollards and the width of the former roman road is still marked by ditches, though the full width of the road is now mainly wooded. Pollards are overshaded but regeneration occurs in gaps and on ride edges. The canopy cover is dense overall and the main recommendations from 2012 still are true:</p> <ul style="list-style-type: none"> <li>• selective thinning around some of the veteran hornbeam pollards (which are an important feature of the unit) will be needed soon to prevent them from becoming too heavily shaded by younger standard trees</li> <li>• many of the veterans are in a fragile condition due to their age and the amount of decay in their trunks, so it is important to create more young pollards within the next few years</li> <li>• if such a category existed I would classify the unit as in 'favourable declining' condition because of the problem of it gradually becoming less open and the veteran pollards becoming more heavily shaded</li> <li>• it would be worth implementing zoned ride edge management and phased maintenance of the boundary ditches along the length of the unit. There are no signs of off-roading but fly tipping still occurs near the car park. The unit was assessed as Unfavourable declining as the old Hornbeam pollards are over-shaded by younger trees need careful thinning around them to survive and new pollards should be created to replace the ones that will inevitably be lost. The roman road could also benefit from general thinning to open up the canopy and restoring the roman road.</li> </ul> |
| 11 | Favourable 2017               |   |
| 12 | Favourable 2017               |   |
| 13 | Unfavourable – no change 2012 | Viewed from just beyond the unit's boundary during visits to nearby units in July 2011 and January 2012. This small unit is a pasture providing open space for the adjacent woodland units. Since it was last assessed in 2009, excessive scrub encroachment has been cleared, a new fence has been erected and old hornbeam stubs along the southern boundary have been pollarded and are regrowing well. However there appear   |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

|    |                 |   |
|----|-----------------|---|
|    |                 | to be heaps of imported waste material in the field including some rubble and metal. Until these are removed the unit cannot be considered to be in recovering condition. If this material was removed and some grazing was reintroduced it should be possible to get this unit into favourable condition within a few years. |
| 14 | Favourable 2017 |   |
| 15 | Favourable 2021 |   |
| 16 | Favourable 2017 |   |

### **Epping Forest SAC**

5.6.21 Epping Forest is a former royal forest and ancient wood-pasture owned and managed by the City of London Corporation. The entire forest is 2,400 ha, approximately 19km long situated between Epping in the north and Wanstead to the south. Over two-thirds of the Forest area is classified as SAC. Epping Forest is one of only a few remaining large-scale examples of ancient wood-pasture in lowland Britain and has retained habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains and scattered wetland. The semi-natural woodland is particularly extensive, forming one of the largest coherent blocks in the country. Most is characterised by groves of over-mature pollards and these exemplify all three of the main wood-pasture types found in Britain: beech-oak, hornbeam-oak and mixed oak. The Forest plains are also a major feature and contain a variety of unimproved acid grasslands which have become uncommon elsewhere in Essex and the London area. In addition, Epping Forest supports a nationally outstanding assemblage of invertebrates, a major amphibian interest and an exceptional breeding bird community.

5.6.22 The Forest lies on a ridge of London clay overlain in places by Claygate Beds and in the highest areas by Bagshot Sand and Pebble Gravel. In some of the southernmost areas, the sands and gravels on which the Forest lies are glacial in origin. This varied geology gives rise to a mosaic of soil types from neutral soils to acidic loams and from impervious clays to well-drained gravels. To a large extent these soil patterns have dictated the pattern of vegetation in Epping Forest.

5.6.23 Epping Forest was traditionally managed as wood-pasture in which the trees were lopped or 'pollarded' above the reach of browsing animals to produce a crop of wood. This practice also prolonged the life of individual trees and has created a distinctive woodland structure markedly different from that found under other forms of woodland management. During the 19th century this traditional system of wood management declined and eventually ceased in 1878 under the Epping Forest Act. However, recently pollarding has been reinstated by the Conservators of Epping Forest in certain places. Owing to this history much of the woodland is dominated by pollards of considerable age, with some of coppice origin indicating an even older system of management. Pedunculate oak pollards are scattered throughout and occasionally dominate forming areas of oak wood-pasture but are less frequent in the vicinity of beech pollards.

5.6.24 The understorey frequently consists of holly *Ilex aquifolium*; hazel *Corylus avellana* is rare. Dead and rotting wood in the old pollards, particularly those which are still standing, is of considerable value to many invertebrates and in particular to beetles (*Coleoptera*). The pollards also add to the structural diversity of the woodland which is important to birds, many of which feed on the rich invertebrate fauna.

5.6.25 The site supports a mosaic of habitats of high nature conservation value characteristic of ancient wood-pasture including ancient semi-natural woodland, old grassland plains,

wet and dry heathland and scattered wetlands, including rivers, streams and bogs. The semi-natural woodland is particularly extensive but the Forest plains are also a major feature and contain a variety of unimproved acid grasslands.

5.6.26 The semi-natural woodlands of Epping Forest include important beech *Fagus sylvatica* forests on acid soils, which are important for a range of rare epiphytic communities, including the Knothole moss *Zygodon forsteri*. The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also nationally important for its fungi and dead wood (saprophytic) invertebrates. Records of stag beetle *Lucanus cervus* are also widespread and frequent. Areas of acidic grassland transitional with heathland are generally dominated by a mixture of fine-leaved grasses. In marshier areas, purple moor-grass *Molinia caerulea* frequently becomes dominant. Broad-leaved herbs typical of acidic grassland and heathland are frequent, including heather *Calluna vulgaris*. The site also contains an example of wet dwarf-shrub heath with both heather and cross-leaved heath *Erica tetralix*. In total, over 360 Red Data Book and nationally notable invertebrate species, 177 bryophyte flora species, and 700 basidiomycete and at least 20 ascomycete fungi species have been recorded from the forest that thrive on the varied flora, fauna and wetland and wet bog habitats dispersed across the forest.

5.6.27 The qualifying features for Epping Forest SAC (see Figure 4 for location) are the Habitats Directive Annex II species Stag Beetle, *Lucanus cervus*, and the following Annex I habitats:

- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion roburi-petraeae* or *Ilici-Fagenion*);
- Northern Atlantic wet heaths with *Erica tetralix*; and
- European Dry heaths.

5.6.28 A Site Improvement Plan for the SPA has been published, dated 2014<sup>13</sup>. Table 7 below summarises the issues identified, the threats and measures/ actions to be taken. Of the eight issues identified, water pollution, hydrological changes, public disturbance and air pollution are of most relevance to this assessment.

**Table 7: Summary of Issues, Threats and Measures/ Actions for Epping Forest SAC**

| <b>Issue</b>   | <b>Threat</b>  | <b>Measures/ Action</b>                                      |
|--|--|--|
| Air pollution: impact of atmospheric nitrogen deposition | Nitrogen deposition exceeds site-relevant critical loads for ecosystem protection. Some parts of the site are assessed | Control, reduce and ameliorate atmospheric nitrogen impacts. |

<sup>13</sup> <http://publications.naturalengland.org.uk/publication/6663446854631424> Epping Forest SAC Site Improvement Plan, 2014

|                                  |   |   |
|----------------------------------|---|---|
|                                  | as in unfavourable condition for reasons linked to air pollution impacts.   |   |
| Undergrazing                     | The quality and diversity of the SAC features requires targeted management best achieved through grazing to: minimise scrub invasion; minimise robust grass domination, and maximise the species diversity of heathland plant communities.  | Ensure that sufficient resources are available for appropriate grazing levels to achieve and maintain favourable conservation status for SAC features. This requires funding and stock management.  |
| Public access/ disturbance       | Epping Forest is subject to high recreational pressure. There is a high general level of footfall in Epping Forest throughout the year, including periods of significant use, and resulting in a diverse range of impacts which include mountain biking and unmanaged fires. Population and visitor numbers are likely to continue to increase. | Identify key areas that are subject to recreational impacts.<br><br>Agree and implement a site-specific recreational management plan to ensure SAC features are protected and maintained.   |
| Changes in species distributions | Beech tree health and recruitment may not be coping sufficiently with environmental conditions to sustain its presence and representation within the SAC feature. This may be linked to climate change as well as other factors such as air quality, recreational pressure and water availability.  | Investigate Beech tree health and Beech sapling recruitment in core areas to establish a baseline for monitoring and consider adequacy for community sustainability.<br><br>Agree and implement a management plan to promote Beech tree conservation and sapling recruitment, review conservation objectives and/or a plan for different tree species to be able to take the place of Beech if necessary. |
| Inappropriate water levels       | Wet heath is dependent on suitable ground water levels. There is a threat of prolonged drying out through climate change.   | Implement a hydrological investigation for key wet heathland areas.<br><br>Agree and implement a ground water level management plan for wet heathland areas, if necessary.  |

|                  |   |  |
|------------------|---|--|
| Water pollution  | Surface run-off of poor quality water from roads with elevated levels of pollutants, nutrients and salinity may be affecting wet heath, probably mostly around the edges.   | Investigate the impact of poor quality water run-off from roads on wet heath communities.<br><br>Agree and implement a surface runoff management plan for wet heathland areas, if necessary.   |
| Invasive species | Heather Beetle <i>Lochmaea suturalis</i> has locally impacted on some heathland areas. Vigilance is required to survey it and increase awareness of its likely effects and signs of impact.   | Investigate how significant the impact of the spread of Heather Beetle has been on the wet and dry heathland areas of Epping Forest.   |
| Disease          | Tree diseases such as <i>Phytophthora</i> present a real threat to Beech.   | Investigate whether the current monitoring programme of tree diseases is adequate.   |
|                  |   | Following the study agree and implement appropriate management measures for core areas supporting Beech SAC communities.   |
| Invasive species | Grey Squirrel <i>Sciurus carolinensis</i> is not currently known to be significantly affecting tree health or regeneration, but there is a need to retain vigilance and perhaps consider increased awareness of the likely effects and signs of impact. | Investigate what impact Grey Squirrels have on tree health and/or regeneration and its possible further impact on the Atlantic acidophilous Beech woodland feature.<br><br>Following study, agree appropriate management measures and implement. |

5.6.29 The Conservation Objectives for the SAC published in January 2019<sup>14</sup> are to ensure that the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;

<sup>14</sup> <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012720.pdf> Conservation

Objectives Supplementary Advice on Conserving and Restoring Site Features for Epping Forest SAC 2019

- The populations of qualifying species; and,
- The distribution of qualifying species within the site.

*Epping Forest - Current Condition*

5.6.30 Condition assessments of the SSSI units that make up the SAC were carried out by Natural England in 2010 and 2017 (NE, 2017). Of the 41 units within Epping Forest SSSI, 35.48% were in a 'favourable' condition, 48.17% 'unfavourable recovering', 14.53% 'unfavourable no change', and 1.83% 'declining'. Table 8 below lists the SSSI units assessed as either 'unfavourable no change' or 'unfavourable declining'. In all cases the broad habitat type is 'lowland broadleaved, mixed and yew woodland'.

5.6.31 Given the scale, extent and variety of landscape and habitats present in the forest, the structure and function of the SAC is also very varied across the site. As such, a variety of plant and animal species (or related groups of such species) make particularly important contributions to the necessary structure, function and or quality of the different habitats that influence the integrity of the site as a whole. It is noted however, that air quality is considered a threat as this affects a number of areas of the forest due to the network of busy roads through the forest itself.

**Table 8: Condition of Epping Forest SAC SSSI units**

| <b>Unit No.</b> | <b>Condition</b>               | <b>Reason for below Favourable Condition</b>  |
|-----------------|--------------------------------|---|
| 105             | Favourable 2010                |   |
| 106             | Unfavourable – Recovering 2010 | Unit 106 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works:- habitats and veteran trees assessed during field visit, 8 September 2009;- invertebrate assemblage data, reviewed 2004-07;- bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit;- fungi data from British Mycological Society, 1980-2002;- (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), there is excessive growth of bramble, and there are dense stands of nettles along roadsides and ride edges. Recent oak regeneration is poor, but this is believed to be primarily due to severe knopper gall infestation.   |
| 107             | Favourable 2010                |   |
| 108             | Favourable 2010                |   |
| 109             | Unfavourable – Recovering 2010 | Unit 109 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 7 September 2009; - invertebrate assemblage data, reviewed 2004-07; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available).However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), there is excessive growth of bramble, and there are dense stands of nettles along roadsides and ride edges. In addition, the anticipated recovery in the condition of the grassland areas will not take place unless an extensive grazing regime is re-introduced as planned. Recent oak regeneration is poor, but this is believed to be primarily due to severe knopper gall infestation. |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

Page 172

|     |                                |   |
|-----|--------------------------------|---|
| 110 | Unfavourable- Recovering 2017  | Area supports a mosaic of Oak, Hornbeam, Beech woodland/Wood pasture with wetland features (streams and ponds), heathland and small grassland areas. Wood pasture areas with higher canopy cover than optimal albeit pollarding, crown reduction and halo work to be undertaken on a rolling programme throughout SSSI in line with CoL Management Plan (UnfRec) Veteran trees, moss & fungi assemblage – favourable Wetland features - Borderline favourable – suggest targeted tree management around subsidiary ponds may be beneficial to open out and promote submerged vegetation cover for benefit of amphibians and dragonfly assemblage. Heathland and acid grassland – excessive cover of tussock grass species and sub-optimal for positive herbs indicates targeted grazing and grassland management would be beneficial (Unf Rec). Overall assessed as Unfavourable Recovering.  |
| 111 | Favourable 2010                |   |
| 112 | Unfavourable – no change 2010  | Unit 112 has been assessed as UNFAVOURABLE NO CHANGE on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 13 August 2009; - invertebrate assemblage data, reviewed 2004-07; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - knothole yoke-moss ( <i>Zygodon forsteri</i> ) survey data, 2008; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). The heathland area of Dulsmead has not been managed recently and is being invaded by bracken and birch seedlings. In addition, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), heathland areas show excessive growth of grass compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges. |
| 113 | Unfavourable – Recovering 2017 | Overall unfavourable recovering. Units supports wood pasture/pasture woodland W14,15,16, 10 mosaic (with distribution broadly indicated on FCT Maps), bog and stream, scattered temporary and permanent open areas supporting patches of acid grassland and localised dry heath. The wood pasture areas have a canopy range of 20-90% with some areas notably in Jack's Hill recently subject to halo work and re-pollarding. Regeneration of Hornbeam and Beech appears adequate. New Oak, Beech pollards created also doing well in spite of mildew on Oak leaves. The Beech areas have some significant sized veterans and areas of character cushion moss. Areas with more Oak/Hornbeam include pollards but also more standards on western side. The unit would benefit from more areas of varied age temporary open space through   |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

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|     |                                | <p>wood pasture management to increase ground flora, invertebrate habitats and forage for birds, so overall unfavourable recovering. Some good areas for bryophytes on trees and woodland habitats although many areas near roads and Debden Camp with sub-optimal diversity, so borderline favourable. Range of fungi present, including bracket, boletes and various associated with dead wood logs etc, so favourable. Tree composition and character all favourable, with a watching brief required for Rhododendron cover. Good range of veteran trees – favourable. Oak Hill Bog appeared drier than ideal, although some Sphagnum moss present and sedges, rushes in evidence. Some recent management noted but also some encroachment by bracken and rhododendron on SE bankside ideally could be removed.</p> <p>Birch wood plain supports a 5-20cm sward in the main grassland areas with some marginal rushes etc. Bramble has been cut back but along with bracken is encroaching from the margins. Some character plants, eg wood sage, heath speedwell but otherwise limited evidence of abundant character species so assessed as unfavourable recovering.</p>   |
| 114 | Unfavourable – Recovering 2017 | <p>Overall Unfavourable recovering. Units supports wood pasture/pasture woodland mosaic of characteristic W14,15,16,10 tree composition and ground flora; seasonally wet streams and open areas (temporary and permanent) supporting acid grassland of variable quality. The Pillow Mounds and surrounding area provide the largest grassland expanse and although are characteristically rabbit grazed short turf the sward is currently sub-optimal for species diversity. Despite this, the presence of sheep's sorrel, heath bedstraw and the continued presence of ant hills are positive signs and evidence of rabbit grazing, bramble/bracken clearance on the slopes and recent recreational management activities enable an unfavourable recovering assessment for this feature. The wood pasture areas have a canopy cover range of 20-90% with some areas notably in the East of Comical Corner recently subject to halo work and re-pollarding, Regeneration of hornbeam pollards and seedlings appears adequate. There are less Beech saplings but adequately represented at young tree stage. New pollards of Oak &amp; Beech performing well, in spite of vigorous leaf mildew on the former. The Beech areas have some significant sized veterans, mostly pollards, whereas Oak-Hornbeam areas include pollards and Oak standards. Shrub layer of Holly still excessive in areas and canopy cover dominated by the 70-90% range, however the unit will continue to benefit from the ongoing wood pasture restoration works to create more areas of temporary open space of varied ages and increasing the diversity of the ground flora, invertebrate habitats and forage for birds, so assessed as unfavourable recovering. The unit is sub-optimal for bryophytes with reduced diversity on trees notably</p> |

Page 174

**Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment**

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|     |                                | close to high recreational areas or roads, however does support a reasonable diversity of lichens and fungi. This includes bracket, boletus, russula's and dead wood species. Tree composition and character favourable with only small patches of sycamore and turkey oak mainly on the west and north-west sides. Good range of veterans with characteristic features so favourable.  |
| 116 | Favourable 2010                |   |
| 117 | Unfavourable – no change 2017  | This SSSI unit supports a mosaic of Beech and Oak, Hornbeam wood pasture/woodland with wetland features (ponds and stream). Wood pasture stands with higher canopy cover (80-95%) than optimal and Sycamore locally frequent and competing with Beech regeneration in some areas. Pollarding, crown reduction and selective thinning with sycamore removal to be undertaken on a rolling programme throughout the SSSI in line with Col Management Plan, so assessed as unfavourable recovering. Veteran trees, moss and fungi assemblage – favourable Wetland features, notably Speakman's Pond is unfavourable due to Crassula dominance currently suppressing other aquatic and marginal vegetation. Cover of submerged and marginal vegetation is low due to excessive over-shading and smothering by Crassula dominance. Recommend targeting management to significantly reduce Crassula and promote submerged and marginal vegetation through silt excavation and tree works.   |
| 118 | Favourable 2010                |   |
| 119 | Favourable 2010                |   |
| 120 | Unfavourable – Recovering 2010 | Unit 121 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 27 August 2009; - invertebrate assemblage data, reviewed 2004-07; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). Mortality of veteran beech trees along the ridgeline was considered to be excessive, but this is probably due to their exposed location and does not constitute a significant problem. However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), and there are dense stands of nettles along roadsides and ride edges. |
| 121 | Unfavourable – Recovering 2010 | Unit 121 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees  |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

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|     |                                | assessed during field visit, 27 August 2009; - invertebrate assemblage data, reviewed 2004-07; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). Mortality of veteran beech trees along the ridgeline was considered to be excessive, but this is probably due to their exposed location and does not constitute a significant problem. However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), and there are dense stands of nettles along roadsides and ride edges.   |
| 122 | Unfavourable – Recovering 2010 | Unit 122 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 28 July 2009; - invertebrate assemblage data, reviewed 2004-07; - Odonata assemblage data, 1996-2007; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent amphibian assemblage data was available); - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), grassland areas show excessive growth of grasses compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges. In addition, the anticipated recovery in the condition of the grassland areas is reliant upon continuation of the extensive grazing regime. |
| 123 | Unfavourable – Recovering 2010 | Unit 123 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 5 August 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent amphibian assemblage data was available); - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading   |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

Page 176

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|     |                                | <p>shoots), there is excessive growth of bramble, grassland and heathland areas show excessive growth of grasses compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges. In addition, the anticipated recovery in the condition of the grassland and heathland areas will not take place unless management continues to take place as planned. Some of the water bodies within the unit are also in a sub-optimal condition, which may affect the unit's long-term ability to provide supporting habitat for the assemblages of Odonata and of amphibians.</p>   |
| 124 | Favourable 2010                | <p>Unit 124 has been assessed as FAVOURABLE on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 28 July 2009; - invertebrate assemblage data, reviewed 2004-07; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots) and grassland areas show excessive growth of grass compared to broad-leaved species. In addition, the anticipated recovery in the condition of the grassland areas is reliant upon continuation of the extensive grazing regime.</p>   |
| 125 | Unfavourable – Recovering 2010 | <p>Unit 125 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 14 July 2009; - invertebrate assemblage data, reviewed 2004-07; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), there is excessive growth of bramble, and grassland areas show excessive growth of grasses compared to broad-leaved species. In addition, the anticipated recovery in the condition of the grassland/heathland areas will not take place unless an extensive grazing regime is re-introduced as planned.</p> |
| 126 | Unfavourable – Recovering 2010 | <p>Unit 126 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees</p>  |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

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|     |                                | assessed during field visit, 14 July 2009; - invertebrate assemblage data, reviewed 2004-07; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots) and grassland areas show excessive growth of grasses compared to broad-leaved species. In addition, the anticipated recovery in the condition of the grassland areas is reliant upon continuation of the extensive grazing regime. Some of the water bodies within the unit are also in a sub-optimal condition, which may affect the unit's long-term ability to provide supporting habitat for the assemblages of Odonata and of amphibians.  |
| 127 | Favourable                     |  |
| 128 | Unfavourable – Recovering 2010 | Unit 128 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 20 April 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). Die-back of heather is believed to be the result of an outbreak of heather beetle and is, therefore, a natural occurrence. However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), and grassland and heathland areas show excessive growth of grasses compared to broad-leaved species. In addition, the anticipated recovery in the condition of the grassland and heathland areas will not take place unless management continues to take place as planned. |
| 129 | Unfavourable – Recovering 2010 | Unit 129 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 4 August 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi   |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

Page 178

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|     |                                | <p>data from British Mycological Society, 1980-2002; - (no recent amphibian assemblage data was available); - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots) and grassland areas show excessive growth of grasses compared to broad-leaved species. In addition, the anticipated recovery in the condition of the grassland/heathland areas will not take place unless an extensive grazing regime is re-introduced as planned. Warren Pond is also in a sub-optimal condition, which may affect the unit's long-term ability to provide supporting habitat for the assemblages of Odonata and of amphibians.</p>   |
| 130 | Unfavourable – no change 2010  | <p>Unit 130 has been assessed as UNFAVOURABLE NO CHANGE on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 22 July 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle (<i>Lucanus cervus</i>) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). The primary reason for unfavourability of this unit is believed to be air pollution and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), bryophytes are sparse and only a few species are present, and there is excessive growth of bramble. A second reason for unfavourability is considered to be the level of recreational pressure to which this unit is exposed. However, in the absence of the air pollution, the habitats would probably be in a better condition to be able to cope with this pressure. In addition, although not directly affecting the favourability of the unit, the River Ching appeared to be polluted, possibly as a result of leakage or overflow from the sewer which passes through the unit.</p> |
| 131 | Unfavourable – Recovering 2010 | <p>Unit 131 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 14 May 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle (<i>Lucanus cervus</i>) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent amphibian assemblage data was available); -</p>  |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

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|     |                                | (no recent breeding bird assemblage data was available). The Rhododendron within this unit has been assessed by an expert, in order to differentiate between valuable horticultural varieties for retention and <i>R. ponticum</i> which will be removed. However, notwithstanding this assessment, there remains a significant issue relating to air quality and the related deposition of acidity and of nitrogen. In addition, the anticipated recovery in the condition of the unit will not take place unless management continues to take place as planned. Some of the water bodies within the unit are also in a sub-optimal condition, which may affect the unit's long-term ability to provide supporting habitat for the assemblages of Odonata and of amphibians.   |
| 132 | Unfavourable – Recovering 2010 | Unit 132 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 14 May 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a significant issue relating to air quality and the related deposition of acidity and of nitrogen. In addition, the anticipated recovery in the condition of the unit will not take place unless management continues to take place as planned.   |
| 133 | Unfavourable – declining 2010  | Unit 133 has been assessed as UNFAVOURABLE DECLINING on the basis of the following data: - habitats and veteran trees assessed during field visit, 24 and 29 September 2009; - invertebrate assemblage data, reviewed 2004-07; - Odonata assemblage data, 1996-2007; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent amphibian assemblage data was available); - (no recent breeding bird assemblage data was available). The primary reason for unfavourability of this unit is believed to be air pollution and, in particular, the effects of excessive levels of oxides of nitrogen and other pollutants, and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), bryophytes are sparse and only a few species are present, there is excessive growth of bramble, grassland areas show excessive growth of grasses compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges. Some of the |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

Page 10

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|     |                                | water bodies within the unit are also in a sub-optimal condition, which may affect the unit's long-term ability to provide supporting habitat for the assemblages of Odonata and of amphibians.  |
| 134 | Unfavourable – no change 2010  | Unit 134 has been assessed as UNFAVOURABLE NO CHANGE on the basis of the following data: - habitats and veteran trees assessed during field visit, 24 September 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent amphibian assemblage data was available); - (no recent breeding bird assemblage data was available). The primary reason for unfavourability of this unit is believed to be air pollution and, in particular, the effects of excessive levels of oxides of nitrogen and other pollutants, and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), bryophytes are sparse and only a few species are present, there is excessive growth of bramble, grassland areas show excessive growth of grasses compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges. Some of the water bodies within the unit are also in a sub-optimal condition, which may affect the unit's long-term ability to provide supporting habitat for the assemblages of Odonata and of amphibians. |
| 135 | Unfavourable – Recovering 2010 | Unit 135 has been assessed as UNFAVOURABLE RECOVERING on the basis of the following data, and having taken into account the effect of all ongoing and planned management works: - habitats and veteran trees assessed during field visit, 7 July 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). However, notwithstanding this assessment, there remains a very significant issue relating to air quality and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), bryophytes are sparse and only a few species are present, grassland areas show excessive growth of grasses compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges. In addition, the anticipated recovery in the condition of the grassland areas will not take place unless management continues to take place as planned.  |

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

|     |                               |   |
|-----|-------------------------------|---|
| 136 | Unfavourable – no change      | Unit 136 has been assessed as UNFAVOURABLE NO CHANGE on the basis of the following data: - habitats and veteran trees assessed during field visit, 7 July 2009; - invertebrate assemblage data, reviewed 2004-07; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte assemblage data, 1992, plus cover and certain species assessed during field visit; - fungi data from British Mycological Society, 1980-2002; - (no recent breeding bird assemblage data was available). The primary reason for unfavourability of this unit is believed to be air pollution and, in particular, the effects of excessive levels of oxides of nitrogen and other pollutants, and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), bryophytes are sparse and only a few species are present, there is excessive growth of bramble, grassland areas show excessive growth of grasses compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges. A second reason for unfavourability is considered to be the level of recreational pressure to which this unit is exposed. However, in the absence of the air pollution, the habitats would probably be in a better condition to be able to cope with this pressure. |
| 203 | Unfavourable – no change 2010 | Unit 203 has been assessed as UNFAVOURABLE NO CHANGE on the basis of the following data: - habitats and veteran trees assessed during field visit, 28 September 2009; - stag beetle ( <i>Lucanus cervus</i> ) data from Peoples Trust for Endangered Species via National Biodiversity Network, 2000-09; - bryophyte cover and certain species assessed during field visit; The primary reason for unfavourability of this unit is believed to be air pollution and, in particular, the effects of excessive levels of oxides of nitrogen and other pollutants, and the related deposition of acidity and of nitrogen. Many veteran trees within the unit display clear symptoms of stress (eg thin canopy and die-back of leading shoots), bryophytes are sparse and only a few species are present, and there is excessive growth of bramble.   |

## 5.7 Stage 1: Screening – Assessment of Potential Recreational Effects

5.7.1 This section of the screening is informed by the screening forming part of the Habitats Information (Village 7 2019 IHRA, 2021 IHRA and Villages 1-6 2019 IHRA, 2020 IHRA and 2022 IHRA) submitted as part of the Applications. It takes account of the Conservation Objectives listed in the Natural England information database on designated sites, existing information regarding the respective sensitivity of the National Network Sites to effects arising from recreational pressure, including review of site management plans, SSSI unit condition assessments, and strategic level mitigation frameworks.

5.7.2 Consideration was also given to the HRAs undertaken for the East Herts District Plan (EHDPP) and Harlow Local Development Plan (HLDP). Those HRAs explain that if unchecked, recreational use of an internationally designated site has potential to:

- cause damage through mechanical/abrasive damage and nutrient enrichment;
- cause disturbance to sensitive species, particularly ground-nesting birds and wintering wildfowl; and
- prevent appropriate management or exacerbate existing management difficulties.

5.7.3 This section considers the potential for the proposed Development to generate effects arising from recreational pressure on the Lee Valley SPA and Ramsar site, Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC, either alone or in combination with other plans and projects. Recreational demand and pressures arise as a result of the occupation of new homes and businesses. As such, the screening does not consider that recreational impacts would arise during the construction phase of the three applications comprising the Development.

### Lee Valley SPA and Ramsar

5.7.4 The HRA undertaken for the Lee Valley Park Development Framework (Lepus Consulting, 2019)<sup>15</sup> considered the threats and pressures at the Lee Valley SPA taking into account the in-combination effects of planned developments identified in the local plans for East Herts, Epping Forest and Harlow District Councils. The assessment identified at the screening stage that all qualifying features of the Lee Valley SPA and Ramsar would be vulnerable to impacts arising from public access and disturbance.

5.7.5 Two components of Lee Valley SPA and Ramsar site – Rye Meads SSSI and Amwell Quarry SSSI - lie within 2.5km of the Village 7 Development and 3.7km of the proposed Villages 1-6 Development. Both sites are actively managed by Hertfordshire and Middlesex Wildlife Trust and the RSPB to promote nature conservation alongside responsible public access. Both reserves are laid out in considerable detail with a network of hides (ten at Rye Meads, three at Amwell) and clearly marked footpaths/boardwalks with screening vegetation that are specifically laid out and

<sup>15</sup> [https://4a7cf0de-56b5-46b2-8640-62634050a65d.filesusr.com/ugd/8d76d7\\_b18e84350f1240cda3b2735fa4de489a.pdf](https://4a7cf0de-56b5-46b2-8640-62634050a65d.filesusr.com/ugd/8d76d7_b18e84350f1240cda3b2735fa4de489a.pdf)

62634050a65d.filesusr.com/ugd/8d76d7\_b18e84350f1240cda3b2735fa4de489a.pdf Lee Valley Regional Park

designed to route people away from the sensitive areas and minimise disturbance while at the same time accommodating high numbers of visitors.

5.7.6 Moreover, no dogs are allowed (except registered assistance dogs) and the wet and marshy/open water nature of the habitats on site inherently limits off-track recreational activity, rendering it difficult to accomplish and unappealing. For these reasons it is considered that the vulnerability of Amwell Quarry SSSI and Rye Meads SSSI to the potential adverse effects of recreational activity that can affect other less well-managed sites is very low. Within Turnford and Cheshunt Pits SSSI, recreational activity is similarly regulated through zoning of water bodies. The majority of the site is already managed in accordance with agreed management plans in which nature conservation is a high or sole priority. It is therefore considered that these management regimes protect the sensitive habitats that support the qualifying features, retaining the structural and functional integrity of the SPA.

5.7.7 In view of the prohibition of dogs from these sites; the relatively limited parking opportunities within their vicinity; the presence of well-defined and screened walking routes and viewing areas; and the marshy or aquatic character of the principal habitats, which is likely to preclude 'off-path' recreation, and in accordance with conclusions presented in the Habitat Regulations Assessment of the East Herts District Plan and Harlow Local Development Plan, no viable pathway to a significant recreational effect upon the SPA and Ramsar site is considered to exist.

5.7.8 It is noted that the HRA of the Lee Valley Regional Park Development Framework (Lepus Consulting, 2019) was able to conclude that likely significant effects from increased public access and disturbance at the Lee Valley SPA and Ramsar were unlikely (taking account of in-combination effects from relevant plans, policies and programmes). The Regional Park Authority has extensive experience of managing visitor access while protecting the vulnerable habitats that contribute to the integrity of the SPA/Ramsar and have plans and programmes in place to manage increased visitor demands associated with the local development plans. Indeed, the policies within the Lee Valley Regional Park Development Framework are specifically designed to manage visitor demand in a way that prevents harm to vulnerable habitats and species.

5.7.9 The Applicant's Habitats Information (2019 IHRA) did not anticipate that any 'likely significant effects' would occur to the Lee Valley SPA/Ramsar site overall as a result of recreational pressure, and in particular on the Rye Meads SSSI and Amwell Quarry SSSI elements of the SPA and Ramsar. This conclusion was not disputed by Natural England and having reviewed the 2019 IHRA and the Lee Valley Regional Park Development Framework HRA, East Herts District Council (as competent authority and local planning authority) agree with the Applicant's conclusion that there would be no 'likely significant effects' to the Lee Valley SPA/Ramsar site as a result of recreational pressure from the proposed Development, alone and/or in combination with other plans and projects such as Villages 1-6. This conclusion was also reached in the Screening Assessment for

the Villages 1-6 applications. Therefore, no Appropriate Assessment of recreational impacts on the Lee Valley SPA/Ramsar is required.

5.7.10 Recreational activity is therefore not considered further as an impact pathway with regard to the application site. Currently, the SPA/Ramsar remains in favourable condition. However, for completeness, the HRA undertaken for the East Herts District Plan recommended that all new residential development deliver greenspace in-line with the Natural England Accessible Natural Greenspace standard to ensure that it is self-sufficient. Policy GA1 (The Gilston Area) of the EHDP therefore included this requirement. This policy requirement does not however affect the conclusion reached above with regard to screening in respect of this pathway and has not been taken into account for screening purposes.

### **Wormley-Hoddesdonpark Woods SAC**

5.7.11 Wormley-Hoddesdonpark Woods SAC is a large, attractive area of ancient woodland with extensive public access and close to large urban centres. As such, the SAC woodlands are subject to a relatively high level of baseline recreational use, the effects of which, according to the respective Site Improvement Plan, have been largely successfully managed through restricted on-site access, the provision of laid out routes and limited car parking areas. It is noted that the Site Improvement Plan connected with this SAC, which is referenced in the HRA for the District Plan (submission 2016) has been superseded in part by the Natural England Supplementary Advice on achieving its Conservation Objectives.<sup>16</sup> However, neither the Site Improvement Plan or the Conservation Objectives Supplementary Advice indicate recreational pressure as being a current or future obstacle to achieving or maintaining favourable conservation status and preserving the integrity of the SAC.

5.7.12 The Habitat Regulations Assessment undertaken for the East Herts District Plan<sup>17</sup> describes the ‘worst case’ recreational catchment for the SAC being 7km based on the maximal catchments ascribed to large woodland sites. The distance from the Application area comprising the Development from the Wormley-Hoddesdonpark Woods SAC is approximately 6.4km and it is therefore not considered likely that the operational phase of the Development (alone or in combination with Villages 1-6 and other HGGT Strategic Sites, plans and programmes) will exert recreational pressure on the Wormley-Hoddesdonpark Woods SAC. This view has also been reached in the HRA undertaken for the Broxbourne Local Plan, which along with East Herts District Plan contains allocations and policies that would have a more direct pathway to potential impacts on the SAC.

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<sup>16</sup> <http://publications.naturalengland.org.uk/publication/4919819195383808> European Site Conservation Objectives: Supplementary Advice on Conserving and Restoring Site Features.

<sup>17</sup> East Herts District Plan Submission Habitat Regulations Assessment 2016: [https://cdn-eastherts.s3.amazonaws.com/webcurl.com/s3fs-public/documents/Habitats\\_Regulations\\_Assessment\\_2016.pdf](https://cdn-eastherts.s3.amazonaws.com/webcurl.com/s3fs-public/documents/Habitats_Regulations_Assessment_2016.pdf)

5.7.13 The Applicant's Habitats Information (2019 IHRA) found that no likely significant effects were expected to occur upon Wormley-Hoddesdonpark Woods SAC. This conclusion was not disputed by Natural England and having reviewed the 2019 IHRA, the Council agree with the Applicant's Habitats Information (2019 IHRA) that there would be no 'likely significant effects' to Wormley-Hoddesdonpark Woods SAC as a result of recreational pressure from the proposed Applications comprising the Development, alone and in combination with each other and with other plans and projects, which also include Villages 1-6. However, Herts Ecology have advised that despite the conclusions in the relevant HRAs, which are undisputed by Natural England, there is a 'credible risk' that the Development may increase visitor numbers in the SAC such that likely significant effects from recreational demand cannot be ruled out and an Appropriate Assessment should be carried out on this basis. This conclusion was also reached in the Screening Assessment for the Villages 1-6 applications. This is therefore carried through into the Appropriate Assessment in section 6.1 of this report.

### **Epping Forest SAC**

5.7.14 Epping Forest SAC is subject to a high level of baseline recreational use, the effects of which upon its qualifying and other ecological features present a source of longstanding concern. The Interim Mitigation Strategy (EFDC, 2018) attributes the SAC with a Zol in respect of recreational access extending to 6.2km – while acknowledging that this figure is unduly influenced by visits originating from North London to the particularly well-frequented south of the SAC.

5.7.15 As the proposed Development lies 10.8km to the north of the SAC, on the distal side of Harlow, a significant effect arising from recreational pressure is not considered likely, even in the absence of mitigation. The Applicant's Habitats Information (2019 IHRA) did not anticipate likely significant effects upon Epping Forest SAC by virtue of recreational use. This conclusion was not disputed by Natural England and having reviewed the 2019 IHRA, East Herts District Council agrees with the Applicant's findings that there would be no likely significant effect to this site as a result of recreational pressure from the proposed Development, alone and/ or in combination with other plans and projects including the combined effects of Villages 1-6. This conclusion was also reached in the Screening Assessment for the Villages 1-6 applications. Therefore, no further Appropriate Assessment of recreational impacts is required.

## **5.8 Stage 1: Screening – Assessment of Potential Air Quality Effects**

5.8.1 This section of the screening is informed by the Applicant's Habitats Information (2019 IHRA, 2021 IHRA) and the Villages 1-6 2019 IHRA, 2020 IHRA and 2022 IHRA, and considers the potential for the proposed Applications comprising the Development either alone or in combination with each other and with other plans and projects (in particular the combined effects with Villages 1-6), to generate effects arising from air quality changes on the Lee Valley SPA and Ramsar site, Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC.

5.8.2 The assessment takes account of the Conservation Objectives listed in the Natural England information database on designated sites, existing information regarding the respective sensitivity of the National Network Sites to effects arising from changes in air quality, including review of site management plans and Natural England Supplementary Advice where available<sup>18</sup>, SSSI unit condition assessments, and strategic level mitigation frameworks. Consideration was also given to the HRAs undertaken for the East Herts District Plan (EHDP), Harlow Local Development Plan (HLDP), Epping Forest Local Plan (EFLP), Broxbourne Local Plan (BLP) and the Lee Valley Regional Park Development Framework.

5.8.3 The assessment also takes into account Natural England Guidance on Advising Competent Authorities on the Assessment of Road Traffic Emissions under the Habitats Regulations, June 2018. As noted in section 5 above, the JNCC has recently been published Guidance on Decision-making Thresholds for Air Pollution, December 2021. The new guidance introduces potential new Decision-making Thresholds and levels of environmental change which will not undermine the achievement of the conservation objectives for air quality that can be applied to individual sites, known as Objective Compliant Change and Site-Relevant Thresholds. The guidance also proposes different thresholds for on-site sources of emissions from development and emissions from roads as a result of forecast increases in road traffic. However, it should be noted that as the JNCC guidance is newly published, these new thresholds have not yet been applied to the relevant SACs in the Zone of Influence for the Development (Lee Valley SPA and Ramsar, Wormley-Hoddesdonpark Woods and Epping Forest SAC), and therefore the Natural England guidance from June 2018 is applied in this assessment.

5.8.4 Information regarding wetland bird species is informed by The British Trust for Ornithology (BTO) Wetland Bird Survey interactive website<sup>19</sup> and the MAGIC mapping database hosted by the Department for Food and Rural Affairs (Defra).

5.8.5 Information regarding site-specific baseline conditions and environmental thresholds was taken from the Air Pollution Information System (APIS)<sup>20</sup>, a continually updated web-based data resource on pollutant levels in the UK and the sensitivity of designated nature conservation sites and their component habitats.

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<sup>18</sup> <http://publications.naturalengland.org.uk/publication/4919819195383808> Wormley-Hoddesdonpark Woods SAC Conservation Objectives Supplementary Advice;

<http://publications.naturalengland.org.uk/publication/5670650798669824> Lee Valley SPA Conservation Objectives Supplementary Advice; <http://publications.naturalengland.org.uk/publication/5908284745711616> Epping Forest SAC Conservation Objectives Supplementary Advice

<sup>19</sup> <https://app.bto.org/webs-reporting/numbers.jsp> British Trust for Ornithology Wetland Bird Survey Interactive Website.

5.8.6 APIS defines the relevant respective environmental standards for particular habitats and pollutant types. 'Critical levels' identify the environmental standard for airborne gaseous pollutants (nitrogen oxides (NOx) and ammonia) and are defined as:

*"concentrations of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur according to present knowledge"<sup>21</sup>*

5.8.7 'Critical loads' identify the environmental standard for deposited pollutants (nitrogen and acid deposition) and are defined as:

*"a quantitative estimate of exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge" (APIS).*

5.8.8 For NOx, a non-specific critical level of 30µg/m3 is applied to all habitats. For other pollutants, the critical load or level is receptor specific, with lower and upper critical loads cited for application in different circumstances, such as differing hydrological or management regimes. In this assessment, the more precautionary threshold (i.e. the lower critical load/level number) is applied unless contraindicated by specific evidence.

5.8.9 In order to assess whether the Development has the potential to cause effects that exceed this precautionary critical threshold it is necessary to consider the traffic modelling that supports the proposals of not just Village 7, but the adjacent Villages 1-6 development as the two schemes are connected by shared mode share objectives and sustainable transport corridors and shared infrastructure that reduces the need to travel. Likewise, the strategic planned growth cumulatively in the wider HGGT identified in Figure 3 above, plus background growth in traffic that results in increased vehicular trips are necessary to take into account.

5.8.10 Chapter 8 of the ES and ES Addendum describes the traffic modelling in detail. Traffic flows from within the ZOI of the Development which lie within 200m of the National Network Sites were modelled; looking at 'Do minimum' and 'Do Something' scenarios:

- Do Minimum (DM) – future baseline (to account for background growth) with other committed development within the HGGT area, including Villages 1-6 and development plans of East Herts, Harlow and Epping Forest Districts, but no proposed Development;
- Do Something (DS) – future baseline with other committed development as above, plus the proposed Development (Village 7).

5.8.11 The two DM and DS scenarios were also considered over three time horizons:

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<sup>21</sup> <http://www.apis.ac.uk/critical-loads-and-critical-levels-guide-data-provided-apis>

- The intermediate year of 2027 – to factor in construction impacts
- The intermediate year of 2033 (end of Plan period) – to factor in completion of the Crossings and an intermediate level of development i.e. completion of up to 3,050 homes in the Gilston Area
- Completion (post-development) year of 2040 – to factor in impacts of occupation.

5.8.12 Alternate DM and DS scenarios were also modelled for the 2033 time horizon to reflect potential different levels of completion in Village 7 which included:

- DM1 and DS1 with 750 dwellings in Village 7
- DM2 and DS2 with 1,250 dwellings in Village 7.

5.8.13 In addition, the Village 7 2021 IHRA contained two additional scenarios to assess the impacts of the proposed Development in isolation, i.e. without Villages 1-6, the associated A414/Eastwick Junction changes and Eastern Stort Crossing:

- Scenario 10 Future year 2033, Full Local Plan
- Scenario 11 Future year 2033, Full Local Plan, Full Village 7: 1,500 homes

5.8.14 This range of scenario testing is considered to provide a comprehensive consideration of the different levels of traffic generated by the Applications comprising the Gilston Area Development in combination with other known plans and projects, including the planned strategic sites within the wider HGGT area. It also means that both construction and operational phases of the Development can be considered comprehensively as the intermediate year of 2027 scenario assesses construction impacts with limited occupation of new homes; during the intermediate year of 2033 both Crossings schemes would be completed along with approximately 3,000 new homes in the Gilston Area plus all the allocated Development Plan sites across the HGGT area; and the completion year of 2040 scenario assesses the impacts of occupation once all Gilston Area construction activities are complete.

5.8.15 The traffic modelling above was used to inform the air quality modelling, as described in detail in Chapter 9 of the ES and ES Addendum in respect of the Development. The pollutant modelling considered NOx and ammonia concentrations, nitrogen deposition and acidification for each traffic growth scenario.

5.8.16 To assess whether pollution from traffic is likely to have an effect on a National Network Site, Natural England's current guidance (2018<sup>22</sup>) explains that Natural England and Highways England agree that protected sites falling within 200 metres of the edge of a road affected by a plan or project need to be considered further as it is within 200m of a road that road emissions are likely to have an effect on the vegetation within a

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<sup>22</sup> <http://publications.naturalengland.org.uk/publication/4720542048845824> Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitat Regulations,

protected site. Protected sites beyond 200m of a road are likely to need no further assessment and a screening conclusion of no likely significant effect on the protected site can be advised with regard to the risk of road traffic emissions affecting air quality.

5.8.17 The next part of the assessment is to establish whether the qualifying features of a protected site is present within 200m of the edge of a road on which a plan or project will generate traffic, and whether these qualifying species are vulnerable to air pollution effects. If there is a credible risk or uncertainty that qualifying features may be located within the 200m distance, then a precautionary approach should be taken using the predicted average annual daily traffic flow as a proxy for emissions, or the predicted emissions themselves, the threshold is exceeded and more detailed empirical data should be used. The use of the AADT screening threshold is advocated by Highways England in their Design Manual for Roads and Bridges (DMRB) to check whether more detailed evidence should be used. The Natural England guidance provides two screening thresholds for Appropriate Assessment:

- A change in traffic flow of, or exceeding, 1,000 Average Annual Daily Traffic flow (AADT) (or 200 or more heavy duty vehicle AADT flows on motorways); and
- A change in emissions of, or exceeding 1% of the critical load or level, on the basis that lower contributions are “widely considered to be imperceptible”.

5.8.18 These thresholds should be considered in a stepwise manner:

- 1) Apply the threshold alone – taking the Development (Village 7) on its own, consider whether emissions exceed 1% of the critical load or results in a change in traffic flow of more than 1,000 Average Annual Daily Traffic flow (or 200 or more heavy duty vehicle AADT flows on motorways);
- 2) Apply the threshold taking the Development Proposal in combination with emissions from other plans and projects. Consider whether collectively they could exceed 1% of the critical load or result in a change in traffic flow of more than 1,000 Average Annual Daily Traffic flow (or 200 or more heavy duty vehicle AADT flows on motorways);
- 3) If steps one and two do not result in exceedance of the screening threshold then the potential for likely significant effects either alone or in combination with other plans and projects can be screened out, and further investigation as part of an Appropriate Assessment is not required;
- 4) If steps 1 and/or 2 result in exceedance of the screening threshold, then the need for Appropriate Assessment is triggered. This is because the development either alone or in combination is predicted to contribute pollutants to a site at a level above which harm could occur, irrespective of whether background levels already exceed the Critical Loads.

5.8.19 For the purpose of this modelling, the ‘in-combination’ schemes considered include the Strategic Sites within the HGGT area, including Villages 1-6 and Village 7, plus the developments identified in the development plans of East Herts, Harlow and Epping

Forest Districts, also taking into account known and agreed transport and highway improvement schemes within the wider HGGT area.

### **Wormley-Hoddesdonpark Woods SAC**

5.8.20 In terms of Wormley-Hoddesdonpark Woods SAC, its distance from the proposed Development is approximately 6.4km. The nearest major road to the SAC is the A10 and the only part of the Wormley-Hoddesdonpark Woods SAC that lies within 200m of the A10 is an access farm track and so there is no sensitive qualifying feature of the SAC within 200m of the A10. The Natural England Guidance on air quality assessments<sup>23</sup> advises that for road traffic emissions the distance criteria applied is 200m. Paragraph 4.12 of the Natural England guidance states that:

*"If the [Application] does not fall within the distance criterion for designated sites (i.e. 200m for road traffic proposals), no further steps of the assessment are necessary. Such proposals are likely to have no effect on sites at all and so do not need to be subject to assessment in-combination with other plans and projects. A screening conclusion of no likely significant effect on the site can be advised with regard to the risk of road traffic emissions affecting air quality."*

5.8.21 It is therefore considered that no viable impact pathway exists between the Development and any sensitive qualifying feature within the SAC, and as such it is considered that no likely significant effects will occur on the SAC in terms of air quality associated with the Applications alone, or in combination with other plans and or projects. This conclusion applies to both construction and operational phases of the Development.

5.8.22 This conclusion has also been reached in the HRAs for the Broxbourne Local Plan and East Herts District Plan, that both allocate development sites or contain policies that directly relate to the SAC, and also the HRAs for the Lee Valley Park Development and Epping Forest Local Plan, both of which considered the potential for 'in-combination' effects associated with those development plans.

### **Lee Valley SPA/Ramsar**

5.8.23 In terms of the Lee Valley SPA/Ramsar, as it is the most proximate National Network Site to the Development at 2.5km, and part of the SAC is within 200m of the A414 which is the main arterial road serving the Development, it is considered necessary to assess the likely significant effects of traffic flows associated with the Village 7 Development, alone or in combination with other plans and projects, upon the Lee Valley SPA/Ramsar as a result of changes in air quality.

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<sup>23</sup> [NEA001 Advising CAs on Road Traffic and HRA June 2018](http://publications.naturalengland.org.uk/publication/4720542048845824),

<http://publications.naturalengland.org.uk/publication/4720542048845824>

5.8.24 The Applicant's Habitats Information (2019 IHRA) demonstrates that the threshold of 1,000 Average Annual Daily Traffic flow (AADT) in the vicinity of the Rye Meads SSSI component of the Lee Valley SPA/Ramsar is exceeded by the Development alone, thereby triggering the need for an Appropriate Assessment. A Village 7 only scenario increases AADT by 2,199 vehicles in 2033 on the A414 in the vicinity of the Rye Meads SSSI.

5.8.25 While the Applicant's 2021 IHRA considers outputs from Village 7 as a stand-alone proposal, the development can only proceed alongside the Villages 1-6 proposal. This is because there is a reliance on the delivery of infrastructure provided through the Villages 1-6 scheme, including on-site secondary education, to reduce the need to travel off-site. This contributes to the site's ability to meet the mode share objectives set out in the HGGT Transport Strategy. The Villages 1-6 Development also provides the opportunity to link to a sustainable transport corridor which connects Village 7 to the wider Gilston Area Development; it will deliver improvements to the Central Stort Crossing and the Eastern Stort Crossing, both of which facilitate wider sustainable transport infrastructure delivery.

5.8.26 This HRA Screening and Appropriate Assessment therefore uses the information previously presented in the HRA/AA accompanying the Villages 1-6 committee report as the data includes both Villages 1-6 and Village 7 development related traffic flow information. The transport assessment traffic forecast model outputs are summarised in Table 9 below. The 'do minimum (DM)' scenario shows future traffic flows of other plans and projects, but without the Village 7 and Villages 1-6 Development, while the 'do something (DS)' scenario shows future traffic flows with the Development in combination with other plans and projects including Villages 1-6. The table indicates that even without other development the Average annual Daily Traffic along the A414 in 2040 compared to the 2020 baseline is greater than 1,000 AADT (comparing the DM and DS outputs).

**Table 9: A414 Two-way Traffic Flow Forecasts (AADT)**

| 2020<br>Base<br>Table 1 | 2027<br>DM<br>Table 2 | 2027<br>DS<br>Table 8 | 2033<br>DM1<br>Table 3 | 2033<br>DS1<br>Table 10 | 2033<br>DM2<br>Table 4 | 2033<br>DS2<br>Table 12 | 2040<br>DM<br>Table 5 | 2040 DS<br>Table 14 |
|-------------------------|-----------------------|-----------------------|------------------------|-------------------------|------------------------|-------------------------|-----------------------|---------------------|
| 41,093                  | 43,113                | 46,911                | 44,032                 | 49,732                  | 44,473                 | 51,895                  | 45,158                | 54,491              |

5.8.27 Taking into account the stepwise assessment of thresholds advised in the Natural England Guidance, this increase in vehicles along the A414 within 200m of the Rye Meads SSSI component of the Lee Valley SPA/Ramsar, from the Development alone exceeds 1,000 AADT and therefore triggers the requirement for an Appropriate Assessment as it cannot be discounted at the screening stage that likely significant effects will occur from air quality from this Development alone on the SPA/Ramsar.

### **Epping Forest SAC**

5.8.28 In terms of Epping Forest SAC, the Applicant's Habitats Information (2019 IHRA and 2021 IHRA) did not anticipate likely significant effects on the Epping Forest SAC by virtue of air quality impacts given the conclusions of the HRA undertaken for the Epping Forest Local Plan – that the impacts on the SAC arise primarily as a result of the planned development within Epping Forest district, and which also indicates that appropriate mitigation measures secured through the Epping Forest Local Plan reduces impacts such that the integrity of the SAC is not adversely affected. This conclusion was not disputed by Natural England, however, when discussing the Council's draft Appropriate Assessment for Villages 1-6, Natural England requested confirmation that the impacts of the total Development (post Plan period) were considered. This same consideration has therefore been applied in this AA.

5.8.29 The SAC has been subject to significant scrutiny throughout the Plan-making process of the Epping Forest Local Plan, the Harlow Local Development Plan and East Herts District Plan. As part of this work, the HRAs for the District Plans, which included 'in-combination' traffic modelling, demonstrated that the planned growth within Epping Forest was the primary source of additional ammonia and NOx emissions and that all other plans and projects make a negligible contribution to the in-combination effects. It is noted that the HRAs for the District Plans assessed development levels and their respective transport impacts up to 2033 only, and as such only 3,050 homes in the Gilston Area were modelled as part of the air quality assessments for the Epping Forest SAC. However, it should be noted that the air quality modelling undertaken for the Epping Forest Local Plan HRA took into account the planned residential and employment growth set out in the Development Plans of Uttlesford, East Herts, Harlow, Epping Forest districts (the West Essex and East Herts Housing Market Area authorities) plus Broxbourne, Chelmsford, Brentwood, Havering, Redbridge, Waltham Forest and Enfield Councils, all of which are within the zone of influence of Epping Forest (as set out in Table 1 of the HRA<sup>24</sup>).

5.8.30 The Applicant's 2019 IHRA included transport modelling up to 2040, by which time the Village 7 (and Villages 1-6) Development is planned to be fully complete and as such takes account of the Plan period growth up to 2033 and beyond to 2040. The Council is satisfied that this data is a reasonable and reliable source of information to inform the consideration of effects on the Epping Forest SAC.

5.8.31 This HRA focuses on the part of the SAC that is closest to the Development. This is the SSSI 105 component known as Epping Thicks. This is considered reasonable as this is most proximate component of SAC to the main transport route, the B1393, running from Harlow towards Epping and the Epping Forest SAC and the M25, and as such is the component of the SAC that will be most impacted by traffic flows from the HGGT area. The traffic link within the Transport Assessment Model closest to the Epping

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<sup>24</sup> <https://www.efdclocalplan.org/wp-content/uploads/2019/01/EB209-Epping-Forest-Local-Plan-HRA-2019-FINAL.pdf>

Forest SAC is Link 96, which models traffic along the B1393 south of the M11 Junction 7. It is noted however, that this traffic link is some 7km from the nearest SSSI Unit Epping Thicks and as such, it is highly likely that the Development traffic will dissipate between this traffic link and the SAC. Therefore, while traffic data is available at Link 96, it is not fully representative of traffic that would be using the B1393 road through the Epping Forest SAC. The transport assessment traffic forecast model outputs are summarised in Table 10 below. The 'do minimum (DM)' scenario shows future traffic flows of other plans and projects, but without the Village 7 and Villages 1-6 Development, while the 'do something (DS)' scenario shows future traffic flows with the Development in combination with other plans and projects.

**Table 10: B1393 Link 96 Traffic Flow Forecasts (AADT)**

| 2020<br>Base<br>Table 1 | 2027<br>DM<br>Table 2 | 2027<br>DS<br>Table 8 | 2033<br>DM1<br>Table 3 | 2033<br>DS1<br>Table 10 | 2033<br>DM2<br>Table 4 | 2033<br>DS2<br>Table 12 | 2040<br>DM<br>Table 5 | 2040<br>DS<br>Table 14 |
|-------------------------|-----------------------|-----------------------|------------------------|-------------------------|------------------------|-------------------------|-----------------------|------------------------|
| 22,479                  | 23,410                | 23,502                | 24,549                 | 24,601                  | 24,061                 | 24,162                  | 23,919                | 24,113                 |

5.8.32 The Villages 1-6 Applicant's updated 2022 IHRA update has provided traffic data for the same section of the B1393 running from south of the M25 to the Wake Arms Roundabout. As explained above, this road runs alongside and to the west of the SAC and is the road where any additional traffic generated by the Gilston Area development would be greatest in the SAC. The data in Table 10.a provided in the Villages 1-6 2022 IHRA below is only marginally different from the traffic counts assessed in the council's 2022 AA and therefore confirms the Council's previous assessment of traffic flow on this link.

**Table 10.a B1393 Traffic Flow Forecasts (AADT) (Villages 1-6 2022 IHRA)**

| 2019<br>Base | 2027<br>DM | 2027<br>DS | Increase<br>DM-DS | 2033<br>DM2 | 2033<br>DS2 | Increase<br>DM-DS | 2040<br>DM | 2040<br>DS | Increase<br>DM-DS |
|--------------|------------|------------|-------------------|-------------|-------------|-------------------|------------|------------|-------------------|
| 22,479       | 23,410     | 23,485     | 75                | 24,061      | 24,128      | 67                | 23,918     | 24,061     | 143               |

5.8.33 The modelling indicates that the Village7 Development traffic alone and with the Villages 1-6 Development does not exceed 1,000 Average Annual Daily Traffic flow on Link 96, but in combination with other plans and projects the threshold of 1,000 AADT is exceeded, and therefore triggers the requirement for an Appropriate Assessment, as it cannot be discounted at the screening stage that likely significant effects will occur from air quality from this Development when considered in combination with other plans and projects on Epping Forest SAC.

5.8.34 The Applicant's 2019 IHRA modelled the traffic flow on the M25, being the main road closest to the Epping Forest SAC. Table 11 below summarises the AADT forecasts using

the 2018 Transport Assessment Model baseline. By the completion of the Development there is no forecast difference between the 'with Development' and 'no Development' scenario, but the effect of the Development in combination with other sources of traffic is an exceedance of the 1,000 ADT threshold, which would trigger the need for an Appropriate Assessment. Given that the growth of traffic on the M25 is considerably greater than that forecast at Link 96, it is this data that is modelled in the Transport Assessment Model tables in the Appropriate Assessment.

**Table 11: M25 Traffic Flow Forecasts (AADT)**

| 2018<br>Base | 2027<br>DM | 2027 DS | 2033<br>DM2a | 2033<br>DS2a | 2033<br>DM2b | 2033<br>DS2b | 2040<br>DM | 2040 DS |
|--------------|------------|---------|--------------|--------------|--------------|--------------|------------|---------|
| 131,148      | 146,559    | 146,956 | 152,571      | 152,911      | 153,058      | 152,571      | 158,968    | 158,968 |

5.8.35 The Appropriate Assessment therefore considers the current and future nutrient critical loads associated with the SAC qualifying features, and whether the traffic flow generated by the Development alone and in-combination with other plans and projects, including Villages 1-6 will have an adverse effect on the integrity of the SAC as a result of changes in air quality.

## 5.9 Stage 1: Screening – Assessment of Potential Water Quality and Water Abstraction Effects

5.9.1 This section of the screening is informed by the Applicant's Habitats Information (2019 IHRA) and considers the potential effects of the proposed Development, alone and in combination with other plans and projects, on water quality and from water abstraction. This screening takes account of the Affinity Water Resources Management Plan 2020-2080<sup>25</sup> and its supporting Habitats Regulations Assessment<sup>26</sup> as well as the Rye Meads Water Cycle Strategy Review, 2015<sup>27</sup>. This is to ensure that the water supply needs of the Village 7 Development for 1,500 homes, in combination with the adjacent proposal for 8,500 homes in Villages 1-6 can be met in a way that does not cause adverse effects on the Lee Valley SPA/Ramsar downstream of the application site as a result of abstraction processes.

5.9.2 The screening also takes account of the Conservation Objectives listed in the Natural England information database on designated sites, existing information regarding the respective sensitivity of the National Network Sites to effects arising from changes in

<sup>25</sup> <https://www.affinitywater.co.uk/corporate/plans/water-resources-plan> Affinity Water Resource Management Plan 2020-2080

<sup>26</sup> [https://www.affinitywater.co.uk/docs/4.12\\_Habitat\\_Regulations\\_Assessment\\_Final\\_WRMP19.pdf](https://www.affinitywater.co.uk/docs/4.12_Habitat_Regulations_Assessment_Final_WRMP19.pdf) Affinity Water, Water Resource Management Plan HRA

<sup>27</sup> <https://www.north-herts.gov.uk/sites/default/files/TI11%20Rye%20Meads%20Water%20Cycle%20Strategy%20Review.pdf> Rye Meads Water Cycle Strategy Review, 2015

water quality and quantity, including review of site management plans, SSSI unit condition assessments, and strategic level mitigation frameworks. Consideration was also given to the HRAs undertaken for the East Herts District Plan, Harlow Local Development Plan and Epping Forest Local Plan.

5.9.3 As is described in Tables 5 and 6 above, water quantity and quality are not cited as threats in the Site Improvement Plan for the Wormley-Hoddesdonpark Woods SAC, nor as being a reason for any of the SSSIs with unfavourable condition. As described in Table 7 above, inappropriate water levels within wet heath areas of the Epping Forest SAC is a threat as is water pollution from highway surface run-off. It should be noted however, that the most proximate component of the SAC to the Development, SSSI Unit 105 is listed as being in favourable condition and comprises broad-leaved, mixed and Yew woodland – lowland, and therefore these threats are not applicable to this component of the SAC. Neighbouring SSSI Unit 106 contains no water dependant habitats, and SSSI Units 107 and 108 are considered in favourable condition.

5.9.4 Given the above, the Applications comprised in the Gilston Area Development are not considered to have any ecological effects on water-dependant features of the National Network Sites of the Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC. This accords with the conclusion in the HRAs for the Broxbourne Local Plan, East Herts District Plan, Harlow Local Development Plan and Epping Forest Local Plan, and this conclusion is agreed with Natural England. The Council considers this to be reasonable and appropriate, particularly as the two SACs are not reliant upon, or are designated because they contain water-dependant habitats.

5.9.5 However, habitats within the Lee Valley SPA/Ramsar site that support the bird species identified in the Birds Directive Annex I, for which the site is designated, could be affected by changes in water quality, as indicated in Table 12 below. In addition, the Lee Valley qualifies as a Ramsar site because it supports the nationally scarce plant species Whorled Water-milfoil *Myriophyllum verticillatum* and the rare and vulnerable invertebrate *Micronecta miutissima* - a water-boatman, both of which are vulnerable to changes in water quality.

**Table 12: Water-dependant Species and Habitats in the Lee Valley SPA/Ramsar**

| <b>Bird Directive Annex I Species and Ramsar Citation</b> | <b>Wintering Population of Great Britain (%)</b> | <b>Supporting Habitat</b>      |
|---|--|--------------------------------|
| Great Bittern, <i>Botaurus stellaris stellaris</i>        | 6%   | Fen, marsh and swamp           |
| Gadwall, <i>Anas strepera</i>                             | 2.6%   | Standing open water and canals |
| Shoveler, <i>Anas clypeata</i>                            | 1.9%   | Standing open water and canals |
| <b>Noteworthy flora</b>                                   |  |                                |

|   |                                      |                                |
|---|--------------------------------------|--------------------------------|
| Whorled Water-milfoil,<br><i>Myriophyllum verticillatum</i> | Nationally scarce                    | Freshwater wetland             |
| <b>Noteworthy fauna</b>                                     |                                      |                                |
| Great Cormorant,<br><i>Phalacrocorax carbo carbo</i>        | Peak counts in Spring/Autumn<br>1.8% | Standing open water and canals |
| Tufted Duck, <i>Aythya fuligula</i>                         | Peak counts in Spring/Autumn<br>2.3% | Standing open water            |
| Common Coot, <i>Fulica atra atra</i>                        | Peak counts in Spring/Autumn<br>1.1% | Standing open water and canals |
| Great Bittern, <i>Botaurus stellaris stellaris</i>          | Peak counts in winter<br>1%          | Fen, marsh and swamp           |
| Smew, <i>Mergus albellus</i>                                | Peak counts in winter<br>3.7%        | Standing open water            |
| Water Rail, <i>Rallus aquaticus</i>                         | Peak counts in winter<br>3.7%        | Fen, marsh and swamp           |
| Water-Boatman,<br><i>Micronecta miutissima</i>              | Nationally important invertebrate    | Standing open water            |

5.9.6 The Applicant's Habitats Information (2019 IHRA) considered that because construction activities associated with the Applications are tightly controlled and regulated by codes of construction practice, those controls will ensure water quality is not affected. Therefore, the Applicant considers that construction related activities could be 'screened-out' of further appropriate assessment of adverse effects upon the integrity of a National Network site. The LPAs have nonetheless reached the conclusion that it is inappropriate to screen out at the screening stage the potential for the construction stages of the Applications comprised in the Development, alone or in combination, to have any likely significant effects on the water quality of the Lee Valley SPA/Ramsar.

5.9.7 All construction activities can create risks to the environment through pollution incidents like fuel or chemical spillages, inappropriate storage or handling of construction materials and dust escape for example, which can fall on the surrounding environment. Therefore, without appropriate mitigation the construction phases of any component of the Development alone could result in harm to water quality within the River Stort, which flows towards the confluence of the River Lee and River Stort, which is located downstream of the Rye Meads SSSI element of the Lee Valley SPA/Ramsar. As such, potential effects from the construction of the Development are therefore assessed further as part of the Appropriate Assessment, which goes on to consider the impacts on the integrity of the National Network site, either alone or in combination with other plans and projects, with regard to the site's structure and function and its Conservation Objectives.

5.9.8 In terms of the operational phase of the Development, in particular the Outline Application for Village 7, there is a potential impact pathway between new homes and the potential for changes in water quality as a result of the requirement to treat waste water from new homes and non-residential buildings. The closest parts of the SPA to the proposed Development are the Rye Meads SSSI (approximately 2.6km west), Amwell Quarry SSSI (3.3km west) and Turnford and Cheshunt Pitts (7.8km south-west). The Rye Meads SSSI and Turnford and Cheshunt Pitts SSSI components of the Lee Valley SPA/Ramsar may be affected by changes in water quality through the discharge of treated waste water effluent into the water catchment from Rye Meads Waste Water Treatment Works (WwTW). This effect would arise from the Village 7 and Villages 1-6 Application element of the Gilston Area Development rather than the Crossings. The Applicant's Habitats Information (2019 IHRA) screened out the potential for the Development to affect the Lee Valley SPA/Ramsar directly and indirectly, alone and in combination as a result of changes to water quality. However, for consistency with the approach taken for Villages 1-6, this element is considered further in the Appropriate Assessment.

5.9.9 The Rye Meads SSSI component of the SPA/Ramsar is upstream of where the Rye Meads Waste Water Treatment Works discharges in to the River Lee via Tollhouse Stream. However, because this connection is upstream of the confluence of the River Stort and River Lee, in periods of high water flow, Tollhouse Stream has on occasion backed up into the marsh grassland areas of the SSSI. The Amwell Quarry SSSI is further upstream of the Rye Meads Waste Water Treatment Works and is therefore not affected.

5.9.10 The Turnford and Cheshunt Pitts SSSI component of the SPA/Ramsar lies downstream of the Rye Meads Waste Water Treatment Works and despite being affected by urbanisation and sewage discharge from local industrial, urban and agricultural sources rather than the Rye Meads Waste Water Treatment Works, the conservation status for the extent of habitats and their supported species of Gadwall, Shoveler and Bittern are considered to be favourable. For the purpose of this assessment therefore, it is considered that no pathway exists in terms of water quality impacts between the Development and the Turnford and Cheshunt Pitts component of the Lee Valley SPA/Ramsar, and as such are screened out.

5.9.11 The presence of the Rye Meads Waste Water Treatment Works and its ability to cope with additional growth, not only from the Development but from its wider catchment, is an important consideration. This is because high levels of nutrients like phosphorous and nitrogen can unbalance plant growth and vegetation composition leading to oxygen depletion which affects the species reliant upon the watercourses. The Rye Meads Waste Water Treatment Works catchment extends from North Hertfordshire to Epping Forest as illustrated in Figure 5 below, taken from the Rye Meads Water Cycle Strategy Review, 2015. The Water Cycle Strategy Review considers the demand for, and use of, water as part of its continuous circulation on, above and below the earth.  
Page 197

looks at the engineered use of water for domestic consumption and disposal alongside the natural cycle through watercourses and aquifers. The Review examined the likely demands of growth within the catchment of the Waste Water Treatment Works, and has fed into more up to date models undertaken by Thames Water, which therefore take account of the in-combination demands from the development plans of authorities in the catchment as illustrated.

**Figure 5: Water Cycle Strategy Study Area – Rye Meads Waste Water Treatment Works Catchment**



5.9.12 Thames Water and the Environment Agency have been consulted upon throughout the Plan-making process of the East Herts District Plan, Harlow Local Development Plan and through the pre-application and applications stages of the proposed Applications comprised in the Development. Thames Water manage the Rye Meads Waste Water Treatment Works and the Environment Agency manage the licencing regime which controls levels of discharge associated with the Rye Meads Waste Water Treatment Works. Recent Discharge Consents have increased the treatment capacity of the Rye Meads Waste Water Treatment Works and improved discharge quality, however, recent engagement with Thames Water on the Villages 1-6 Outline Application and the Village 7 Outline Application has confirmed that the Rye Meads Waste Water Treatment Works has capacity to accommodate growth within the catchment to 2036 and Thames Water

has programmes in place to plan for upgrades as necessary. The Village 7 Development will be completed prior to 2036. However, as the construction of the adjacent Villages 1-6 Development comprising 8,500 homes will extend beyond 2036, Thames Water have requested that a condition be attached to the planning permission for the Outline Application, if granted, to limit the number of homes occupied until such time that upgrades occur. As such, it is necessary to consider further in the Appropriate Assessment the need to mitigate the potential adverse effects of the discharge of treated wastewater effluent from the Outline Application, alone or in combination, upon the integrity of the Rye Meads SSSI element of the Lee Valley SPA/Ramsar having regard to the site's structure, function and its Conservation Objectives<sup>28</sup>.

5.9.13 In terms of water abstraction, approximately 60% of water supply in East Herts comes from groundwater sources and 40% from surface water sources with boreholes abstracting from chalk and gravel aquifers. The Rye Meads SSSI component of the SPA/Ramsar has been identified as being sensitive to high levels of abstraction. However, Affinity Water, who manage water supplies to homes and businesses in the area has identified through their own modelling that there is sufficient water supply for estimated growth such that adverse effects on National Network Sites can be avoided. The Affinity Water Resources Management Plan 2020-2080 is supported by its own Habitat Regulations Assessment which identifies that there are no likely significant effects on the National Network Sites within the Zone of Influence of the Gilston Area applications, taking into account the planned growth identified within the East Herts District Plan and Harlow Local Development Plan (along with other statutory Plans and Projects within the Zone of Influence of the Water Management Plan which also covers the water supply catchment within the Zone of Influence of the Development).

5.9.14 The Council is satisfied that the HRA for the Affinity Water Resources Management Plan takes account of the relevant plans and programmes in combination, considers how the demands arising from planned growth within the Affinity Water Supply Catchments will be accommodated and whether these demands will adversely affect the water sensitive environments of National Network Sites, including the Lee Valley SPA. The Water Resources Management Plan HRA identifies that a number of plans and strategies will be required to meet demands up to 2080. For the Stort Catchment the Plan identifies the need for a long-term strategy of moving water into the catchment; comprising abstracting water from the River Ouzel at Leighton Buzzard, storing it at a new fully bunded raw water reservoir at Honeywick Rye, and discharging flow to the Upper Lee at Dunstable. Since the reservoir scheme is intended to augment the River Lee 30km of the Lee Valley SPA/Ramsar site, and to enable increased abstraction in the Upper Lee, without any net change in downstream flow or volume, its effect on the Lee Valley SPA/Ramsar site will be neutral. The Development, alone and in combination with other plans and programmes will require water supply and the Water Supply Company has a plan in place to accommodate water supply demands for new growth.

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<sup>28</sup> Maintain the overall depth of swamp and marginal water and ensure water quality and quantity is maintained to a standard which provides the necessary conditions to support the qualifying species.

These plans have been assessed on an in-combination basis and the HRA identified that they are not considered likely to have a significant effect on the Lee Valley SPA/Ramsar. It is considered therefore that likely significant effects on the Lee Valley SPA/Ramsar as a result of excessive water drawdown and therefore water quantity effects can be screened out for the operational and construction phase of the Development alone and in combination with the Villages 1-6 Development.

## **5.10 Stage 1: Screening - Conclusion**

5.10.1 The screening assessment above considered the potential for the Village 7 Development to be likely to have significant effects on National Network Sites the Lee Valley SPA/Ramsar, the Wormley-Hoddesdonpark Woods SAC and Epping Forest SAC when considered in combination with the Villages 1-6 Development. In line with the 'Sweetman' case, the screening assessment does not take into account mitigation. The screening assessment firstly considers whether the Development alone and in-combination with the Villages 1-6 Development (the Gilston Area Development as a whole) are likely to have significant effects, and then whether the Development as a whole in combination with other plans and projects are likely to have significant effects.

### **Lee Valley SPA/Ramsar**

5.10.2 The screening assessment identified before considering mitigation that the Development alone would have the potential, during its operational and/or construction phases, to cause the following biophysical changes, which could result in ecological effects on the Lee Valley SPA/Ramsar site.

- A delay to the improvement of air quality changes arising from traffic generated by the operational phase of the proposed development; and
- A change in water quality as a result of the operational and construction phase of the Development.

5.10.3 Given that the screening identified that it could not be ruled out that likely significant effects will occur on the Lee Valley SPA/Ramsar in relation to air quality and water quality as a result of the Applications comprising the Development in combination with the Villages 1-6 Development, an Appropriate Assessment is required.

### **Wormley-Hoddesdon Park Woods**

5.10.4 The screening assessment concluded that no likely significant effects were likely to occur on Wormley-Hoddesdonpark Woods as a result of changes in water quality, water quantity or air quality. However, taking a precautionary approach Herts Ecology advise that there is a credible risk of recreational demand on the SAC from the Gilston Area Developments once operational, and therefore an Appropriate Assessment should be carried out on this potential impact.

### **Epping Forest SAC**

5.10.5 The screening assessment concluded that no likely significant effects were likely to occur on the Epping Forest SAC as a result of changes in recreational demand, water quality or water quantity. However, the screening assessment indicated that it could not be ruled out that likely significant effects will occur on the Epping Forest SAC in relation to air quality as a result of the Development when considered in combination with other plans and projects, namely the other Strategic Sites allocated within the Epping Forest Local Plan and Harlow Local Development Plan, and therefore an Appropriate Assessment is required on this potential impact.

**Table 13: Screening Conclusion Summary**

| <b>National Network Site</b>    | <b>Impact Pathway</b>          | <b>Screened Out – No Likely Significant Effects</b> | <b>Appropriate Assessment Needed</b> |
|---------------------------------|--------------------------------|---|--------------------------------------|
| Lee Valley SPA/Ramsar           | Recreational Impacts           | No Likely Significant Effects                       |                                      |
|                                 | Air Quality Impacts            |   | Yes                                  |
|                                 | Water Quality/Quantity Impacts |   | Yes                                  |
| Wormley-Hoddesdonpark Woods SAC | Recreational Impacts           |   | Yes                                  |
|                                 | Air Quality Impacts            | No Likely Significant Effects                       |                                      |
|                                 | Water Quality/Quantity Impacts | No Likely Significant Effects                       |                                      |
| Epping Forest SAC               | Recreational Impacts           | No Likely Significant Effects                       |                                      |
|                                 | Air Quality Impacts            |   | Yes                                  |
|                                 | Water Quality/Quantity Impacts | No Likely Significant Effects                       |                                      |

## **6. Stage 2: Appropriate Assessment**

### **6.1 Assessment of Potential Recreational Effects**

6.1.1 The screening stage identified that no likely significant effects were predicted to occur on the Lee Valley SPA/Ramsar and on the Epping Forest SAC National Network Sites, from the Development either alone or in combination with other plans and projects as described in the screening assessment as a result of increased recreational demand. However, it could not be ruled out that there is a potential for recreational demand to occur in Wormley-Hoddesdonpark Woods from the Development once operational.

6.1.2 The Site Improvement Plan for Wormley-Hoddesdonpark Woods considers recreational demand stating that sensitive management of access points and routes has been

largely successful in mitigating the potential adverse effects of recreational demand. However, recreational demand is considered a threat against being able to achieve Conservation Objectives because visitor number increases and use of the site can change unpredictably and less obvious adverse effects on important flora and fauna could be missed. Therefore a 'lightweight' monitoring system for species or other site features likely to be sensitive to the effects of public access close to access points should be established.

- 6.1.3 It should be noted however, that no monitoring or visitor surveys appear to have been carried out for the SAC and therefore no data exists on the recreational catchment of the woods. As a result, a proxy of a 7km catchment is considered reasonable based on the HRAs of the East Herts District Plan, Broxbourne Local Plan and Epping Forest Local Plan, which use 7km as a 'worst case' catchment based on existing data for other large woodland National Network Sites including Epping Forest SAC and Ashdown Forest SAC and SPA. The Development is 6.4km from the Wormley-Hoddesdonpark Woods.
- 6.1.4 The Gilston Area allocation requires that a large proportion of the site be safeguarded against development and transferred to the community through a stewardship arrangement to ensure the provision and long term management of significant areas of open space and parklands. Of the overall Village 7 outline application site area of 117.4ha, approximately 51.4ha is proposed as strategic landscape, which is 43.78% of the outline site area, leaving a net developable area of approximately 66ha. The Village 7 proposal will therefore deliver a large amount of accessible natural green space for sport and recreation within the site including woodland and grassland areas. In addition, the adjacent Villages 1-6 Development will deliver considerable areas of accessible natural green space taking the form of open meadow grassland, newly planted woodland areas connecting existing woodland blocks, wild woodland spaces and defined woodland trails, green corridors between villages and pedestrian and cycle links down to the River Stort which comprises a number of managed nature reserves and recreational routes through the valley, such as the Harcamlow Way, with all such assets serving the whole Gilston Area as well as existing communities in the vicinity of the Development.
- 6.1.5 Each Village in the Gilston Area will provide local green spaces of different scale and function providing door-step play, sports areas and formal and informal parkland. Tree lined streets and routes will run through the villages connecting homes to these recreational spaces. The Parameter Plans and Development Specification set the framework for these principles and they are being demonstrated through masterplanning activities related to Village 7 along with the Strategic Landscape Masterplan which covers the whole of the Gilston Area allocation.
- 6.1.6 The two Crossing proposals comprise items of transport infrastructure designed to convey pedestrians, cyclists, public transport and private vehicles over the Stort Valley landscape. The Central Stort Crossing proposes to improve connections from the existing and proposed crossing down into the Stort Valley, connecting the bridge above

to the Stort Navigation Towpath and also to the Parndon Moat Marsh Local Wildlife Site/ Local Nature Reserve, which is a managed environment, though is not a National Network Site. The Eastern Stort Crossing retains and improves sections of the current Public Rights of Way into the Stort Valley. These connections will provide direct and convenient routes from new and existing communities into the valley for recreational purposes, thus reducing the likelihood of travel by vehicle to the more ecologically sensitive Lee Valley SPA/Ramsar site downstream of the Development.

6.1.7 It is therefore considered that appropriate on site recreational opportunities provided and secured through the Development alone will provide suitable on-site natural greenspace sufficient to avoid recreational impacts on National Network Sites. When considered alongside the Villages 1-6 Development (including conditions or Section 106 obligations) the Development will provide Strategic Accessible Natural Greenspace within walking distance of new homes within Village 7 and Villages 1-6 and existing communities around the Gilston Area in line with Natural England's approach to reducing recreational demand on locations less capable of accommodating increased visitor numbers. Given the variety of green infrastructure proposals within walking distance of the new homes, which include ancient and new woodland areas, it is considered that the Development will provide sufficient alternative natural greenspace on-site such that new residents will not need to, and will be unlikely to, travel by private vehicle to the Wormley-Hoddesdonpark Woods SAC, which is the only way of accessing the SAC unless one is a competent cyclist.

6.1.8 While the screening stage suggests that there is a credible risk that the Development will increase visitor numbers to the Wormley-Hoddesdonpark Woods, given the above distance and provision of alternative on-site accessible natural greenspace and opportunities for recreation, it is considered that recreational demands on the SAC would be insignificant. Recreational effects are not cited in the reasons for the four SSSIs with unfavourable status, and the Conservation Objectives are concerned with maintaining and restoring species diversity, woodland structure and canopy, rather than preventing or controlling public access. Taking account of the Conservation Objectives, structure and function of the SAC the Council considers that there will be no adverse impact on the integrity of the Wormley-Hoddesdonpark Woods from recreational demands associated with the Development alone and in combination with Villages 1-6 and other plans and projects. This Appropriate Assessment therefore considers that there will be no impact on the integrity of the National Network Sites or the achievement of their Conservation Objectives in this regard.

## **6.2 Assessment of Potential Effects on Air Quality on the Lee Valley SPA/Ramsar and the Epping Forest SAC**

6.2.1 The screening identified that no air pollution pathways were considered to exist between the Development and the Wormley-Hoddesdonpark Woods SAC and as such

further consideration of air quality impacts on the SAC is not necessary to be carried forward into the Appropriate Assessment.

6.2.2 However, the screening stage concludes that the Development alone, will result in a change in traffic flow of more than 1,000 average annual daily trips in the vicinity of the Lee Valley SPA/Ramsar, thereby triggering the need for an appropriate assessment of air quality impacts on the Lee Valley SPA/Ramsar.

6.2.3 In terms of the Epping Forest SAC, the transport modelling undertaken for the Applicant's Habitats Information (2019 IHRA) takes into account the in-combination effects arising from the development plan growth identified in the East Herts District Plan, the Harlow Local Development Plan and Epping Forest Local Plan, as each of these plans allocates development sites in the HGGT area. The Transport Modelling described in section 5.8 and Table 10 above identifies that while the Development alone does not exceed the 1,000 AADT threshold, when considered in combination with vehicle movements associated with each of the Strategic Sites within the HGGT area, the AADT threshold is exceeded along the B1393 in the vicinity of the Epping Thicks SSSI component of the Epping Forest SAC, and as such an Appropriate Assessment is required. This is confirmed in the transport modelling undertaken for the Development and for the Villages 1-6 Outline Application, which has been validated by the two Highway Authorities of Hertfordshire and Essex County Councils. These sites are detailed in the two Applicants' Environmental Statements and the Council agrees that the list of sites informing the cumulative and in-combination considerations is comprehensive and suitable for this purpose.

### **Lee Valley SPA/Ramsar**

6.2.4 The Site Improvement Plan<sup>29</sup> for the Lee Valley SPA/Ramsar indicates that the only feature of the SPA vulnerable to the threat of air pollution is the Bittern, likely due to the impact of excess nitrogen on their habitats. The Bittern is a wading bird restricted almost entirely to reed dominated wetlands where they feed on fish, amphibians and other small mammals or water animals. They are also regularly found in small wetlands with relatively small areas of common reed (Phragmites).

6.2.5 The HRA of the Lee Valley Regional Park Development Framework<sup>30</sup> (Lepus Consulting, 2019) ("the Park Development Framework HRA") screened out likely significant effects from air quality on the Lee Valley SPA/Ramsar. In addition to the strategic policies in the Park Development Framework, which include policies to manage visitation to and management of the Lee Valley SPA/Ramsar, the HRA took into account the in-combination effects of growth identified in the surrounding development plans,

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<sup>29</sup> <http://publications.naturalengland.org.uk/publication/5864999960444928> Lee Valley SPA and Ramsar Site Improvement Plan

<sup>30</sup> [https://www.leevalleypark.org.uk/\\_files/ugd/8d76d7\\_b18e84350f1240cda3b2735fa4de489a.pdf](https://www.leevalleypark.org.uk/_files/ugd/8d76d7_b18e84350f1240cda3b2735fa4de489a.pdf) Lee Valley Regional Park Authority Strategic Policies Appropriate Assessment, Lepus Consulting, 2019

including the Development. While the Park Development Framework HRA was undertaken to assess the strategic policies in the Park Development Framework in combination with other plans and projects, the technical information is useful for this HRA of the Development as it considers the air quality effects of the same relevant development plans in-combination.

6.2.6 Paragraphs 4.4.7 to 4.4.13 and Figures 4.1 and 4.2 of the Park Development Framework HRA describe how despite the proximity of the Rye Meads SSSI component of the SAC to the A414, the Wetland Bird Survey currently offers no indication of the presence of bittern at the SSSI and that the extent of reedbed upon which the bittern relies is located at least 280 metres from the A414. This is beyond the 200m distance advised by Natural England as being the distance within which impacts from road transport emissions may have a detrimental impact on vegetation. Therefore, road transport related emissions from traffic flows along the A414 would be unlikely to adversely impact the reedbed habitat at Rye Meads SSSI, and in turn would not impact the qualifying species. The screening report in the Park Development Framework HRA concluded that likely significant effects on the Lee Valley SPA as a result of air pollution caused by the strategic policies of the Park Development Framework can be ruled out of the assessment, when considered alone as well as in-combination with other plans and projects. In considering the in-combination effects, the Park Development Framework HRA took into account the Development Plans of East Herts, Harlow, Broxbourne and Epping Forest, including the growth planned for the Gilston Area, which is now comprised in the Development, amongst others.

6.2.7 Given the date of the HRA of the Lee Valley Regional Park Development Framework (2019), the Council has checked whether there is any change to the technical data that informed the HRA and if so, if this would result in a different conclusion for this Development HRA by referring to the British Trust for Ornithology Wetland Bird Survey interactive website and the MAGIC website. The extent of reedbed remains as described in the Park Development Framework HRA, however the recorded number of Bittern across the SPA/Ramsar as a whole has dropped from 5 in 2015/16 to 1 in 2019/20, resulting in the average count for the previous 5 year period dropping from 4 to 2 bitterns.

6.2.8 Given that the extent of reedbed has remained unchanged and remains outside the 200m transect from the road it is considered that the integrity of the site in terms of the extent of habitat that supports the qualifying species is also unchanged.

6.2.9 Despite the drop in numbers of Bittern recorded, the conclusion that no bittern would be impacted by road transport related air pollution impacts would also remain and that no likely significant effects on the Lee Valley SPA are considered to occur from changes in air quality associated with road transport.

6.2.10 While the Council has no reason to dispute this conclusion, this Appropriate Assessment has taken a precautionary approach and has also considered the potential page 205

impacts of road transport on air quality in relation to the detail of the transport-related air quality modelling and also in relation to the other habitat types present that support the qualifying species of Bittern, Gadwall and Shoveler, that of open water, canal, fen, marsh and swamp. This is in line with the precautionary approach given that the Site Improvement Plan only identifies that air quality may affect the Bittern.

6.2.11 Given the scale of the proposed Village 7 Development, when considered alone and in combination with the Villages 1-6 Application element of the Gilston Area Development, the traffic flow modelling demonstrates that in each scenario, traffic flows past the SPA/Ramsar increase by more than 1,000 Average Annual Daily Traffic flow. As such, in terms of the first step above, the Development alone will exceed the threshold and trigger the need for an Appropriate Assessment. When considering the Crossing elements of the wider Gilston Area Development alone they do not generate the traffic, rather they distribute the traffic associated from the Outline Village 7 and Villages 1-6 elements of the Gilston Area Development as well as that arising from other plans and projects within the wider HGGT area. On their own therefore the Crossings do not result in air quality effects associated with Average Annual Daily Traffic flow, but as the screening test is to consider the in-combination effects of the Village 7 Development with the Crossings Applications and the Outline Villages 1-6 element of the Gilston Area Development together with other plans and projects, the same conclusion is reached.

6.2.12 In order to assess whether the Applications comprising the Development exceeds the Critical Load thresholds as detailed above, the Applicant's Habitats Information (2019 IHRA) explores what the current baseline conditions are for the Lee Valley SPA/Ramsar. Table 14 below identifies the qualifying species and habitat that warrant the SPA/Ramsar designation and the critical levels and loads i.e their tolerance to different pollutant levels, above which harm can occur to the habitat such that it no longer maintains the conservation status of the species. This data was taken from the Air Pollution Information System, a regularly updated interactive website record. The Council has accessed the website data and confirm that the critical load data is as recorded on the Information System and the most up to date data has been used.

**Table 14: Baseline Critical Loads and Levels – Lee Valley SPA/Ramsar**

| Qualifying Feature | Broad Habitat                  | NOx ( $\mu\text{g}/\text{m}^3$ ) | N dep (kg/ha/yr) | Acid dep (keq/ha/yr) | NH <sup>3</sup> ( $\mu\text{g}/\text{m}^3$ ) |
|--------------------|--------------------------------|----------------------------------|------------------|----------------------|--|
| Great Bittern      | Fen, marsh and swamp           | 30                               | 15-30            | Not sensitive        | 3 (2-4)                                      |
| Gadwall            | Standing open water and canals |                                  | No CL assigned   |                      |  |
| Northern Shoveler  |                                |                                  |                  |                      |  |

6.2.13 Taking the main vehicular route from the Development, the A414, the modelling takes a 200m transect southwards from the road towards the Rye Meads SSSI, which is the most proximate component of the Lee Valley SPA/Ramsar. The broad habitat which occurs within 200m of the A414 is wet meadow, and although this type of habitat is unlikely to be critical to maintaining the conservation status of the qualifying bird species, the SSSI unit assessment suggests that some parts of the wet grassland habitat resource provides “additional swamp fen habitat” for overwintering bitterns.

6.2.14 The Applicant’s air quality transport modelling data indicates that within the 200m distance (transect) of the road, the NOx critical level is marginally exceeded at the roadside boundary of the Rye Meads SSSI component of the SPA only, but the lower level of the critical load for nitrogen deposition is exceeded by a minor amount at all distances. The critical level for ammonia concentration is not exceeded. Since the submission of the Applicant’s 2019 IHRA, new air pollution data was published and this was used to inform the 2020 IHRA submitted with the ES Addendum for Villages 1-6. For consistency, the data previously presented for Villages 1-6 is used below. This is considered robust because the Villages 1-6 data included traffic flows from Village 7 in the cumulative scenarios and therefore represents the worst-case scenario whereby Village 7 comes forward only in combination with Villages 1-6 and not as a stand-alone development. The Council considers that the Villages 1-6 2020 IHRA baseline data of 2019 is appropriate to use for this Appropriate Assessment because the Applicants’ traffic modelling data was also updated to a 2019 baseline for the wider Environmental Statement Addendum submitted for the Villages 1-6 Development which considered the cumulative data for Village 7. The updated baseline showed an improvement in NOx levels such that even at the roadside boundary of the Rye Meads SSSI, the NOx critical level is not exceed; the lower level of the critical load for nitrogen deposition is exceeded by a minor amount; and the critical level for ammonia concentration is not exceeded. Percentage of Critical Load is only provided where there is an exceedance.

**Table 15: Lee Valley SPA Air Quality Baseline (2018) versus Development Plus Other Plans and Projects - Completion (2040)**

| Distance from road | Annual Mean NOx Concentration ( $\mu\text{g}/\text{m}^3$ ) |      | Total Nitrogen Deposition (kg/ha/yr) |      |                     | Annual Mean NH $^3$ ( $\mu\text{g}/\text{m}^3$ ) |      |
|--------------------|--|------|--------------------------------------|------|---------------------|--|------|
|                    | Baseline   | 2040 | Baseline                             | 2040 | PC/CL <sup>31</sup> | Baseline   | 2040 |
| 35m                | 30.7   | 25.5 | 16.5                                 | 16.2 | 0.53%               | 1.34   | 1.37 |
| 40m                | 29.0   | 24.5 | 16.4                                 | 16.2 | 0.47%               | 1.33   | 1.35 |
| 45m                | 27.7   | 23.7 | 16.3                                 | 16.1 | 0.40%               | 1.32   | 1.34 |
| 50m                | 26.6   | 23.1 | 16.2                                 | 16.1 | 0.33%               | 1.32   | 1.33 |
| 55m                | 25.7   | 22.5 | 16.2                                 | 16.0 | 0.33%               | 1.31   | 1.33 |
| 65m                | 24.4   | 21.8 | 16.1                                 | 16.0 | 0.27%               | 1.30   | 1.32 |
| 75m                | 23.5   | 21.2 | 16.0                                 | 15.9 | 0.20%               | 1.30   | 1.31 |
| 85m                | 22.8   | 20.8 | 16.0                                 | 15.9 | 0.20%               | 1.29   | 1.30 |
| 95m                | 22.2   | 20.5 | 16.0                                 | 15.9 | 0.20%               | 1.29   | 1.30 |
| 105m               | 21.7   | 20.2 | 15.9                                 | 15.8 | 0.13%               | 1.29   | 1.29 |
| 115m               | 21.4   | 20.0 | 15.9                                 | 15.8 | 0.13%               | 1.28   | 1.29 |
| 125m               | 21.1   | 19.8 | 15.9                                 | 15.8 | 0.13%               | 1.28   | 1.29 |
| 135m               | 20.8   | 19.6 | 15.9                                 | 15.8 | 0.13%               | 1.28   | 1.28 |
| 160m               | 20.3   | 19.3 | 15.8                                 | 15.8 | 0.07%               | 1.28   | 1.28 |
| 185m               | 19.9   | 19.1 | 15.8                                 | 15.8 | 0.07%               | 1.27   | 1.28 |
| 210m               | 19.6   | 18.9 | 15.8                                 | 15.8 | 0.07%               | 1.27   | 1.27 |
| 235m               | 19.4   | 18.8 | 15.8                                 | 15.7 | 0.07%               | 1.27   | 1.27 |

<sup>31</sup> Percentage (2040 DS – 2040 DM) of Lower Critical Load for Fen, Marsh and Swamp (15kg/Ha/year)

**Table 16: Lee Valley SPA Air Quality Baseline (2019) versus Development Plus Other Plans and Projects - Completion (2040)**

| Distance from road | Annual Mean NOx ( $\mu\text{g}/\text{m}^3$ ) |      | Total Nitrogen Deposition ( $\text{kg}/\text{ha}/\text{yr}$ ) |       |                     | Annual Mean NH $^3$ ( $\mu\text{g}/\text{m}^3$ ) |      |
|--------------------|--|------|---|-------|---------------------|--|------|
|                    | Baseline                                     | 2040 | Baseline  | 2040  | PC/CL <sup>32</sup> | Baseline   | 2040 |
| 35m                | 30.6   | 25.6 | 17.25   | 16.88 | 0.36%               | 1.96   | 2.20 |
| 40m                | 29.1   | 24.8 | 17.15   | 16.82 | 0.32%               | 1.90   | 2.11 |
| 45m                | 28.0   | 24.1 | 17.07   | 16.77 | 0.28%               | 1.86   | 2.04 |
| 50m                | 27.1   | 23.6 | 17.00   | 16.74 | 0.25%               | 1.82   | 1.99 |
| 55m                | 26.4   | 23.2 | 16.95   | 16.71 | 0.22%               | 1.80   | 1.94 |
| 65m                | 25.2   | 22.6 | 16.87   | 16.67 | 0.19%               | 1.75   | 1.88 |
| 75m                | 24.4   | 22.2 | 16.81   | 16.63 | 0.17%               | 1.72   | 1.83 |
| 85m                | 23.8   | 21.8 | 16.76   | 16.61 | 0.14%               | 1.69   | 1.79 |
| 95m                | 23.3   | 21.5 | 16.72   | 16.59 | 0.13%               | 1.67   | 1.76 |
| 105m               | 22.9   | 21.3 | 16.69   | 16.57 | 0.12%               | 1.66   | 1.73 |
| 115m               | 22.5   | 21.1 | 16.67   | 16.56 | 0.10%               | 1.64   | 1.71 |
| 125m               | 22.3   | 21.0 | 16.65   | 16.55 | 0.09%               | 1.63   | 1.70 |
| 135m               | 22.0   | 20.8 | 16.63   | 16.54 | 0.08%               | 1.62   | 1.68 |
| 160m               | 21.6   | 20.6 | 16.60   | 16.52 | 0.07%               | 1.61   | 1.65 |
| 185m               | 21.2   | 20.4 | 16.57   | 16.51 | 0.06%               | 1.59   | 1.63 |
| 210m               | 21.0   | 20.3 | 16.55   | 16.50 | 0.06%               | 1.58   | 1.62 |
| 235m               | 20.7   | 20.1 | 16.54   | 16.49 | 0.05%               | 1.57   | 1.60 |

<sup>32</sup> Percentage (2040 DS – 2040 DM) of Lower Critical Load for Fen, Marsh and Swamp (15kg/Ha/year)

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

6.2.15 Table 15 above shows the 2020 air quality baseline (taken from the Air Pollution Information System using co-ordinates relative to the 200m transect from the road into the Rye Meads SSSI component of the Lee Valley SPA) compared against the forecast pollutant deposition. This is based on the 'do something' transport model, which includes the 10,000 homes in the Gilston area (comprised in the Outline Applications for Villages 1-6 and Village 7), plus the in-combination traffic effects of the allocated and known development sites within the wider HGGT area and developments plans in East Herts, Harlow and Epping Forest districts.

6.2.16 The modelling undertaken for pollutants following the completion of Gilston Area Development at 2040, indicates that NOx levels will remain below the critical load levels for all distances and scenarios. Nitrogen deposition will fall below the lower critical load threshold for fen, marsh and swamp at all distances and scenarios, and for standing open water and canals. However, the forecasting indicates that at the roadside, there is a minor increase in ammonia at the closest two transect distances, but a reduction from the third transect distance of 45m. It is noted however that the lower critical level for ammonia concentration is not exceeded at any distance. This is likely due to a number of factors which include improvements to transport technology and an increase in the use of zero and low emission vehicles.

6.2.17 Natural England states within their guidance regarding air quality assessment<sup>33</sup> that "*if a sensitive feature is not assigned to a unit (or intended to be restored to the unit) within the distance criterion the effects can be screened out*" during the screening stage. Natural England guidance further states that "*if there is already detailed, locally-based modelling available about the plan or project that shows the 1% of the environmental benchmark is not exceeded, even if the 1,000 AADT is, then this level of precision is sufficient to override the use of the very generic 1,000 AADT guideline threshold*" in determining whether the potential for likely significant effects either alone or in-combination can be screened out.

6.2.18 Furthermore, when taking into account the HRA undertaken for the Lee Valley Regional Park Development Framework<sup>34</sup>, the National Network site currently successfully supports the habitats (reed bed) that in turn support the qualifying wintering bird species (Bittern *Botaurus stellaris*) for which the site is designated. These reed beds are beyond the 200m transect from the A414 and as such would not be impacted by air pollutants arising from road transport, thereby retaining the integrity of the Lee Valley SPA/Ramsar in terms of the structure and function of the site. It is also noteworthy that the trend indicated in the forecast is for the reduction of nutrient loads of all types across all distances once the Development (in combination with other relevant plans

<sup>33</sup> <http://publications.naturalengland.org.uk/publication/4720542048845824> Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitat Regulations, NEA001, July 2018

<sup>34</sup> [https://4a7cf0de-56b5-46b2-8640-62634050a65d.filesusr.com/ugd/8d76d7\\_b18e84350f1240cda3b2735fa4de489a.pdf](https://4a7cf0de-56b5-46b2-8640-62634050a65d.filesusr.com/ugd/8d76d7_b18e84350f1240cda3b2735fa4de489a.pdf)

Lee Valley Regional Park Authority Strategic Policies Appropriate Assessment, Lepus Consulting, 2019

and programmes) is complete in 2040. As such, the improving trend in nutrient levels will have a positive effect on the standing open water and canal habitats that support the qualifying species of Gadwall *Anas strepera* and Northern Shoveler *Anas clypeata*, as well as other species that are important to the SAC including the tufted duck *Aythya fuligula*, Common Tern *Sterna hirundo* and Whorled Water-milfoil *Myriophyllum verticillatum*, and Water boatman *Micronecta minutissima*, and no further mitigation is required. It is therefore considered that this is in accordance with the Conservation Objectives of the SPA/Ramsar and the Development will not adversely affect the integrity of the Lee Valley SPA/Ramsar<sup>35</sup>.

6.2.19 When considering the two transport infrastructure components of the Gilston Area Development, the two crossings will change the distribution of vehicle flows associated with the outline Village 7 and Villages 1-6 proposal and other planned developments, but they do not generate the growth in vehicle movements. Therefore, this Appropriate Assessment concludes that no adverse effects will occur on the Lee Valley SPA/Ramsar site arising from the two transport infrastructure proposals when considered alone, and in combination with the Village 7 and Villages 1-6 Outline Application elements of the Gilston Area Development, and in combination with the other development sites within the relevant plans and projects.

### **Epping Forest SAC**

6.2.20 As is described in the screening stage, Epping Forest SAC has been the subject of considerable investigation through the Epping Forest Local Plan Examination in Public and through the Habitat Regulations Assessments of each of the local plans governing development within the HGGT area. The HRA for the Epping Forest Local Plan concluded that the impacts on the SAC arise primarily as a result of the planned development within Epping Forest district. This view concurred with those taken for the East Herts District Plan and Harlow Local Development Plan.

6.2.21 While the Development in combination with other plans and projects will result in Average Annual Traffic Trip flows that exceed the screening threshold of 1,000 AADT, the contribution that the Development makes to the overall number of trips on the M25 and through the Epping Forest SAC is nugatory. The HRA for the Epping Forest Local Plan determined that:

*“growth in Epping Forest District between 2014 and 2033 is the primary source of additional ammonia and NOx emissions on the modelled road sections and all other plans and projects make a negligible contribution to the in combination effect [our emphasis]. This is most probably because the average daily traffic flow on all the modelled sections of road is dominated by people who either live or work in Epping*

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<sup>35</sup> Maintain concentrations and deposition of air pollutants to, at, or below the site-relevant Critical Load or Level values given for the feature of the site on the Air Pollution Information System.

*Forest District, particularly the settlements that surround the SAC, including Epping itself”.*

6.2.22 This view was articulated by Natural England in their formal consultation response to the Villages 1-6 Outline Application component of the Development (2<sup>nd</sup> September 2019) confirming that, aside from development within Epping Forest District. *“all other plans and projects make a negligible contribution to the in combination effect”, and consequently advises that “it would not be inappropriate to conclude that responsibility for mitigating air quality impacts on Epping Forest SAC should fall on Epping Forest District Council and developments within that district.”*

6.2.23 Natural England asked the Council to confirm that the potential impacts from the full extent of the Gilston Area Development beyond the Plan period has been considered. Of the 10,000 homes allocated in the Gilston Area allocation, circa 3,000 homes are expected to be delivered within the Plan period to 2033, with the remaining circa 7,000 being delivered by 2040. The Council has considered the Environmental Statements of both the Development and the Villages 1-6 Outline Application and are satisfied that the traffic modelling which has informed the air quality modelling does indeed take into account the full extent of the delivery of the Gilston Area beyond the Plan period of 2033, by which time Village 7 plus the other development sites allocated within the relevant development plans are expected to be complete, and also beyond to 2040 when the remainder of the Villages 1-6 component of the Development is expected to be complete.

6.2.24 As described in the screening stage, the traffic generated by the Development alone that passes the nearest SSSI component of the Epping Forest SAC does not exceed 1,000 Average Annual Daily Traffic trips, but when considered in-combination with other plans and projects, including Villages 1-6, the AADT of 1,000 is exceeded. This is sufficient to trigger the need for an appropriate assessment in respect of air quality effects on the Epping Forest SAC. Firstly, the current critical loads and levels for the SAC are established along with the baseline forecasts for a 200m transect across the relevant component of the SAC. The forecast traffic flows from the Development in combination with other plans and projects are then fed into an air quality traffic model that forecasts future levels of pollutants.

6.2.25 The critical levels and loads for Epping Forest SAC qualifying habitat types and broad habitats which support qualifying species are presented in Table 17 below. This data was taken from the Air Pollution Information System, a regularly updated interactive website record. The Council has accessed the website data<sup>36</sup> and confirm that the critical load data is as recorded on the Information System and the most up to date data has been used.

**Table 17: Baseline Critical Loads and Levels – Epping Forest SAC**

| Qualifying Feature                                      | Broad Habitat        | NOx ( $\mu\text{g}/\text{m}^3$ ) | N deposition (kg/ha/yr) | NH $^3$ ( $\mu\text{g}/\text{m}^3$ ) |
|---|----------------------|----------------------------------|-------------------------|--------------------------------------|
| Northern Atlantic wet heaths with <i>Erica tetralix</i> | European dry heaths  | 30                               | 10-20                   | 1                                    |
|   |                      |                                  |                         | 1                                    |
|   |                      |                                  |                         | No critical level/ load assigned     |
| Stage Beetle  | Broadleaved woodland | Not sensitive                    |                         |                                      |

6.2.26 As explained in paragraph 5.8.34 above, the closest main traffic link to the SAC is the M25. The area of Epping Forest SAC which lies adjacent to the B1393, south of the M25 near the Bell Common Tunnel is occupied by woodland (SSSI unit 105, 'Epping Thicks') and is considered in the Applicant's 2019 IHRA as being the most relevant for this HRA/AA. Further south, the SAC is crossed by multiple roads and therefore transport model results are skewed by local traffic and that of north London Boroughs, reducing the ability to disseminate the impacts arising from the Development from wider traffic sources. Taking the main vehicular route from the Development, the B1393, the modelling takes a 200m transect southwards from the M25 across the SSSI unit. Table 18 below shows the 2018 air quality baseline provided in the Villages 1-6 2019 IHRA (taken from the Air Pollution Information System using co-ordinates relative to the 200m transect from the M25 into the Epping Thicks SSSI component of the Epping Forest SAC) compared against the forecast pollutant deposition, based on the 'do something' transport model, which includes the 10,000 homes in the Gilston Area (comprised in the Outline Applications for Villages 1-6 and Village 7, plus the in-combination effects of the allocated Strategic Sites within the wider HGGT area and development plans in East Herts, Harlow and Epping Forest districts. The Villages 1-6 Applicant has also recently<sup>37</sup> provided updated modelling data, which has been submitted to Natural England, and this is reported for transparency at Table 19 below.

6.2.27 The 2022 IHRA provides data for a transect of the Epping Thicks SSSI unit 105 from the B1393. Table 19a below shows the 2019 air quality baseline provided in the Villages 1-6 Applicant's 2022 IHRA, taken from the Air Pollution Information System using the 1km grid square containing the 200m transect from the B1393 compared against the forecast pollutant deposition, based on the 'do something' transport model, which includes the 10,000 homes in the Gilston Area (comprised in the Outline Applications for Villages 1-6 and Village 7, plus the in-combination effects of the allocated Strategic Sites within the wider HGGT area and development plans in East Herts, Harlow and Epping Forest districts.

6.2.28 The modelling undertaken for pollutants following the completion of Development at 2040 (at Tables 18 and 19 below) indicates that NOx levels will remain above the critical

<sup>37</sup> February 2022

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

load levels for all distances except the furthest transect point from the road (241m), however the modelling shows a significant improvement between the 2018 baseline and the 2040 do something year of  $23.5 \mu\text{g}/\text{m}^3$  at the nearest transect point to the road. The 10kg/ha/year lower critical load for Nitrogen Deposition is exceeded at the 2018 baseline and remains exceeded at all distances across the transect, but there is a small reduction of less than 0.5kg/Ha/year at the 2040 do something year. For Acid Deposition, the critical load remains below 1.73keq/Ha/year across all distances and there is a minor improvement of 0.04keq/Ha/year) between the baseline and 2040 do something year. In terms of Ammonia, the critical load is exceeded at the baseline and remains exceeded at the 2040 do something year, with an increase of  $0.24 \mu\text{g}/\text{m}^3$ . It is noted however, that for each pollutant, the contribution that the Development makes to the critical load relevant, in terms of a percentage is less than 1%. Similar results are evident for the updated 2019 baseline and therefore there is no change to the assessment in this respect.

6.2.20 The modelling data undertaken for the Development in combination with other plans and projects indicate that for NOx, Nitrogen and Acid Deposition there is an improving trend in air quality over time in the absence of mitigation, however, there is a slight worsening of Ammonia. Taking a precautionary approach, it is considered that while the additional vehicle trips associated with the Development makes a negligible impact, when considered in combination with other strategic growth that will result in vehicle trips along the M25, B1393 and through the Epping Forest SAC, will to an extent delay and possibly slow the rate at which pollution levels decrease, which means that progress towards the restoration of qualifying features will take longer. However, the magnitude of this in-combination effect is considered to be negligible and imperceptible and will not cause an adverse effect on integrity of the SAC. This position is consistent with the 2019 consultation response of Natural England referred to above in respect of the Villages 1-6 application, namely, that the in-combination effects of developments outside of Epping will be negligible and also the in-combination assessment undertaken for the HRA for the Epping Forest Local Plan. It should also be noted however, that the Epping Thicks SSSI Unit is considered to be in favourable condition now.

6.2.21 It is noted that as shown in Tables 18 and 19 below, the increase in nutrient Nitrogen arising from the Gilston Area Development (Village 7 and Villages 1-6) accounts for less than 1% of the critical load at the nearest point of the SSSI to the M25, this is considered imperceptible. However, Table 19a below shows that there is a 0.1% above the 1% critical load threshold at the nearest point of the SSSI to the B1393. Taking advice from Natural England, this exceedance is in itself imperceptible, is experienced only at the roadside edge of the transect diminishing well below the critical load by the next transect point, and is not considered to change the overall evaluation based on Natural

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

England's current guidance<sup>38</sup> which states that a change in emissions of less than 1% of the critical load or level is widely considered to be imperceptible and as such would not result in changes to nutrient loads within the SSSI to a level that would be detrimental to the three qualifying woodland habitats for which the SAC is designated and therefore would not adversely affect the integrity of the National Network Site. The Village 7 site, being 15% of the overall Gilston Area Development will have even less of an impact when considered alone. As the qualifying species of Stag Beetle is not sensitive to changes in air quality it is considered that there is no adverse effect on this qualifying species.

6.2.22 The Conservation Objectives for the SAC indicate that the epiphytes on the site have declined largely as a result of air pollution, though they remain important for a large range of rare species, including the knothole moss *Zygodon forsteri*. This moss has very precise habitat requirements; it grows only in the rain tracks on beech trees growing on acid soils in open, well-lit sites. As the moss is dependent upon Beech trees, NOx levels and Nitrogen deposition are key factors. Tables 18 and 19 and 19a below shows that pollutant levels for NOx and Nitrogen are forecast to reduce across all distances on the transect, although critical loads for Atlantic acidophilous Beech forests remain exceeded. Notwithstanding this, the Epping Thicks SSSI is not recorded to contain this particular species of moss and the SSSI unit is recorded as being in favourable status.

6.2.23 The APIS website records a Critical Level for Ammonia as 1 or 3  $\mu\text{g}/\text{m}^3$  for the Atlantic acidophilous Beech forest. 1  $\mu\text{g}/\text{m}^3$  is relevant to lichens and bryophytes while 3  $\mu\text{g}/\text{m}^3$  is relevant to higher plants. The 3  $\mu\text{g}/\text{m}^3$  threshold is exceeded at the edge of the SAC transect but falls below the critical level within 10m of the roadside. There remains an exceedance above the critical level for ammonia (1  $\mu\text{g}/\text{m}^3$ ) due to background concentrations, and at the roadside location the development will result in a 1.1% increase in ammonia quickly falling to below 1% within 10m into the transect. This would be considered as imperceptible. The Villages 1-6 2022 IHRA Table 7 shows that in the interim 2027 and 2033 forecasts the contribution of the Gilston Area Development is less than 1% at the roadside location.

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<sup>38</sup> <http://publications.naturalengland.org.uk/publication/4720542048845824> Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitat Regulations, NEA001, July 2018

**Table 18: Epping Forest SAC Air Quality Baseline (2018) versus Development Plus Other Plans and Projects - Completion (2040) – M25 transect of Epping Thicks SSSI unit 105**

| Distance from road | Annual Mean NOx Concentration ( $\mu\text{g}/\text{m}^3$ ) |      |         | Total Nitrogen Deposition (kg/ha/yr) |      |                       | Annual Mean $\text{NH}_3$ Concentration ( $\mu\text{g}/\text{m}^3$ ) |      |                       | Total Nitrogen Acid (keq/Ha/year) |      |                       |
|--------------------|--|------|---------|--------------------------------------|------|-----------------------|--|------|-----------------------|-----------------------------------|------|-----------------------|
|                    | Base-line  | 2040 | PC/CL % | Base-line                            | 2040 | PC/CL <sup>39</sup> % | Base-line  | 2040 | PC/CL <sup>40</sup> % | Base-line                         | 2040 | PC/CL <sup>41</sup> % |
| 41m                | 71.8   | 48.3 | 0.27%   | 19.6                                 | 19.0 | 0.15%                 | 2.27   | 2.51 | 0.45%                 | 1.46                              | 1.43 | 0.06%                 |
| 46m                | 68.0   | 46.4 | 0.25%   | 19.2                                 | 18.7 | 0.14%                 | 2.19   | 2.40 | 0.42%                 | 1.44                              | 1.40 | 0.06%                 |
| 51m                | 64.8   | 44.8 | 0.23%   | 18.9                                 | 18.4 | 0.12%                 | 2.11   | 2.31 | 0.39%                 | 1.42                              | 1.38 | 0.05%                 |
| 56m                | 62.0   | 43.4 | 0.21%   | 18.6                                 | 18.2 | 0.11%                 | 2.05   | 2.24 | 0.36%                 | 1.40                              | 1.36 | 0.05%                 |
| 61m                | 59.6   | 42.2 | 0.20%   | 18.4                                 | 18.0 | 0.11%                 | 2.00   | 2.17 | 0.33%                 | 1.38                              | 1.35 | 0.04%                 |
| 71m                | 55.6   | 40.2 | 0.17%   | 18.0                                 | 17.6 | 0.10%                 | 1.90   | 2.06 | 0.30%                 | 1.35                              | 1.32 | 0.04%                 |
| 81m                | 52.4   | 38.7 | 0.16%   | 17.7                                 | 17.3 | 0.08%                 | 1.83   | 1.97 | 0.26%                 | 1.33                              | 1.30 | 0.03%                 |
| 91m                | 49.8   | 37.4 | 0.14%   | 17.4                                 | 17.1 | 0.08%                 | 1.77   | 1.90 | 0.24%                 | 1.31                              | 1.29 | 0.03%                 |
| 101m               | 47.6   | 36.3 | 0.13%   | 17.2                                 | 16.9 | 0.07%                 | 1.72   | 1.84 | 0.22%                 | 1.29                              | 1.27 | 0.03%                 |
| 111m               | 45.8   | 35.4 | 0.12%   | 17.0                                 | 16.7 | 0.07%                 | 1.68   | 1.79 | 0.20%                 | 1.28                              | 1.26 | 0.03%                 |
| 121m               | 44.2   | 34.6 | 0.11%   | 16.8                                 | 16.6 | 0.06%                 | 1.65   | 1.74 | 0.18%                 | 1.27                              | 1.25 | 0.03%                 |
| 131m               | 42.9   | 34.0 | 0.10%   | 16.7                                 | 16.5 | 0.05%                 | 1.62   | 1.70 | 0.17%                 | 1.26                              | 1.24 | 0.02%                 |
| 141m               | 41.7   | 33.4 | 0.09%   | 16.6                                 | 16.4 | 0.06%                 | 1.59   | 1.67 | 0.16%                 | 1.25                              | 1.23 | 0.02%                 |
| 166m               | 39.2   | 32.2 | 0.08%   | 16.3                                 | 16.1 | 0.05%                 | 1.53   | 1.60 | 0.14%                 | 1.23                              | 1.22 | 0.02%                 |
| 191m               | 37.4   | 31.3 | 0.07%   | 16.1                                 | 16.0 | 0.04%                 | 1.49   | 1.55 | 0.12%                 | 1.22                              | 1.21 | 0.02%                 |
| 216m               | 35.9   | 30.6 | 0.06%   | 16.0                                 | 15.8 | 0.03%                 | 1.46   | 1.51 | 0.10%                 | 1.21                              | 1.20 | 0.01%                 |
| 241m               | 34.7   | 30.0 | 0.05%   | 15.9                                 | 15.7 | 0.03%                 | 1.43   | 1.48 | 0.09%                 | 1.20                              | 1.19 | 0.01%                 |

<sup>39</sup> percentage (2040 DS - 2040 DM) of Lower Critical Load for Atlantic acidophilous beech forests (10kg/Ha/year)

<sup>40</sup> percentage (2040 DS - 2040 DM) of Critical Load for lower plants ( $1 \mu\text{g}/\text{m}^3$  to  $3 \mu\text{g}/\text{m}^3$  for higher plants)

<sup>41</sup> percentage (2040 DS - 2040 DM) of minCLmaxN value for Atlantic acidophilous beech forests (1.73keq/Ha/year)

**Table 19: Epping Forest SAC Air Quality Baseline (2019) versus Development Plus Other Plans and Projects - Completion (2040) – M25 transect of Epping Thicks SSSI unit 105**

| Distance from road | Annual Mean NOx ( $\mu\text{g}/\text{m}^3$ ) |      |         | Total Nitrogen (kg/ha/yr) onto Heathland |      |         | Total Nitrogen (kg/ha/yr) onto Woodland |      |         | Annual Mean NH <sub>3</sub> ( $\mu\text{g}/\text{m}^3$ ) |      |         |
|--------------------|--|------|---------|--|------|---------|---|------|---------|--|------|---------|
|                    | Base-line                                    | 2040 | PC/CL % | Base-line                                | 2040 | PC/CL % | Base-line                               | 2040 | PC/CL % | Base-line  | 2040 | PC/CL % |
| 41m                | 60.6   | 42.3 | 0.20%   | 18.7                                     | 17.4 | 0.03%   | 32.5                                    | 29.9 | 0.06%   | 2.59   | 3.16 | 0.06%   |
| 46m                | 55.3   | 38.4 | 0.18%   | 18.5                                     | 17.3 | 0.04%   | 32.2                                    | 29.8 | 0.09%   | 2.50   | 3.03 | 0.06%   |
| 51m                | 53.0   | 37.3 | 0.17%   | 18.4                                     | 17.3 | 0.03%   | 31.9                                    | 29.6 | 0.06%   | 2.42   | 2.91 | 0.05%   |
| 56m                | 51.0   | 36.4 | 0.16%   | 18.2                                     | 17.2 | 0.03%   | 31.6                                    | 29.5 | 0.06%   | 2.36   | 2.81 | 0.05%   |
| 61m                | 49.2   | 35.6 | 0.15%   | 18.1                                     | 17.2 | 0.03%   | 31.4                                    | 29.4 | 0.06%   | 2.30   | 2.72 | 0.04%   |
| 71m                | 46.4   | 34.3 | 0.13%   | 17.9                                     | 17.1 | 0.03%   | 31.0                                    | 29.2 | 0.06%   | 2.21   | 2.58 | 0.04%   |
| 81m                | 44.1   | 33.3 | 0.12%   | 17.8                                     | 17.0 | 0.03%   | 30.6                                    | 29.0 | 0.06%   | 2.13   | 2.47 | 0.03%   |
| 91m                | 42.2   | 32.4 | 0.11%   | 17.6                                     | 16.9 | 0.01%   | 30.4                                    | 28.9 | 0.03%   | 2.07   | 2.37 | 0.03%   |
| 101m               | 40.7   | 31.7 | 0.10%   | 17.5                                     | 16.9 | 0.01%   | 30.2                                    | 28.8 | 0.03%   | 2.02   | 2.29 | 0.03%   |
| 111m               | 39.4   | 31.1 | 0.09%   | 17.4                                     | 16.9 | 0.01%   | 30.0                                    | 28.7 | 0.03%   | 1.97   | 2.23 | 0.03%   |
| 121m               | 38.2   | 30.6 | 0.08%   | 17.4                                     | 16.8 | 0.03%   | 29.8                                    | 28.7 | 0.06%   | 1.94   | 2.17 | 0.03%   |
| 131m               | 37.3   | 30.2 | 0.08%   | 17.3                                     | 16.8 | 0.03%   | 29.7                                    | 28.6 | 0.06%   | 1.90   | 2.12 | 0.02%   |
| 141m               | 36.4   | 29.8 | 0.07%   | 17.2                                     | 16.8 | 0.01%   | 29.5                                    | 28.5 | 0.03%   | 1.88   | 2.08 | 0.02%   |
| 166m               | 34.7   | 29.0 | 0.06%   | 17.1                                     | 16.7 | 0.01%   | 29.3                                    | 28.4 | 0.03%   | 1.82   | 1.99 | 0.02%   |
| 191m               | 33.3   | 28.4 | 0.05%   | 17.0                                     | 16.7 | 0.01%   | 29.1                                    | 28.3 | 0.03%   | 1.77   | 1.93 | 0.02%   |
| 216m               | 32.3   | 27.9 | 0.05%   | 17.0                                     | 16.6 | 0.01%   | 29.0                                    | 28.3 | 0.03%   | 1.74   | 1.87 | 0.01%   |
| 241m               | 31.4   | 27.5 | 0.04%   | 16.9                                     | 16.6 | 0.01%   | 28.8                                    | 28.2 | 0.03%   | 1.71   | 1.83 | 0.01%   |

**Table 19a: Epping Forest SAC Air Quality Baseline (2019) versus Development Plus Other Plans and Projects - Completion (2040) – B1393 Transect of Epping Thicks SSSI unit 105**

| Distance from road | Annual Mean NOx ( $\mu\text{g}/\text{m}^3$ ) |      |         | Total Nitrogen (kg/ha/yr) onto Heathland |       |         | Total Nitrogen (kg/ha/yr) onto Woodland |       |         | Annual Mean $\text{NH}_3$ ( $\mu\text{g}/\text{m}^3$ ) |      |         |
|--------------------|--|------|---------|--|-------|---------|---|-------|---------|--|------|---------|
|                    | Base-line                                    | 2040 | PC/CL % | Base-line                                | 2040  | PC/CL % | Base-line                               | 2040  | PC/CL % | Base-line  | 2040 | PC/CL % |
| SAC edge           | 60.4   | 30.8 | 0.28%   | 22.33                                    | 20.16 | 0.06%   | 40.15                                   | 35.66 | 0.12%   | 3.25   | 3.70 | 1.11%   |
| 10m                | 45.7   | 24.5 | 0.17%   | 21.39                                    | 19.73 | 0.04%   | 38.20                                   | 34.76 | 0.09%   | 2.62   | 2.89 | 0.67%   |
| 20m                | 38.8   | 21.5 | 0.12%   | 20.92                                    | 19.52 | 0.03%   | 27.23                                   | 34.32 | 0.06%   | 2.33   | 2.51 | 0.47%   |
| 30m                | 35.5   | 20.1 | 0.09%   | 20.69                                    | 19.42 | 0.01%   | 36.75                                   | 34.11 | 0.03%   | 2.19   | 2.33 | 0.37%   |
| 40m                | 33.5   | 19.2 | 0.08%   | 20.55                                    | 19.35 | 0.01%   | 36.45                                   | 33.98 | 0.03%   | 2.10   | 2.21 | 0.30%   |
| 50m                | 32.1   | 18.6 | 0.07%   | 20.45                                    | 19.31 | 0.01%   | 36.25                                   | 33.89 | 0.03%   | 2.04   | 2.14 | 0.26%   |
| 60m                | 31.1   | 18.2 | 0.06%   | 20.38                                    | 19.28 | 0.01%   | 36.10                                   | 33.82 | 0.03%   | 2.00   | 2.08 | 0.23%   |
| 70m                | 30.3   | 17.8 | 0.05%   | 20.32                                    | 19.25 | 0.00%   | 35.99                                   | 33.77 | 0.00%   | 1.96   | 2.04 | 0.21%   |
| 80m                | 29.7   | 17.6 | 0.05%   | 20.28                                    | 19.23 | 0.01%   | 35.89                                   | 33.73 | 0.03%   | 1.94   | 2.00 | 0.19%   |
| 90m                | 29.2   | 17.3 | 0.04%   | 20.24                                    | 19.22 | 0.01%   | 35.82                                   | 33.70 | 0.03%   | 1.91   | 1.98 | 0.17%   |
| 100m               | 28.7   | 17.2 | 0.04%   | 20.21                                    | 19.20 | 0.00%   | 35.75                                   | 33.67 | 0.00%   | 1.90   | 1.95 | 0.15%   |
| 110m               | 28.4   | 17.0 | 0.04%   | 20.18                                    | 19.19 | 0.00%   | 35.70                                   | 33.65 | 0.00%   | 1.88   | 1.93 | 0.14%   |
| 120m               | 28.1   | 16.9 | 0.03%   | 20.16                                    | 19.18 | 0.00%   | 35.65                                   | 33.63 | 0.00%   | 1.87   | 1.92 | 0.13%   |
| 130m               | 27.8   | 16.7 | 0.03%   | 20.14                                    | 19.17 | 0.01%   | 35.61                                   | 33.61 | 0.03%   | 1.85   | 1.90 | 0.12%   |
| 140m               | 27.5   | 16.6 | 0.03%   | 20.12                                    | 19.17 | 0.01%   | 35.57                                   | 33.60 | 0.03%   | 1.84   | 1.89 | 0.11%   |
| 150m               | 27.3   | 16.6 | 0.03%   | 20.11                                    | 19.16 | 0.01%   | 35.54                                   | 33.58 | 0.03%   | 1.84   | 1.88 | 0.11%   |
| 160m               | 27.1   | 16.5 | 0.03%   | 20.09                                    | 19.15 | 0.01%   | 35.52                                   | 33.57 | 0.03%   | 1.83   | 1.86 | 0.10%   |
| 170m               | 27.0   | 16.4 | 0.02%   | 20.08                                    | 19.15 | 0.01%   | 35.49                                   | 33.56 | 0.03%   | 1.82   | 1.86 | 0.09%   |
| 180m               | 26.8   | 16.3 | 0.02%   | 20.07                                    | 19.14 | 0.00%   | 35.47                                   | 33.55 | 0.00%   | 1.81   | 1.85 | 0.09%   |
| 190m               | 26.7   | 16.3 | 0.02%   | 20.06                                    | 19.14 | 0.00%   | 35.45                                   | 33.54 | 0.00%   | 1.81   | 1.84 | 0.08%   |
| 200m               | 26.6   | 16.2 | 0.02%   | 20.05                                    | 19.14 | 0.01%   | 35.43                                   | 33.53 | 0.03%   | 1.80   | 1.83 | 0.08%   |

6.2.24 The results of the air quality modelling demonstrate that the Development proposals on their own do not exceed 1% the critical levels for NOx, and nitrogen deposition, but there is an imperceptible exceedance of Ammonia when considered in combination with Villages 1-6. The results of the in-combination air quality modelling indicate that, with or without the proposed Development, that part of Epping Forest SAC which could be affected by increased traffic flows along the M25 and B1393 is predicted to experience a reduction in NOx concentrations and nitrogen deposition. However, Ammonia concentrations are predicted to increase in line with growth with or without the Development. In relation to these pollutants, the net effect of the proposed Development would be a retardation of the overall trajectory of air quality improvement. The magnitude of this effect is predicted to be minuscule and effectively imperceptible; in all cases except the (in-combination) imperceptible exceedance of Ammonia, the process contribution falls short of the applicable 1% critical load or level threshold.

6.2.25 Given that the forecast pollutant levels represent an improvement over time, and that the contribution the Development alone makes to the total forecast pollutant levels is less than 1% of the critical load for each nutrient except for the imperceptible exceedance of Ammonia (when considered in combination with Villages 1-6) it is considered that the change to critical load from the Development alone is imperceptible, in line with Natural England guidance on air quality. This is considered in the context of the in-combination traffic and pollutant modelling undertaken to inform the HRA of the EFDC Local Plan, which determined that: *“growth in Epping Forest District between 2014 and 2033 is the primary source of additional ammonia and NOx emissions on the modelled road sections and all other plans and projects make a negligible contribution to the in combination effect. This is most probably because the average daily traffic flow on all the modelled sections of road is dominated by people who either live or work in Epping Forest District, particularly the settlements that surround the SAC, including Epping itself.”* It is therefore considered that there will be no adverse effect on the integrity of the SAC as a result of air quality impacts from the Development alone and in combination with other plans and projects, and no further mitigation is required.

6.2.26 Following earlier consultation with Natural England, including their response to consultation in an email of 21st December 2021, the Council’s 2022 HRA/AA was updated to reflect comments of Natural England. Having already provided informal advice to Officers through the preparation of the HRA/AA, the final comments of Natural England had focussed primarily on the air quality impacts of the Gilston Area Development alone and in combination with other plans and projects including the other planned development within the Harlow and Gilston Garden Town (“HGGT”). In this regard, the Council’s 2022 HRA/AA concluded that there will be no adverse impact on the integrity of Epping Forest SAC as a consequence of the Gilston Area Development alone (Village 7 and Villages 1-6) or in combination with other relevant development.

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

6.2.27 Natural England responded to consultation in respect of the Council's HRA/AA on 10 February 2022 and they welcomed the revised approach in the amended Appropriate Assessment (AA) in that likely significant effects due to potential air quality impacts upon Epping Forest SAC are no longer screened out at Stage 1 and are taken through to AA. Natural England also stated that:

- i. Natural England accepts that it cannot reasonably require any further analysis of available relevant evidence in order to fully rule out any remaining doubts about the conclusions reached in your amended AA.
- ii. Natural England agrees that the Interim Air Pollution Mitigation Strategy for Epping Forest SAC (2020), could in principle deliver the air quality mitigation required to allow an in combination adverse effect upon Epping Forest SAC to be ruled out.
- iii. Natural England accepts that there is no additional mitigation that could be readily secured through this development which would have an equivalent benefit.
- iv. Natural England have advised that it recognises that the growth in Epping Forest District between 2014 and 2033 is the primary source of ammonia and NOx emissions on the Epping Forest Special Area of Conservation and Natural England takes the view that in this case it is "not inappropriate for the competent authority to conclude that responsibility for mitigating air quality impacts on Epping Forest SAC should fall on Epping Forest District Council and developments within that district".

6.2.28 Notwithstanding the conclusions above, the Natural England response points to NE guidance (NEA001) Advising Competent Authorities on Road Traffic and HRA (June 2018) paragraphs 5.25 to 5.28 which relates to scenarios where there is already an exceedance of relevant air quality benchmarks. The inference of this signposting is that the Council should ensure consideration has been given to the question of whether further emissions from a Development will undermine Conservation Objectives that are to 'restore the concentrations and deposition of air pollutants to within benchmarks'.

6.2.29 Paragraph 5.25 of Natural England's guidance notes that "Where the conservation objectives are to 'restore the concentrations and deposition of air pollutants to within benchmarks' (i.e. where the relevant benchmarks such as Critical Loads/Levels are already exceeded) they will be undermined by any proposals for which there is credible evidence that further emissions will compromise the ability of other national or local measures and initiatives to reduce background levels".

6.2.30 Paragraph 5.26 notes that an exceedance alone is insufficient to determine the acceptability or otherwise of a project. But because exceedance will represent a threat to the condition and integrity of a site, the guidance notes that hypothetically it could be argued that any increase above a currently exceeded state compromises the extent to which improvements from other initiatives will deliver the restoration aims of the conservation objectives, as additional pollution could slow the rate at which progress is made towards meeting the relevant air quality benchmarks.

6.2.31 Natural England's guidance goes on to provide practical advice for how this issue should be approached by the competent authority and states at paragraph 5.28:

*"In practice, where a site is already exceeding a relevant benchmark, the extent to which additional increments from plans and projects would undermine a conservation objective to 'restore' will involve further consideration of whether there is credible evidence that the emissions represent a real risk that the ability of other national or local measures and initiatives to otherwise reduce background levels will be compromised in a meaningful manner. This is a judgement to be taken by the competent authority which should be informed by, amongst others, the extent to which any declining national trends in air pollution or strategic work to tackle emissions affecting the site more locally might otherwise lead to improvements, the rate at which such improvement are anticipated to be delivered, any credible evidence on the extent of the impacts of a plan or project and whether those impacts can properly be considered temporary and reversible."*

6.2.32 The retardation, or delay, of improvements in terms of air quality is acknowledged in the Council's 2022 HRA (paragraph 6.2.23).

*"The results of the air quality modelling demonstrate that the Development proposals on their own do not exceed 1% the critical levels for NOx, NH3 and nitrogen deposition. The results of the in-combination air quality modelling indicate that, with or without the proposed Development, that part of Epping Forest SAC which could be affected by increased traffic flows along the M25 is predicted to experience a reduction in NOx concentrations and nitrogen deposition. However, Ammonia concentrations are predicted to increase in line with growth with or without the Development. In relation to these pollutants, the net effect of the proposed Development would be a retardation of the overall trajectory of air quality improvement. The magnitude of this effect is predicted to be minuscule and effectively imperceptible; in all cases, the process contribution falls short of the applicable 1% critical load or level threshold."*

6.2.33 The HRA concluded, and Natural England do not disagree, that the magnitude of the effect of the Development (alone and in combination with Villages 1-6) in terms of retardation are imperceptible and no adverse effects on the integrity of the Epping Forest SAC will occur. This updated 2023 Appropriate Assessment also concludes that notwithstanding the imperceptible exceedance of Ammonia at the roadside transect point in the updated assessment data, the conclusion reached previously remains extant, that the magnitude of the effect of the Development in terms of retardation are imperceptible and no adverse effects on the integrity of the Epping Forest SAC will occur.

6.2.34 However, Natural England advised that because in their view the Epping Forest Air Pollution Mitigation Strategy ("APMS") prepared in support of the Epping Forest Local Plan was not yet secured and therefore is considered by Natural England to be uncertain, that the Council seek legal advice. It is understood that Natural England's

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

position is that until the Epping Forest Local Plan has been adopted that the APMS will be considered by Natural England to be “unsecured”. This point is relevant to the predicted levels of improvement in the future air quality for the Epping Forest SAC through the APMS and other measures, and the question of whether the imperceptible level of retardation by the Development (in combination with other developments) on future improvements will undermine the ability of the APMS and other national and local measures to reduce background levels.

6.2.35 Due to the assessed imperceptible level of impact of the Development (both alone and in-combination), the Council as competent authority remains satisfied that there will be no impact on integrity and that the data and overall conclusions contained within the HRA annexed to the report are robust. The Council also considers that the Gilston Area Village 7 and Villages 1-6 and Crossings Development does not rely upon the adoption of the Epping Forest Local Plan and the Council is satisfied that there is no credible evidence that the emissions represent a real risk such that the ability of other national or local measures and initiatives to otherwise reduce background levels will be compromised in a meaningful manner. Natural England has also not suggested there is credible evidence that the Development will compromise such measures and has instead stated in its consultation response to the applications that:

*“...all other plans and projects make a negligible contribution to the in-combination effect.... it would not be inappropriate to conclude that responsibility for mitigating air quality impacts on Epping Forest SAC should fall on Epping Forest District Council and developments within that district.”*

6.2.36 The APMS is principally designed to address the impacts of, and to accommodate the growth from, the emerging Epping Forest Local Plan on the Epping Forest SAC (in combination with other plans and projects) and there will only be an imperceptible impact from the Development.

6.2.37 However, for completeness, this HRA/AA explores the nature of the APMS in more detail and has considered in further detail whether the retardation to the overall trajectory of air quality improvement will undermine the ability of local or national mitigation measures designed to improve air quality in the Epping Forest SAC.

6.2.38 The Epping Forest Air Pollution Mitigation Strategy has been prepared as part of the Epping Forest Local Plan (“EFLP”) Examination in Public in order to ensure that the Local Plan (in combination with other plans and projects) can demonstrate that there will be no adverse effect on the integrity of the Epping Forest SAC. The HRA undertaken on the proposed Main Modifications to the Local Plan including the APMS concludes that with the proposed Mitigation Strategy and Local Plan Policies there will be no adverse effect on the integrity of the Epping Forest SAC. Natural England was consulted during the preparation of the APMS and in its response to the Local Plan Main Modifications Consultation states *“The Epping Forest District Council Air Pollution Mitigation Strategy (APMS) has now been adopted. Natural England remain satisfied that, in principle, the measures to be delivered reflect those identified as necessary in the Council’s HRA of the*

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

*Local Plan to avoid an adverse effect to the integrity of the Epping Forest SAC.*" The Inspector has now finalised her Report to the Council and the Epping Forest District Local Plan and EFAPMS was adopted on 6<sup>th</sup> March 2023.

6.2.39 Following the adoption of the APMS by Epping Forest District Council (January 2021), a Portfolio Holder Advisory Group has been established to implement and monitor the effectiveness of the Strategy and there is a strong policy framework in place in the emerging Local Plan to support the measures set out in it. Despite the fact that at the time the EFLP had not been adopted, Epping Forest District Council has been successfully applying the APMS to applications within the District and relying on this for site specific Appropriate Assessments under the Habitat Regulations, including windfall development, with conditions being imposed that require site-specific modelling and mitigation where necessary. The APMS has also been supported in a number of appeal decisions by Inspectors where Appropriate Assessments have been undertaken by an Applicant which has relied in part on the APMS<sup>42</sup>.

6.2.40 The measures in the Strategy include:

- The introduction of a Clean Air Zone in September 2025 (essentially a road user charging scheme which financially penalises polluting vehicles)
- Increasing the percentage of the vehicle fleet that constitutes ultra-low emission vehicles to 12-15% of vehicles using the routes in the SAC by 2033 (with incremental targets in 2025, 2029 and 2033)
- Provision of Electric Vehicle Charging Points
- Awareness Raising Campaign
- Right-hand turn ban at junction off A121 (Honey Lane) into Forest side
- Site-specific initiatives to support species and veteran tree resilience
- Initiatives to support walking, cycling and increased public transport use
- HGV Route Management Strategies
- Provision of Digital Communications Infrastructure
- Trialling new technologies
- Monitoring and review
- Wider activities being undertaken or proposed to be undertaken by the Council

6.2.41 Of these measures, the most significant is the implementation of a Clean Air Zone. This is the measure which is most likely to have a wider than local impact given that it will affect all journeys travelling through the Forest, not just local traffic. For example, Officers in Epping Forest District Council have advised Officers that the implementation of the London Low Emission Zone (March 2021) and London Ultra-Low Emission Zone (October 2021) have already started to have a beneficial impact in Epping Forest District through increased requests for electric vehicle charging points in private properties and public spaces, primarily from taxis and fleets that regularly travel between Epping and London. This demonstrates the beneficial impacts of clean air zone programmes in incentivising the change to low emission vehicles.

<sup>42</sup> APP/J1535/W/20/3258787 and APP/J1535/W/20/3263876

6.2.42 In advising on this updated Appropriate Assessment Natural England advise that their recent representation to the Further Main Modifications of the emerging Epping Forest District Plan have raised concern about the efficacy of the proposed Clean Air Zone which is part of the APMS. However, the final Inspector's Report published on 16<sup>th</sup> February 2023<sup>43</sup> (paras 136-137) state:

*"136. It is noteworthy that the HRA states that "a Clean Air Zone will be required, but it is possible that improvements to air quality may proceed more quickly than has been assumed in the modelling underlying the HRA and in that eventuality the need for a Clean Air Zone can be reviewed in response to air quality monitoring data". In this regard it is worth observing that since the plan was submitted there has been a period of dynamic change in electronic communications and home working, electric vehicle development, manufacture and registration, and national policy and regulation towards vehicle emissions. In November 2020, the Government announced a commitment to end the sale of new petrol and diesel vehicles by 2030, and to require all new cars and vans to be fully "zero emission" at the tailpipe by 2035; its related Delivery Plan contains a series of commitments towards improving charging experience, rolling out more charging points, and encouraging the take-up of zero emission vehicles by individuals and business fleets. The Building Regulations now require the provision of electric vehicle charging points for new homes.*

*137. Most of these initiatives and regulatory changes are very recent indeed, and their impacts are not fully accounted for in the methodological background to the plan and HRA. For example, the HRA points out that at the time the modelling was updated in 2021, the latest mid-year 3-year averages available in respect of NOx concentrations dated from 2016. They showed that average NOx concentrations across the 1km grid square within which the Epping Forest SAC is situated had fallen substantially from 2003 to 2016. But as the latest and most stringent emissions standards only became mandatory in 2014 (for heavy duty vehicles) and 2015 (for cars) their influence over the 2016 figures would have been limited. It is therefore reasonable to expect (as the HRA's authors state) that the improving trend shown in the most recent data can be expected to continue, and indeed steepen, as drivers continue to replace older cars with newer vehicles and as further improvements in vehicle NOx emissions technology are introduced, progressing towards the government's target of ending the sale of all new petrol and diesel cars and vans by 2030. Along with changes in energy costs and individual and societal behaviours, the national and local measures will influence the proportion of ULEVs being newly registered, but there will be a time lapse before any trends appear in air quality data. It is clear then that continued air quality monitoring and assessment in Epping Forest are essential, but it is also imperative that decisions involving measures to protect the SAC are informed by data which is as up to date as possible."*

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<sup>43</sup><https://www.eppingforestdc.gov.uk/wp-content/uploads/2023/02/Inspectors-Report-on-the-Examination-of-the-EFDLP-2011-2033.pdf>

6.2.43 It is therefore noted that the Air Quality Transport Modelling undertaken by the Applicant that informs the HRA/AA takes no account of more recent national policy changes such as the ban on the sale of petrol and diesel vehicles by 2030, the London Low Emission Zone, the London Ultra-Low Emission Zone, or of the proposed Air Pollution Mitigation Strategy accompanying the emerging Epping Forest Local Plan, which was prepared after the modelling was undertaken. Without these measures the modelling (which considers the Gilston Area and HGGT development cumulatively) demonstrates an improvement in pollutant emissions at the modelled SSSI component of the SAC (SSSI 105 – Epping Thicks), before the national and local mitigation strategies are accounted for and therefore it considers the worst-case scenario with no mitigation in place. Albeit the critical loads/levels are still at exceedance as described in the full HRA/AA.

6.2.44 Given that the modelling demonstrates that the Development alone and in-combination with other plans and projects would have a negligible impact in air quality terms on the Epping Forest SAC, being that the contribution to critical loads for each pollutant is less than 1% except for the (in-combination) imperceptible exceedance of Ammonia at 1.1%, no further mitigation is required. The HRA/AA demonstrates that the Development's contribution to the levels of exceedance are so small as to be imperceptible by 2040, i.e. following the completion of the Development and other planned HGGT developments. Given that the total contribution by the completion of the Development by 2040 is imperceptible, the incremental increases over time in line with the growing development will likewise be imperceptible. The impact that such small contributions will make in terms of the retardation of achieving benchmark pollutant levels are also therefore imperceptible.

6.2.45 The modelling undertaken for the Epping Forest Local Plan HRA<sup>44</sup> demonstrates that the mitigation scenario (the introduction of the Clean Air Zone in 2025 and 30% of vehicles being electric vehicles (combined) by 2033) will bring NOx pollutants to within critical load benchmarks. However, total Nitrogen and Ammonia will remain above critical loads by 2033 in every scenario, albeit the mitigation scenario is the best performing. The modelling demonstrates that with planned growth in Epping Forest and surrounding areas the contribution of planned growth to critical loads and levels was also imperceptible (being less than 1% except for the cited imperceptible exceedance) and that this "*growth in the 2033 mitigated scenario does not materially interfere with the achievement of that target*"; that target being to restore concentrations and depositions of air pollutants to at or below critical load or level values given for the feature of the site<sup>45</sup>. By 2033 99% of the SAC would be below the critical level of NOx under the mitigated scenarios compared to 85% in the 2017 baseline<sup>46</sup>. By 2033, 82% of the SAC would be below the critical level of ammonia compared to 81% in the 2017

<sup>44</sup> [https://www.efdclocalplan.org/wp-content/uploads/2021/07/EB211A-Epping-Forest-Local-Plan-HRA-June-2021-final-for-issue\\_Optimized-1.pdf](https://www.efdclocalplan.org/wp-content/uploads/2021/07/EB211A-Epping-Forest-Local-Plan-HRA-June-2021-final-for-issue_Optimized-1.pdf)

<sup>45</sup> Epping Forest District Local Plan 2021 HRA paragraph 6.21

<sup>46</sup> Epping Forest District Local Plan 2021 HRA paragraph 6.21 (NOx)

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

baseline<sup>47</sup>. By 2033, 5% of the SAC would experience a net reduction in Nitrogen deposition rates compared to the 2017 baseline<sup>48</sup>.

6.2.46 As indicated above, the need for the Clean Air Zone will be kept under review and modifications have been made to the Epping Forest District Plan, which was adopted on 6<sup>th</sup> March 2023. Based on best understanding available to East Herts at this time of this update, the Clean Air Zone in Epping Forest will be implemented in September 2025 and public awareness campaigns and democratic reporting activities will be occurring in the lead up to its implementation, including a consultation exercise in January 2024 (Appendix 3 of the APMS). The Clean Air Zone will be in active preparation by the time the first homes in the Gilston Area are occupied and will be implemented soon after. Based on the current expected housing delivery trajectory (as reported in the Officer Report to which this HRA/AA is appended), there will be no homes in the Villages 1-6 site in 2025 and approximately 100 in the Village 7 site by 2025 due to delays to the consideration of the outline applications.

6.2.47 The Development will therefore not undermine the adopted APMS which is designed to ensure that developments within the Epping Forest Local Plan (in combination with other plans and projects) will not have an adverse effect on the integrity of the Epping Forest SAC, nor conflict with the Conservation Objectives of restoring the concentrations and deposition of air pollutants to within benchmark levels.

6.2.48 It is the opinion of the Council (as competent authority) that the Development does not rely on the Epping Forest Local Plan being adopted as the in-combination effects of the Development is imperceptible in the absence of mitigation, and there is also no credible evidence that the emissions represent a real risk that the ability of national or local measures to reduce background levels of pollutants at Epping Forest SAC will be compromised in a meaningful manner.

6.2.49 In any event, this updated HRA/AA has considered the APMS for completeness. As noted above, the APMS is already being relied upon by Epping and Inspectors relating to Appropriate Assessments when consenting major developments within Epping Forest despite the Epping Forest District Local Plan not being adopted; there would only be a modest amount of development undertaken at the Gilston Area when key measures such as the Epping Forest Clean Air Zone are expected to be implemented and the Development will not compromise the adopted APMS or other national or local measures for reasons set out above.

## 6.3 Assessment of Potential Effects on Water Quality or Quantity on the Lee Valley SPA/Ramsar

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<sup>47</sup> Epping Forest District Local Plan 2021 HRA paragraph 6.32 (Ammonia)

<sup>48</sup> Epping Forest District Local Plan 2021 HRA paragraph 6.57 (Nitrogen)

### **Water quality – operational phases**

6.3.1 The screening assessment concludes that in the absence of mitigation it is not possible to conclude that no likely significant effects will occur in terms of water quality on the Lee Valley SPA/Ramsar as a result of the Development when considered in combination with Villages 1-6. requiring connections to the Rye Meads Waste Water Treatment Works (WwTW).

6.3.2 Two parts of the Lee Valley SPA/Ramsar site lie within East Herts: Amwell Quarry and Rye Meads. The nearest proposed development site to a part of the Lee Valley SPA/Ramsar site is 760m distant from the nearest allocated development site<sup>49</sup> and is 2.5km distant from the Development, so direct surface water runoff effects on water quality from the Development alone and in-combination with other plans and projects will not arise. Parts of the Lee Valley SPA/Ramsar consist of open water but other parts consist of fen or marsh vegetation that would theoretically be susceptible to nutrient enrichment from treated wastewater.

6.3.3 High levels of nutrients like phosphorous and nitrogen can unbalance plant growth and vegetation composition. Essentially, too much nitrogen and phosphorus in the water causes algae to grow faster than ecosystems can handle and significant increases in algae can harm water quality, food resources and habitats, and decrease the oxygen that fish and other aquatic life need to survive which, in turn, affect the bird species that rely on those food sources and habitats. The Lee Valley SPA/Ramsar are designated in view of the presence of overwintering populations of birds listed in the Birds Directive Annex I, that in turn rely on habitats that are sensitive to changes in water quality or quantity. In addition, the SPA/Ramsar supports nationally scarce plant species Whorled Water-milfoil and the rare and vulnerable invertebrate water-boatman.

6.3.4 'Poor fens' (i.e. acidic fens) are strongly nitrogen limited. In other words, nitrogen availability is the factor which ultimately controls vegetation response to other nutrients and a small change in nitrogen inputs can result in a major change in the vegetation composition. In contrast, other types of fen with a relatively alkaline pH (called 'rich' fens) such as those at Rye Meads are phosphorus-limited, meaning that phosphorus availability is the factor which ultimately controls vegetation response to other nutrients. This also applies to fluvial flood-plain grasslands like those at Rye Meads SSSI. In a phosphorus limited system, high nitrogen availability will not result in a deleterious effect on vegetation provided that phosphorus availability is controlled<sup>50</sup>. That is not to say that nitrogen inputs would therefore be irrelevant, but it does mean

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<sup>49</sup> Policy HOD4, Turnford Surfacing Site, Broxbourne Local Plan

<sup>50</sup> 'In a nutrient limited system, excess of the non-limiting nutrient may not result in any signs of enrichment in the vegetation as the plants are unable to make use of one nutrient without sufficient amounts of the other'.

Source: The Fen Management Handbook, A. McBride *et al*, Scottish Natural Heritage, 2011

<https://www.nature.scot/sites/default/files/Publication%202011%20-%20Fen%20Management%20Handbook.pdf>

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

that when nitrogen is already in excess (and phosphorus inputs can be controlled) a proportionate response must be made to the risk posed by small additional nitrogen inputs.

6.3.5 Effluent discharges from Rye Meads Sewage Treatment Works (STW) into Tollhouse Stream. The Rye Meads SSSI component of the SPA/Ramsar is upstream of where the Rye Meads Waste Water Treatment Works discharges in to the River Lee via Tollhouse Stream. However, because this connection is upstream of the confluence of the River Stort and River Lee, in periods of high water flow, Tollhouse Stream has on occasion backed up into the marsh grassland areas of the SSSI.

6.3.6 The Amwell Quarry SSSI is further upstream of the Rye Meads Waste Water Treatment Works and is therefore not affected by discharge from the works. The Turnford and Cheshunt Pitts SSSI component of the SPA/Ramsar lies downstream of the Rye Meads Waste Water Treatment Works and despite being affected by urbanisation and sewage discharge from point source rather than the Rye Meads Waste Water Treatment Works, the conservation status for the extent of habitats and their supported species of Gadwall, Shoveler and Bittern are considered to be favourable.

6.3.7 Thames Water and the Environment Agency have been consulted upon throughout the Plan-making process of the East Herts District Plan, Harlow Local Development Plan and through the pre-application and applications stages of the proposed Applications comprised in the Development. Thames Water manage the Rye Meads Waste Water Treatment Works and the Environment Agency manage the licencing regime which controls levels of discharge associated with the Rye Meads Waste Water Treatment Works. The current discharge consent for Rye Meads WwTW has been recently subjected to a review by the Environment Agency and Thames Water (Review of Consents) specifically for the purpose of determining whether the current consented phosphorus limits on the discharge are leading to an adverse effect on the Lee Valley SPA/Ramsar site, and amendments were made to the consent and to improve discharge quality (2020) in order to avoid such an effect. Recent engagement with Thames Water on the Villages 1-6 and the Village 7 Outline Applications has confirmed that the Rye Meads Waste Water Treatment Works has capacity to accommodate growth to 2036. As such, it can be concluded with confidence that an adverse effect on the SPA/Ramsar site is unlikely to occur from this pathway for development within the catchment of the Rye Meads Waste Water Treatment Works up to 2036. This therefore includes the in-combination development identified within the development plans of the authorities<sup>51</sup> within the Rye Meads Waste Water Treatment Works catchment which run to 2033.

6.3.8 The Village 7 Development is anticipated to be completed prior to 2036, and when considered alone, there will be capacity to accommodate the Development. However,

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<sup>51</sup> Broxbourne, East Herts, Epping Forest, Harlow, North Hertfordshire, Stevenage and Welwyn-Hatfield districts and boroughs.

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

when considering Village 7 in combination with Villages 1-6, as the construction of the Gilston Area Development as a whole will extend approximately four years beyond 2036 to 2040, Thames Water have requested conditions be attached to the planning permission for the Outline Applications, if granted, to limit the number of homes occupied until such time that upgrades occur. Without upgrades to the Rye Meads Waste Water Treatment Works, post-treatment discharges may not meet the required water quality standard, which could have an adverse effect on water quality at the adjacent Rye Meads SSSI element of the Lee Valley SPA/Ramsar.

6.3.9 Once the Rye Meads Waste Water Treatment Works ceases to have capacity within its existing discharge consent for effluent from additional dwellings (2036) it will be necessary for Thames Water to apply to the Environment Agency to increase the consented discharge volume, or direct flows to an alternative treatment facility. The Environment Agency is very unlikely to consent to an increase in discharge volume from the WwTW unless the phosphate concentration within the effluent can be further tightened to ensure no deterioration in water quality in Tollhouse Stream. There is a technical limit (known as the limit of Best Available Technology) to how much phosphorus removal a WwTW can incorporate. If this situation arises, there is a risk that discharge flows from future dwellings within the catchment, which in this case will affect the delivery of homes within the Gilston Area Development beyond 2036, could not be accommodated at Rye Meads WwTW, requiring an alternative treatment solution that does not as yet exist before that additional development takes place. This could include the use of new treatment technologies, expansion or the creation of new treatment works within the Rye Meads Waste Water Treatment Works catchment.

6.3.10 Thames Water has a regular programme of review which allows them to model growth occurring and to prioritise upgrades as and when required as part of their normal growth and business plan process. It is necessary to note that Thames Water has a statutory duty to carry out upgrades as required without recourse to developer contributions. Notwithstanding this, the Council proposes to impose a condition in order to ensure that the applicant is incentivised to engage with Thames Water to ensure the necessary interventions and upgrades are planned and prioritised by Thames Water and that the Applicants have entered into the appropriate arrangements with Thames Water so that they are carried out at the appropriate time. Table 20 below details the anticipated housing trajectory for the combined delivery of homes in the Gilston Area (Outline Applications for Villages 1-6 and Village 7). 6,100 homes are anticipated by 2036, with the remaining 3,250 homes delivered up to 2040/41.

**Table 20: Combined Expected Annual Dwelling Completions**

| 2022/23 | 2023/24 | 2024/25 | 2025/26 | 2026/27 | 2027/28 | 2028/29 | 2029/30   | 2030/31 | 2031/32 |
|---------|---------|---------|---------|---------|---------|---------|-----------|---------|---------|
| 0       | 0       | 0       | 200     | 250     | 450     | 650     | 650       | 650     | 650     |
| 2032/33 | 2033/34 | 2034/35 | 2035/36 | 2036/37 | 2037/38 | 2038/39 | 2039/2040 | 2040/41 | 2041/42 |
| 650     | 650     | 650     | 650     | 650     | 650     | 650     | 650       | 650     | 650     |

|  |  |               |       |  |  |  |  |                  |        |
|--|--|---------------|-------|--|--|--|--|------------------|--------|
|  |  | Total by 2036 | 6,100 |  |  |  |  | Total by 2041/42 | 10,000 |
|--|--|---------------|-------|--|--|--|--|------------------|--------|

6.3.11 Based on this trajectory and the need to ensure that sufficient time is available for the delivery of any upgrades required, the condition proposes that there is a two stage approach that requires a scheme to be submitted detailing how sufficient capacity and upgrades to the waste water network will be secured to support the Development, followed by a restriction on development beyond 6,100 units until the necessary upgrades have been delivered or the Local Planning Authority is satisfied that there is sufficient certainty that the upgrades will come forward at the appropriate time (e.g. by evidencing that the Developers have entered into appropriate arrangements for the delivery of the upgrades), or that there is sufficient capacity to accommodate the Development, having regard to the progress of delivery on other strategic growth sites. Other schemes which have projected delivery post 2036 are anticipated to be subject to an equivalent form of condition or S.106 obligation.

6.3.12 The Council is satisfied that the proposed condition or S.106 obligation can be relied on as to control any adverse changes in water quality, will provide the necessary controls and deliver future mitigation required in the form of upgrades to the waste water treatment network, including to the Rye Meads Waste Water Treatment Works, such that effluent discharge will be treated to appropriate standards in order to prevent impacts on the water quality within the Rye Meads SSSI component of the Lee Valley SPA/Ramsar. This will prevent harm to the food sources and habitats that support the flora and fauna species for which the SPA/Ramsar is designated with no adverse effect to the integrity of the National Network Site in this regard.

6.3.13 When considering the two transport infrastructure components of the Gilston Area Development, they comprise roads and bridges requiring no connection to the Rye Meads WwTW network. This Appropriate Assessment concludes that the two transport infrastructure proposals will have no adverse effect on the integrity of the Lee Valley SPA/Ramsar as a result of changes to water quality from the treatment of effluent.

6.3.14 Furthermore, the Gilston Area Development will result in a number of enhancements to the River Stort tributaries that in turn will improve water quality in general terms in the Stort River and Stort Navigation, to the Rye Meads SSSI through the pathway of Tollhouse Stream and downstream to the Turnford and Cheshunt Pitts SSSI components of the Lee Valley SPA/Ramsar. The vast majority of the proposed Village 7 developable area is in agricultural use. Studies in the Environmental Statement indicate that agricultural run-off is responsible for nutrient pollution within the Eastwick Brook and Fiddlers' Brook, both being a tributary of the Stort. The proposed residential-led development will result in a reduction in agricultural run-off and an increase in plant diversity through the creation of parks and gardens in the new neighbourhoods. Further enhancements are proposed within the Fiddlers' Brook tributary that are

designed to improve water quality such as the creation of new river banks and scrub clearance.

6.3.15 Likewise, the Village 7 Development, the outline Villages 1-6 and the two transport infrastructure components of the Gilston Area Development will create new sustainable drainage networks that will not only assist in controlling surface water but will also comprise natural treatment processes to ensure that surface water, including surface water associated with highway infrastructure is treated appropriately before entering the watercourse and drainage network. This will ensure that no changes to water quality occur within the River Stort before it meets the confluence of the River Lee downstream of the Rye Meads SSSI component of the Lee Valley SPA/Ramsar.

### **Water quality - construction phases**

6.3.16 The 2019 IHRA submitted with the application originally 'screened out' effects on water quality arising during the construction phase of the Development due to the use of standard construction methods and codes of conduct set out in Construction Environment Plans to be required by condition. However, the Council considers it appropriate to consider this aspect of the Development in this Appropriate Assessment on a precautionary basis, because such conditions are a form of mitigation. The Village 7 Development site will be connected to the River Lee through the River Stort and its tributaries (which flow to the east of the outline site area). As is explained above, where the River Stort is joined by the Tollhouse Stream at the confluence of the River Lee, in periods of high water flow, incidents have occurred where flow backs up into the SSSI upstream of the confluence. Therefore, there is a risk that a pollution incident arising during construction that affects the River Stort could adversely affect the integrity of the Rye Meads SSSI component of the Lee Valley SPA/Ramsar via this pathway.

6.3.17 Therefore, a series of conditions will be imposed upon the grant of any planning permission for each of the Applications comprised in the Gilston Area Development to manage each stage and method of construction-related activities that could otherwise create impacts affecting water quality. Standard Codes of Construction Practice and the preparation of Construction Environment Management Plans will ensure the developer identifies likely risks and puts in place measures to prevent pollution incidents from occurring throughout all stages of construction. Requirements to monitor each stage of construction will ensure that measures will be put in place and agreed before works commence to manage known pollution risks and to have plans in place to quickly manage unforeseen incidents. These mitigation plans to control and prevent pollution of watercourses and groundwater will be submitted to and approved by the Local Planning Authority prior to the commencement of each phase of the development, the process of which involves approval by relevant statutory or regulatory bodies as appropriate.

6.3.18 Industry standard practices will be secured through conditions to manage and minimise pollution risks caused by construction of the Village 7 Development and

thereby avoid pollutants entering watercourses and groundwater, which might otherwise result in the deterioration of water quality. It is common practice to impose such conditions on developments where the potential for pollution of watercourses and groundwater might occur and it is considered reasonable to conclude that other developments will provide similar suitable mitigation such that in-combination effects are avoided and prevented.

- 6.3.19 In terms of the construction phase of the Development, where the new homes require connections to the existing trunk sewer, site-specific or connection-specific upgrades are likely to be required which will be delivered in line with the statutory right to connect under the provisions of the Water Industry Act 1991 in due course. The Council has consulted with Thames Water and the Environment Agency, and a number of standard conditions have been requested by the statutory bodies to ensure that upgrades and connections which they are responsible for undertaking, have been undertaken to the appropriate standard before homes are occupied. This will ensure that no significant adverse effects occur on the Lee Valley SPA/Ramsar as a result of the construction phase of the Development alone.
- 6.3.20 Considering the in-combination effect of the wider Gilston Area Development, as the two Crossings providing the transport infrastructure components of the Development will involve construction directly over and adjacent to the Stort Navigation, the River Stort and its floodplain, the conditions proposed recognise the enhanced risks of pollution of watercourses or groundwater and provide a framework for identifying and managing such risks. In relation to the potential risk of pollution of watercourses or groundwater, the conclusion of this Appropriate Assessment is that with these conditions in place there will be no adverse effect on the integrity of the Lee Valley SPA/Ramsar, or conflict with the Conservation Objectives<sup>52</sup>, from the Crossings, either alone or in combination with other plans or projects (including the Development).

### **Water quantity**

- 6.3.21 In terms of water quantity, the screening assessment indicates that there will be no likely significant effects on the Lee Valley SPA/Ramsar either alone or in combination given that Affinity Water has a Water Resources Management Plan covering the period beyond the completion of the Development. The abstraction of water to supply the proposed Village 7 Development will therefore not have any likely significant effects on the SPA/Ramsar as a result of excessive water drawdown, either alone or in combination with other plans and programmes.
- 6.3.22 Notwithstanding this, as a precautionary measure, various conditions have been requested (as listed in Appendix B) by statutory bodies such as the Lead Local Flood Authority, Environment Agency and Thames Water for example, which are considered

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<sup>52</sup> Maintain the overall depth of swamp and marginal water and ensure water quality and quantity is maintained to a standard which provides the necessary conditions to support the qualifying species.

appropriate. These include conditions to manage drainage strategies to achieve greenfield run-off rates through the integration of sustainable drainage features, which will include the attenuation and management of water flow and discharge as well as floodplain compensation areas for the two river crossing elements of the Development, and also to manage water use during construction related activities. For example, the Construction Environment Management Plan condition requires the submission of a water management strategy for construction phases of each component of the Development. Modern methods of construction are managed by codes of construction practice that require the minimisation of water usage during construction activities. Details of the various construction management methods are included in the Applicant's Environmental Statement<sup>53</sup>.

### 6.4 Stage 2: Appropriate Assessment Conclusion

- 6.4.1 The Local Planning Authority has carefully considered the information provided by the applicant in the form of the 2019 IHRA, 2021 IHRA and the Villages 1-6 2019 IHRA, 2020 IHRA and 2022 IHRA update and is satisfied that the information is sufficient to inform this Appropriate Assessment. The Council has considered a wide variety of sources of data and verified information (as detailed throughout the report), including engagement with consultants Barton Willmore, Aecom, EPR Consulting, Herts Ecology, Affinity Water and Thames Water. The Council is satisfied beyond reasonable scientific doubt that the Village 7 Development, alone or in combination with other plans and projects would not have an adverse effect on the integrity of National Network Site once mitigations have been considered.
- 6.4.2 Appropriate consultation has occurred with relevant statutory bodies in informing the two Applicants' IHRAs and the Council's Appropriate Assessment, including Natural England. No objections to the proposed Development were made by the statutory bodies subject to the imposition of conditions. These conditions and any others deemed appropriate by the LPA to mitigate any likely significant effects in order to avoid adverse effects on the integrity of National Network Sites, namely the Lee Valley SPA/Ramsar were detailed in each of the committee reports for the two Crossing applications and are included in the approved Decision Notices for both Crossings.
- 6.4.3 The Applicant's 2021 IHRA includes a 'Mitigation Route Map', a list of mitigation measures that are either proposed to be delivered through the Development, or agreed as additional forms of mitigation to be controlled through condition in Chapter 22 of the Environmental Statement. These are included in Appendix C to this Report. Having taken account of the information received and considering that mitigation measures will be adequately secured as part of any planning permissions or associated Section 106 agreement (to the extent necessary), and are expected to be effective beyond

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<sup>53</sup> Villages 1-6 Environmental Statement Volume 3, Appendix 6.2: Code of Construction Practice; Appendix 17.4: Preliminary Water Framework Directive Assessment; and Appendix 17.5: Water Risk Assessment for the River Stort/ Stort Navigation Road Crossings.

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

reasonable scientific doubt, the Council is satisfied that the proposed Development, either alone or in combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site nor conflict with relevant Conservation Objectives for the National Network sites.

6.4.4 For clarity, the same conclusions apply in respect of the Outline Village 7 application individually, the Villages 1-6 application individually and the two approved Crossings, as the likely significant effects of each individually and in combination with the each other and with other plans and projects have been established and validated in this HRA and it can be concluded beyond reasonable scientific doubt that the Outline application for Village 7 will not have adverse effects on the integrity of any National Network Site alone or in combination with other projects.

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## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

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<https://www.efdclocalplan.org/local-plan/submission-documents/>

Epping Forest Local Plan 2021 Habitats Regulations Assessment (Aecom, 2021)

[https://www.efdclocalplan.org/wp-content/uploads/2021/07/EB211A-Epping-Forest-Local-Plan-HRA-June-2021-final-for-issue\\_Optimized-1.pdf](https://www.efdclocalplan.org/wp-content/uploads/2021/07/EB211A-Epping-Forest-Local-Plan-HRA-June-2021-final-for-issue_Optimized-1.pdf)

Epping Forest Local Plan Habitats Regulations Assessment (Aecom, 2019)

<https://www.efdclocalplan.org/wp-content/uploads/2019/01/EB209-Epping-Forest-Local-Plan-HRA-2019-FINAL.pdf>

Epping Forest SAC Conservation Objectives (Natural England, 2014)

<http://publications.naturalengland.org.uk/publication/5908284745711616>

Epping Forest SAC Conservation Objectives Supplementary Advice on Conserving and Restoring Site Features (Natural England, 2019)

<https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012720.pdf>

Epping Forest SAC Site Improvement Plan (Natural England, 2014)

<http://publications.naturalengland.org.uk/publication/6663446854631424>

Harlow Local Development Plan, 2020

<https://www.harlow.gov.uk/planning-and-building-control/planning-policy/harlow-local-development-plan/harlow-local>

Harlow Local Development Plan Submission HRA (Aecom, 2018)

<https://www.harlow.gov.uk/sites/default/files/documents/Habitats%20Regulations%20Assessment%202019.pdf>

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

Harlow Local Development Plan HRA Adoption Statement (Aecom, 2020)  
<https://www.harlow.gov.uk/sites/default/files/documents/Habitats%20Regulations%20Assessment%20adoption%20statement.pdf>

Joint Nature Conservation Committee Report 696: Guidance on Decision-making Thresholds for Air Pollution (JNCC, December, 2021)  
<https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-2b4026c88447/JNCC-Report-696-Main-FINAL-WEB.pdf>

Joint Nature Conservation Committee, The Nitrogen Futures Project (JNCC, 2020)  
<https://jncc.gov.uk/our-work/nitrogen-futures/>

Lee Valley Regional Park Authority Strategic Policies Appropriate Assessment (Lepus Consulting, 2019)  
[https://4a7cf0de-56b5-46b2-8640-62634050a65d.filesusr.com/ugd/8d76d7\\_b18e84350f1240cda3b2735fa4de489a.pdf](https://4a7cf0de-56b5-46b2-8640-62634050a65d.filesusr.com/ugd/8d76d7_b18e84350f1240cda3b2735fa4de489a.pdf)

Lee Valley SPA and Ramsar Conservation Objectives (Natural England, 2019)  
<http://publications.naturalengland.org.uk/file/6516586265706496>

Lee Valley SPA Conservation Objectives Supplementary Advice (Natural England, 2019)  
<http://publications.naturalengland.org.uk/publication/5670650798669824>

Lee Valley SPA and Ramsar Site Improvement Plan (Natural England, 2014)  
<http://publications.naturalengland.org.uk/publication/5864999960444928>

Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitat Regulations, NEA001 (Natural England, 2018)  
<http://publications.naturalengland.org.uk/publication/4720542048845824>

Red List for Great Britain Post 2001 – Red list conservation status of Great Britain species excluding birds, based on IUCN guidelines  
<https://lists.nbnatlas.org/speciesListItem/list>

Rye Meads Water Cycle Strategy Review, 2015  
<https://www.north-herts.gov.uk/sites/default/files/TI11%20Rye%20Meads%20Water%20Cycle%20Strategy%20Review.pdf>

Sweetman Advocate General Opinion (2013, Case C 258/11) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CJ0258>

The Fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List Assessment of Extinction Risk for Great Britain, December 2021. <https://britishbirds.co.uk/content/status-our-bird-populations>

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

The Fen Management Handbook (A. McBride, I. Diack, N Droy, B. Hamill, P. Jones, J. Schutten, A. Skinner, and M. Street. Scottish Natural Heritage, 2011)  
<https://www.nature.scot/sites/default/files/Publication%202011%20-%20Fen%20Management%20Handbook.pdf>

Waddenze and the Netherlands Association for the Protection of Birds versus the Secretary of State for Agriculture, Nature, Conservation and Fisheries, (2004, Case C127-02) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62002CJ0127&from=EN>

Water Industry Act 1991

<https://www.legislation.gov.uk/ukpga/1991/56/contents>

Wormley-Hoddesdonpark Woods SAC, Conservation Objectives (Natural England, 2014) <http://publications.naturalengland.org.uk/publication/4919819195383808>

Wormley-Hoddesdonpark Woods SAC, Conservation Objectives Supplementary Advice on Conserving and Restoring Site Features (Natural England, 2019)  
<http://publications.naturalengland.org.uk/file/6742166290563072>

Wormley-Hoddesdonpark Woods Site Improvement Plan (Natural England, 2015)  
<http://publications.naturalengland.org.uk/publication/6314181103976448>

### **Appendix A – Natural England Representations 2019**

- Natural England Representation to Original Submission Outline Application
- Natural England Representation to Amended Outline Application

### **Appendix B – Proposed Conditions Relevant to HRA Matters**

- Village 7 Outline Application Proposed Draft Conditions
- Villages 1-6 Outline Application Approved Draft Conditions
- CSC Application Agreed Conditions
- ESC Application Agreed Conditions

### **Appendix C – Mitigation Route Map**

ES Addendum, Chapter 22 Assessment Summary and Mitigation Implementation

### **Appendix D – Cumulative Schemes**

ES Addendum, Volume II, Appendix 5.4 Schedule of Committed Schemes

In addition to the cumulative schemes listed in Appendix D, which are taken into account in the Applicant's Environmental Statement, the following plans and programmes have also been taken into account in this Habitats Regulations Assessment

- Affinity Water Drought Management Plan, Consultation Draft 2022
- Affinity Water Resource Management Plan 2020-2080
- Affinity Water Resource Management Plan Habitats Regulations Assessment (Affinity Water, 2019)
- Broxbourne Local Plan 2018-2033
- Broxbourne Local Plan Emerging Draft Appropriate Assessment (Lepus Consulting, 2018)
- Broxbourne Local Plan Emerging Draft Screening Assessment (Lepus Consulting, 2016)
- East Herts District Plan 2011-2033
- East Herts District Plan Main Modifications Habitats Regulations Assessment (Aecom, 2018)
- East Herts District Plan Updated Habitats Regulations Assessment (Aecom, 2017)
- East Herts District Plan Submission Habitat Regulations Assessment (Aecom, 2016)
- Epping Forest Local Plan Main Modifications Schedules, 2021
- Epping Forest Local Plan Submission Version, 2017
- Epping Forest Local Plan Habitats Regulations Assessment (Aecom, 2021)
- Epping Forest Local Plan Habitats Regulations Assessment (Aecom, 2019)
- Harlow Local Development Plan, 2020
- Harlow Local Development Plan HRA Adoption Statement (Aecom, 2020)

## Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

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- Lee Valley Regional Park Authority Strategic Policies, 2019
- Lee Valley Regional Park Authority Strategic Policies Appropriate Assessment (Lepus Consulting, 2019)

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- Natural England Representation to Original Submission Outline Application
- Natural England Representation to Amended Outline Application

Date: 05 March 2020  
Our ref: 302346  
Your ref: 3/19/2124/OUT



FAO East Hertfordshire Council

**BY EMAIL ONLY**

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir / Madam,

**Planning consultation:** Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures and erection of a residential led mixed use development comprising: up to 1,500 residential market and affordable homes; a mixed use local village centre; retail, business and community uses; primary school, early years and nursery facilities; leisure and sports facilities; open spaces, ecological areas, woodlands and public realm; pedestrian, cycle and vehicular accesses and network within the site; associated drainage, utilities, energy and waste facilities and infrastructure; works to and realignment of the existing highway; other supporting works, facilities and infrastructure; together with associated temporary enabling works or structures. With all matters reserved apart from detailed works to the A414 Church Lane junction

**Location:** Land Off Church Lane, North of the A414, Hunsdon and Eastwick, Hertfordshire

Thank you for your consultation on the above dated 29 November 2019 which was received by Natural England on the same date

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**FURTHER INFORMATION REQUIRED**  
**SUMMARY OF NATURAL ENGLAND'S ADVICE:**

- We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified. Appropriate measures to address this at the outline stage are highlighted in the main text, this includes the need to secure a financial contribution towards mitigation measures within the designated site, and the incorporation of appropriate avoidance measures into the development (which we believe would be suitable to agree via suitable worded conditions). Note, that all areas of the Gilston Village developments will need to go through similar procedure.
- We advise that a suitable planning conditions are put in place to ensure that the conservation status of Hunsdon Mead SSSI are not harmed via recreational pressure as a result of the proposals.
- We advise that the provision of GI should not be confused with public open space within the consultation documents, and instances where it is should be clarified.
- We advise that clarity is provided on how this project will deliver a biodiversity net gain.
- We advise that suitable measures are put in place via planning condition to ensure that the proposed development does not contribute any increase in phosphate levels that could harm the Favourable Conservation Status at Rye Meads SSSI.
- We provide advice on air quality impacts and Epping Forest SAC.

## **Hatfield Forest SSSI/NNR**

Hatfield Forest is a National Nature Reserve (NNR) and nationally designated as a Site of Special Scientific Interest (SSSI), regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and there are concerns regarding the contribution of nearby residential development to the significant increase in visitor numbers over recent years. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys which have identified a Zone of Influence (ZoI) of 14.6km from the designated site – please note Natural England's Impact Risk Zones have since been updated to reflect this ZoI. New residential housing within this ZoI therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development which is circa 10.3km from the designated site (within the ZoI).

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the ZoI to confirm Natural England's position via the letter dated 5<sup>th</sup> April 2019. We would direct you to this letter for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation measures within Hatfield Forest SSSI/NNR for this application, to be secured via an appropriate planning obligation;
- an appropriately worded planning condition or obligation to ensure suitable avoidance measures are incorporated into the development (such as the use of green infrastructure)

The unique draw of Hatfield Forest means that even well-designed, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been finalised. A draft package of mitigation measures has been submitted towards the recent Uttlesford Local Plan Examination and we would invite your Authority to consider these measures, in consultation with the National Trust to determine an appropriate bespoke suite of measures for this planning application (to be agreed via a suitably worded planning condition or obligation)

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR without adequate and suitable consideration of necessary avoidance and mitigation measures. Natural England therefore advises that permission should not be granted until such time as these mitigation measures have been assessed and secured through the appropriate means. We would be happy to comment further as the need arises.

## **Within red-line requirements regarding bespoke mitigation for Hatfield Forest SSSI**

In this instance, due to the 'outline' nature of the application, Natural England acknowledges that further details are likely to come through the subsequent phases of planning permission (i.e.

Reserved Matters). It is therefore anticipated that an assessment will be made as to the capacity of the site to provide adequate mitigation and that confirmation of these details will be sought through the appropriate method, such as an appropriately worded planning condition or obligation.

For areas of green infrastructure, we would generally advise that these should include elements, such as the following:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of >2.7 km and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/leaflets to householders to promote these areas for recreation
- Dog waste bins etc.

Please see further comments on green infrastructure below.

### **Further recreational pressure comments**

The development falls within 1km of Hunsdon Mead SSSI and we note that 13.6.100 of ES suggests that the open space provision by the Gilston villages will divert any potential recreational impacts from sites such as Hunsdon Mead (210m from the proposal).

We advise that your authority ensures that measures are provided to ensure that the conservation status of the site is not harmed by recreational pressure. As such, we advise that a suitable planning condition is put in place.

### **Further comments re: environmental provision**

#### **Green Infrastructure**

Policy GA1 within the Local Plan states that Gilston Village will be “*providing a comprehensive green infrastructure network and net biodiversity gains*”. We are pleased that this proposal is being developed with garden city principles in mind.

Overall “*the Proposed Development includes the substantial delivery of 76.68 hectares of green infrastructure and public open space, including the retention and enhancement of existing historic hedgerows and ancient woodlands.*” And we note (section 6.131) “*For Village 7, this will be achieved through a strategic green corridor along the northern extent of the Site, a community park and natural and semi-natural public open space distributed across the Village to include the retained woodland and hedgerows.*”

The distinction between Public Open Space, and space specifically designed as green infrastructure is unclear. Specifically, in section 6.93, onsite GI is described as comprising natural and semi-natural public open space. However, the two concepts seem to be distinguished on page 11 of the open space, landscape and public realm strategy assessment, and we note that they do have separate masterplan strategies. We advise that the provision of GI should not be confused with public open space.

We welcome that the GI provided by Gilston Village will link into the Stort Valley feasibility access links and open space concept, the Harlow District GI Vision and the East Hertfordshire District Council Green Infrastructure Strategy, 2011. We also welcome the scale of the Masterplan, in the sense that it has plenty of opportunity to provide GI on an appropriate scale to deliver multi-functional benefits e.g. access to nature and educational value for local communities, air quality regulation, water management, water quality, noise regulation, carbon storage and pollination.

Within the GI Masterplan it is stated that “*retention and enhancement of existing and valued landscape features such as designated wildlife sites, ancient woodlands, watercourses and the provision of large areas of open space to the benefit of the wider ecological gain of the surrounding area and the enjoyment of the landscape for all.*”. Please note that retention cannot count towards a

biodiversity net gain, and further that the mitigation hierarchy has to be followed as described within the National Planning Policy Framework, where mitigation precedes compensation.

## **Biodiversity Net Gain**

We are pleased to read (13.10.7 of ES) that “*the Project will minimise negative ecological effects, protect designated sites and provide enhancements for biodiversity such that there will be a biodiversity net gain*”. Although we note that “*The biodiversity calculator confirms that the development will result in 72.14 Habitat Biodiversity Units gain and 25.54 Hedgerow Units gain*”, it is not clear from the consultation documents where the net gains will be delivered.

For example, the Ecological Management Plan (EMP) states how “*measures detailed in the ES*” (para 3.1) will mitigate, compensate and provide biodiversity net gains, however the specific measures that will deliver a biodiversity net gain are not detailed in the ES or the EMP. We advise that clarity is sought on how this project will deliver a biodiversity net gain.

## **Water and Air Quality**

### **1. Rye Meads SSSI (part of Lee Valley SPA and RAMSAR)**

Please note that any increases in sewerage outflow from Rye Meads Sewerage Works into waterways connected to Rye Meads SSSI has the potential to harm its Favourable Conservation Status through increases in phosphate levels, which are already high at the site.

As a result, Natural England advises that suitable measures are put in place via planning condition to ensure that the proposed development does not contribute any increase in phosphate levels that could harm the Favourable Conservation Status at Rye Meads SSSI.

### **2. Epping Forest SSSI and SAC**

The issue of air quality impacts on Epping Forest SAC is a complex one. The SAC is an internationally important site with ancient trees and heathland which are particularly sensitive to air quality. Natural England has been working with East Hertfordshire District Council, Epping Forest District Council, the City of London and the other Local Authorities for some time to look for legally compliant solutions allowing proposed housing allocations to be delivered without harming the SAC.

We note that this application is anticipated to have contributions of nitrogen at 0.13% of the lower critical load and ammonia at 0.36% of the critical level, by completion. As Competent Authority, you need to consider the impact of this both alone and in combination with other plans and projects within the framework of a Habitats Regulations Assessment. With regards to the in combination assessment Epping Forest Local Plan has gone through examination by an independent Planning Inspector, who has found that the submitted HRA does not provide sufficient certainty for her to conclude that there would be no adverse effects; – please see <http://www.efdclocalplan.org/wp-content/uploads/2019/08/ED98-Epping-Forest-Post-hearing-Advice-Aug-2019-V1-final.pdf>.

Your Authority should consider what implications this might have for planning applications in your district which identify a deterioration in air quality within the SAC or an increase in traffic movements along forest roads and where appropriate seek your own independent legal advice.

This concludes Natural England’s advice at this stage which we hope you will find helpful. Our additional advice can be found in Appendix A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 02080263523. [For](#)

matters relating to Epping Forest SAC please contact Jamie Melvin on 020 802 61025.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Anna Bush  
Lead Planning Adviser

## **Appendix A**

Please also note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and your biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process. Please note that Natural England is preparing additional standard advice to cover a range of development scenarios, but as these do not yet cover this planning application we are unable to provide further comments.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

### ***Protected Species***

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

We note the proposals have potential to impact bats, water voles and GCN's, as well as reptiles.

### ***Biodiversity duty***

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

Date: 05 March 2020  
Our ref: 302346  
Your ref: 3/19/2124/OUT



FAO East Hertfordshire Council

**BY EMAIL ONLY**

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir / Madam,

**Planning consultation:** Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures and erection of a residential led mixed use development comprising: up to 1,500 residential market and affordable homes; a mixed use local village centre; retail, business and community uses; primary school, early years and nursery facilities; leisure and sports facilities; open spaces, ecological areas, woodlands and public realm; pedestrian, cycle and vehicular accesses and network within the site; associated drainage, utilities, energy and waste facilities and infrastructure; works to and realignment of the existing highway; other supporting works, facilities and infrastructure; together with associated temporary enabling works or structures. With all matters reserved apart from detailed works to the A414 Church Lane junction

**Location:** Land Off Church Lane, North of the A414, Hunsdon and Eastwick, Hertfordshire

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- We advise that a suitable planning conditions are put in place to ensure that the conservation status of Hunsdon Mead SSSI are not harmed via recreational pressure as a result of the proposals.
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Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys which have identified a Zone of Influence (ZoI) of 14.6km from the designated site – please note Natural England's Impact Risk Zones have since been updated to reflect this ZoI. New residential housing within this ZoI therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development which is circa 10.3km from the designated site (within the ZoI).

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the ZoI to confirm Natural England's position via the letter dated 5<sup>th</sup> April 2019. We would direct you to this letter for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

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- discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation measures within Hatfield Forest SSSI/NNR for this application, to be secured via an appropriate planning obligation;
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The unique draw of Hatfield Forest means that even well-designed, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package, though this has not yet been finalised. A draft package of mitigation measures has been submitted towards the recent Uttlesford Local Plan Examination and we would invite your Authority to consider these measures, in consultation with the National Trust to determine an appropriate bespoke suite of measures for this planning application (to be agreed via a suitably worded planning condition or obligation)

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR without adequate and suitable consideration of necessary avoidance and mitigation measures. Natural England therefore advises that permission should not be granted until such time as these mitigation measures have been assessed and secured through the appropriate means. We would be happy to comment further as the need arises.

## **Within red-line requirements regarding bespoke mitigation for Hatfield Forest SSSI**

In this instance, due to the 'outline' nature of the application, Natural England acknowledges that further details are likely to come through the subsequent phases of planning permission (i.e.

Reserved Matters). It is therefore anticipated that an assessment will be made as to the capacity of the site to provide adequate mitigation and that confirmation of these details will be sought through the appropriate method, such as an appropriately worded planning condition or obligation.

For areas of green infrastructure, we would generally advise that these should include elements, such as the following:

- High-quality, informal, semi-natural areas
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Please see further comments on green infrastructure below.

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#### **Green Infrastructure**

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Overall “*the Proposed Development includes the substantial delivery of 76.68 hectares of green infrastructure and public open space, including the retention and enhancement of existing historic hedgerows and ancient woodlands.*” And we note (section 6.131) “*For Village 7, this will be achieved through a strategic green corridor along the northern extent of the Site, a community park and natural and semi-natural public open space distributed across the Village to include the retained woodland and hedgerows.*”

The distinction between Public Open Space, and space specifically designed as green infrastructure is unclear. Specifically, in section 6.93, onsite GI is described as comprising natural and semi-natural public open space. However, the two concepts seem to be distinguished on page 11 of the open space, landscape and public realm strategy assessment, and we note that they do have separate masterplan strategies. We advise that the provision of GI should not be confused with public open space.

We welcome that the GI provided by Gilston Village will link into the Stort Valley feasibility access links and open space concept, the Harlow District GI Vision and the East Hertfordshire District Council Green Infrastructure Strategy, 2011. We also welcome the scale of the Masterplan, in the sense that it has plenty of opportunity to provide GI on an appropriate scale to deliver multi-functional benefits e.g. access to nature and educational value for local communities, air quality regulation, water management, water quality, noise regulation, carbon storage and pollination.

Within the GI Masterplan it is stated that “*retention and enhancement of existing and valued landscape features such as designated wildlife sites, ancient woodlands, watercourses and the provision of large areas of open space to the benefit of the wider ecological gain of the surrounding area and the enjoyment of the landscape for all.*”. Please note that retention cannot count towards a

biodiversity net gain, and further that the mitigation hierarchy has to be followed as described within the National Planning Policy Framework, where mitigation precedes compensation.

## **Biodiversity Net Gain**

We are pleased to read (13.10.7 of ES) that “*the Project will minimise negative ecological effects, protect designated sites and provide enhancements for biodiversity such that there will be a biodiversity net gain*”. Although we note that “*The biodiversity calculator confirms that the development will result in 72.14 Habitat Biodiversity Units gain and 25.54 Hedgerow Units gain*”, it is not clear from the consultation documents where the net gains will be delivered.

For example, the Ecological Management Plan (EMP) states how “*measures detailed in the ES*” (para 3.1) will mitigate, compensate and provide biodiversity net gains, however the specific measures that will deliver a biodiversity net gain are not detailed in the ES or the EMP. We advise that clarity is sought on how this project will deliver a biodiversity net gain.

## **Water and Air Quality**

### **1. Rye Meads SSSI (part of Lee Valley SPA and RAMSAR)**

Please note that any increases in sewerage outflow from Rye Meads Sewerage Works into waterways connected to Rye Meads SSSI has the potential to harm its Favourable Conservation Status through increases in phosphate levels, which are already high at the site.

As a result, Natural England advises that suitable measures are put in place via planning condition to ensure that the proposed development does not contribute any increase in phosphate levels that could harm the Favourable Conservation Status at Rye Meads SSSI.

### **2. Epping Forest SSSI and SAC**

The issue of air quality impacts on Epping Forest SAC is a complex one. The SAC is an internationally important site with ancient trees and heathland which are particularly sensitive to air quality. Natural England has been working with East Hertfordshire District Council, Epping Forest District Council, the City of London and the other Local Authorities for some time to look for legally compliant solutions allowing proposed housing allocations to be delivered without harming the SAC.

We note that this application is anticipated to have contributions of nitrogen at 0.13% of the lower critical load and ammonia at 0.36% of the critical level, by completion. As Competent Authority, you need to consider the impact of this both alone and in combination with other plans and projects within the framework of a Habitats Regulations Assessment. With regards to the in combination assessment Epping Forest Local Plan has gone through examination by an independent Planning Inspector, who has found that the submitted HRA does not provide sufficient certainty for her to conclude that there would be no adverse effects; – please see <http://www.efdclocalplan.org/wp-content/uploads/2019/08/ED98-Epping-Forest-Post-hearing-Advice-Aug-2019-V1-final.pdf>.

Your Authority should consider what implications this might have for planning applications in your district which identify a deterioration in air quality within the SAC or an increase in traffic movements along forest roads and where appropriate seek your own independent legal advice.

This concludes Natural England’s advice at this stage which we hope you will find helpful. Our additional advice can be found in Appendix A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 02080263523. [For](#)

matters relating to Epping Forest SAC please contact Jamie Melvin on 020 802 61025.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Anna Bush  
Lead Planning Adviser

## **Appendix A**

Please also note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and your biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process. Please note that Natural England is preparing additional standard advice to cover a range of development scenarios, but as these do not yet cover this planning application we are unable to provide further comments.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

### ***Protected Species***

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

We note the proposals have potential to impact bats, water voles and GCN's, as well as reptiles.

### ***Biodiversity duty***

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

## **Appendix B – Proposed Conditions Relevant to HRA Matters**

- Village 7 Outline Application Proposed Draft Conditions
- Villages 1-6 Outline Application Approved Draft Conditions
- CSC Application Agreed Conditions
- ESC Application Agreed Conditions

**DRAFT CONDITIONS**

| <b>Condition Reference / Name</b>                             | <b>Condition Wording</b>   |
|---|--|
| <b>A Time Limits / Reserved Matters</b>                       |  |
| A1 - Submission of Reserved Matters                           | <p>No development (other than Preliminary Works) within any Phase, Sub-Phase or Development plot (as set out in the approved Phasing Plan required by condition C2) shall be begun until Reserved Matters approval for that Phase, Sub-phase or Development plot has been obtained from the local planning authority in writing. The development shall be carried out fully in accordance with the details as approved.</p> <p>Reason: The application as submitted does not give particulars sufficient for consideration of the Reserved Matters.</p>                        |
| A2 - Timescales for RM Submission                             | <p>Applications for approval of Reserved Matters, namely details of layout, scale, appearance and landscaping (hereinafter called "the Reserved Matters") shall be made to the Local Planning Authority no later than 10 (ten) years from the date of this permission. The first Reserved Matters application shall be submitted within three years of the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92(2) of the Town &amp; Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> |
| A3 - Time limits for Commencement of Development in Village 7 | <p>The development hereby permitted shall be begun before the expiration of 10 (ten) years from the date of this permission or 2 (two) years from the date of approval of the last Reserved Matters whichever is the later [for the relevant Phases, Sub-phase or Development plot].</p>   |

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| Page 256  | <p>Reason: To comply with the requirements of Section 92(2) of the Town &amp; Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>  |
| A4 – Time limit for Commencement of Development alongside Village 1 | <p>The development (save Preliminary Works) shall not commence, and no further works may be undertaken unless and until after:</p> <ul style="list-style-type: none"> <li>• planning permission has been granted pursuant to application reference: 3/19/1045/OUT for Villages 1 to 6 of the Gilston Area; and</li> <li>• expiration of at least 6 months following the commencement of initial enabling works at Village 1 of the Gilston Area (application reference: 3/19/1045/OUT); and</li> <li>• a Village 7 &amp; Village 1 Phasing Scheme has been submitted and approved by the Council.</li> </ul> <p>The development shall not be carried out or occupied other than in accordance the approved Village 7 &amp; Village 1 Phasing Scheme</p> <p>Reason: For timely and coordinated phased delivery of early development and associated infrastructure and facilities across the Gilston Area allocation.</p> |
| A5 - Reserved Matters   | <p>Each application for the approval of Reserved Matters shall contain the information and other details specified in the Reserved Matters Specification and shall accord with the approved plans listed in Condition B1. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. To ensure the development is undertaken on the basis of the development proposed and accompanying assessments which has been advanced with this outline permission.</p>  |
| <b>B Approved Plans / Extent of Permission</b>                      |   |
| B1 - Approved Drawings and  | The approved development shall be carried out in accordance with the following approved parameter plans, detailed access drawings and other approved documents:   |

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| Other Approved Documents | <ul style="list-style-type: none"> <li>• Parameter Plan 1 – Site Location Plan (ref. V7_01_1001)</li> <li>• Parameter Plan 2 – Buffers and Development Zones (ref. V7_01_1002)</li> <li>• Parameter Plan 3 – Green Infrastructure and Open Space (ref. V7_01_1003)</li> <li>• Parameter Plan 4 – Vehicular Access and Movement (ref. V7_01_1004)</li> <li>• Parameter Plan 5 – Land Uses (ref. V7_01_1005)</li> <li>• Parameter Plan 6 – Building Heights Plan (ref. V7_01_1006)</li> <li>• Proposed A414/Church Lane Signalised Junction (ref. 110042/A/64)</li> <li>• Development Specification Statement (December 2022)</li> <li>• Strategic Design Guide for the Gilston Area (July 2022)</li> </ul> <p>Reason: For the avoidance of and to ensure that the development is carried out in accordance with the details as approved with regard to Development Plan Policies GA1 and DPS4 and to restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.</p> |
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### C – Phasing and Parameters for Development

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| C1 Development Parameters | <p>The development hereby permitted shall not exceed 1,500 Residential Units (Use Class C3) and 11,510 square metres of non-residential land uses (as defined in Table 4 of the approved Development Specification Statement) and shall be built pursuant to this outline planning permission, as follows:</p> <ol style="list-style-type: none"> <li>a) Up to 3,850 square metres of Learning and Non-Residential Institutional Uses (Class F.1)</li> <li>b) Up to 1,060 square metres of Local Community Uses (Class F2)</li> <li>c) Up to 4,120 square metres of Commercial, Business and Service Uses (Class E)</li> <li>d) Up to 2,100 square metres of Light Industrial (Class E(g)) / General Industrial (Class B2) / Storage or Distribution (Class B8)</li> <li>e) Up to 380 square metres of Sui Generis Uses</li> </ol> |
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| Page 258                                   | <p>Reason: In order to comply with the provisions of the outline planning permission including the parameters assessed, considered and established by this permission.</p>  |
| C2 - Phasing Plan                          | <p>Site-wide phasing proposals (hereinafter called the "Phasing Plan") for the development shall be submitted for approval by the local planning authority on or before submission of the first application for approval of Reserved Matters. The Phasing Plan shall include the following:</p> <ul style="list-style-type: none"> <li>a) A plan of the site showing the extent of each proposed Phase and Sub-Phase of the development;</li> <li>b) A timetable for the delivery of the development and associated infrastructure; and,</li> <li>c) Mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure</li> </ul> <p>No development (except Preliminary Works) shall be begun until the Phasing Plan has been approved in writing by the local planning authority.</p> <p>Reason: To ensure that the development is delivered and develop in a manner which is coherent and compliant with Development Plan policies.</p> |
| C3 - Schedule of Residential Accommodation | <p>Each application for the approval of Reserved Matters incorporating residential units shall be accompanied by:</p> <ul style="list-style-type: none"> <li>I. a schedule of residential accommodation (to include details of the amount and size of residential units) proposed within that Phase, Sub-Phase or Development plot;</li> <li>II. a plan and schedule (including tenure mix) showing the proposed distribution of affordable housing within that Phase, Sub-Phase or Development plot; and,</li> </ul> <p>Reason: To ensure that the development is implemented in accordance with the principles assessed, considered and established by this permission.</p>   |

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| D1 - Strategic Landscape Masterplan  | <p>No development (with the exception of Preliminary Works) shall take place, nor shall any Village Masterplan pursuant to condition D4 or Reserved Matters application for commercial or residential floorspace pursuant to condition C1 be approved for any part of the site, until a Strategic Landscape Masterplan (SLMP) for the site (which shall include a Design Code and associated Regulatory Plan) has first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies GA1, DES1 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG3, AG4, AG5, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.</p>  |
| D2 - Strategic Landscape Design Code | <p>The Strategic Landscape Masterplan pursuant to condition D1, shall be supported by a Strategic Landscape Design Code and associated Regulatory Plan which shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020) and the plans and documents approved in Condition B1.</p> <p>The Strategic Landscape Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the strategic landscape area.</p> <p>As a minimum the code shall include principles for the following:</p> <ol style="list-style-type: none"> <li>1. Design: <ul style="list-style-type: none"> <li>• SuDS and drainage</li> <li>• Community food growing</li> <li>• Sport and recreation</li> <li>• Play spaces</li> <li>• Planting</li> <li>• Village edge treatments</li> <li>• Response to heritage</li> </ul> </li> </ol> |

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|  | <ul style="list-style-type: none"><li>• Ancillary buildings within landscape areas</li><li>• Ecological enhancements</li><li>• Gypsy and Traveller and Travelling Show People provision</li><li>• Public realm areas</li><li>• Pedestrian and cycle routes hierarchy</li><li>• Sustainable Transport Corridor</li><li>• Sustainable Transport Hub</li><li>• Wayfinding and legibility</li><li>• Street hierarchy</li><li>• All modes parking</li><li>• Street furniture</li><li>• Boundary treatments</li><li>• Utilities</li><li>• Lighting</li><li>• Waste and recycling</li><li>• Materials palette for different forms of built development and hard landscaping</li></ul> <p>2. A scalable Regulatory Plan to assist users in navigating where the provisions of the code will apply.</p> <p>3. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.</p> <p>4. Design Code Compliance Checklist.</p> <p>The subsequent Village Masterplan, Village Design Code and Reserved Matters Applications shall accord with the approved Strategic Landscape Design Code and Regulatory Plan and be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.</p> |
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|                                    | <p>Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies GA1, DES1 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG3, AG4, AG5, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.</p>   |
| D3 - Buffers to Existing Waterways | <p>No development shall commence adjacent to an existing waterway alongside the main river watercourses or an ordinary watercourse waterway until such time as a scheme, for that specific waterway, for the provision and management of 20 metre wide buffers (from bottom of bank for the Hunsdon Brook) and 8m buffers to an ordinary watercourse for built development (3m buffer maintained for maintenance purposes) (unless it is demonstrated that development is sited outside the 1 in 100 year plus climate change allowance flood envelope) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for that relevant waterway:</p> <ul style="list-style-type: none"> <li>• Plans showing the extent and layout of the buffer zone</li> <li>• Design principles for any proposed planting scheme (for example, native species)</li> <li>• Design principles demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan</li> <li>• Design principles of any proposed footpaths, fencing, furniture, lighting etc. This should aim to maximise undisturbed habitat with native vegetation and minimise any footpaths or furniture within the 8 metres zone closest to the top of the riverbank.</li> <li>• Where footpaths or furniture are required, these will be kept as natural as possible, making use of natural materials and information provided on how impermeable areas will be drained.</li> <li>• Design principles of how access to watercourses will be maintained for flood management inspection and maintenance by both vehicular (large, heavy vehicles) and pedestrian access</li> <li>• Details of any SuDS, natural flood management or flood storage measures to reduce the risk of flooding.</li> </ul> <p>All Reserved Matters Applications relating to these buffers shall be in accordance with the approved details.</p> |

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| Page 262                      | <p>Reason: This approach is supported by paragraphs 174 and 180 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains in biodiversity and policy WAT3 of the East Herts District Plan (2018).</p>   |
| D4 - Village 7 Masterplan     | <p>No Reserved Matters applications pursuant to condition A5 shall be approved by the local planning authority until a Village Masterplan has first been approved by the local planning authority. The Village Masterplan shall be produced in accordance with the provisions of the Gilston Area Charter Supplementary Planning Document and comply with the principles established in the documents hereby approved under this application, reference 3/19/2124/OUT.</p> <p>All subsequent Reserved Matters shall accord with the approved Village Masterplan.</p> <p>The development shall thereafter be carried out in accordance with the approved details. There shall be no amendment of the Village 7 Masterplan unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies GA1, DES1 and DES4 of the East Herts District Plan.</p> |
| D5 - Scope of the Masterplans | <p>The production of the Strategic Landscape Masterplan (pursuant to condition D1) and Village Masterplan (pursuant to condition D4), shall not commence until the scope for that masterplan, including confirmation of its boundary, has first been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies DES1, DES2 and DES4 of the East Herts District Plan.</p>  |
| D6 – Village Design Code      | <p>The Village Masterplan (pursuant to condition D4) shall be supported by a Village Design Code and associated Regulatory Plan which shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020), the Strategic Landscape Design Code and Regulatory Plan, and the plans and documents approved in Conditions B1 and D4.</p>   |

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|  | <p>The Village Design Code and Regulatory Plan will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the village.</p> <p>As a minimum the code shall include principles for the following:</p> <ol style="list-style-type: none"><li>1. Village design principles for:<ul style="list-style-type: none"><li>• Block structure</li><li>• Public Realm</li><li>• Green and blue infrastructure including multifunctional SuDS plus consideration for groundwater and watercourse safeguarding zones (flooding and pollution)</li><li>• Maintenance strips for SuDS and all watercourses or water features (springs)</li><li>• Biodiversity and amenity benefits SUDS</li><li>• Response to heritage</li><li>• Routes and movement network, integrating with the wider movement network</li><li>• All modes parking typologies</li><li>• Street hierarchy and character types</li><li>• Sustainable Transport Hub (and bus parking)</li><li>• The chosen delineation of the route for the Roydon Commuter Link route (inclusive of high level specification along the route) to include confirmation of footbridge works.</li><li>• Land uses</li><li>• Density ranges</li><li>• Building heights</li><li>• Edges, nodes and gateways</li><li>• Frontage, access and servicing</li><li>• Built form</li><li>• Identity</li><li>• Climate Change Measures</li><li>• Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification.</li></ul></li></ol> |
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|  | <ul style="list-style-type: none"> <li>• Indicative village materials palette</li> <li>• Indicative Planting strategy</li> </ul> <p>2. A scalable Regulatory Plan to assist users in navigating where the provisions of the code will apply.</p> <p>3. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.</p> <p>4. Design Code Compliance Checklist.</p> <p>All subsequent Reserved Matters shall accord with the approved Village Design Code and Regulatory Plan and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.</p> <p>Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies GA1, DES1 and DES4 of the East Herts District Plan Policies AG1, AG5, AG6, LA1, BU1, BU2, BU3, BU4, H1 and D1 Gilston Area Neighbourhood Plan.</p> |
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#### E – Flood Risk and Drainage

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| E1 - Strategic SuDS Strategy | <p>Prior to or in conjunction with the submission of the <b>Strategic</b> Landscape Masterplan (pursuant to condition D1), a <b>Strategic</b> Sustainable Drainage System Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. Notwithstanding the details contained in the Development Specification hereby approved as part of outline application 3/19/2124/OUT relating to surface water management and drainage, the Strategy shall follow and include the following details:</p> <ul style="list-style-type: none"> <li>• Evidence to show that any SuDS will not become overwhelmed by any source of flood risk including surface water or groundwater.</li> <li>• A strategy following the SuDS discharge hierarchy including potential use of rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.</li> </ul> |
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|  | <ul style="list-style-type: none"><li>• Desk based information and preliminary ground investigations, including some site wide infiltration testing undertaken to BRE 365 specification in broad approximations of <b>strategic</b> attenuation features.</li><li>• If infiltration drainage is proved viable, identification of areas where infiltration or part infiltration is likely to be located.</li><li>• If infiltration drainage is unfavourable, surface water greenfield runoff rates and volumes should be provided for each pre-development sub catchment and all post-development scenarios will be limited to Qbar or the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations (without an allowance for future climate change, but with appropriate long-term storage). Appropriate feasible discharge locations should be provided to the closest ordinary watercourses or main river by gravity for any of the developed areas. Any discharge outfall to a watercourse should be assumed to be surcharged.</li><li>• Provision of supporting calculations to show how much post development storage is required across the site (assuming the worst infiltration rate as a worst-case scenario) and how this will be achieved across the development. Where infiltration is not feasible, post development runoff rates and volumes will be limited to Qbar (or 2l/s/ha, whichever is the greater) or the equivalent greenfield scenarios (with long term storage for the 1% AEP plus climate change event limited to 2l/s/ha or less). Include interception and source control within the development area, prior to utilising site control and regional (<b>strategic</b>) control. Overarching supporting modelling for the drainage network to demonstrate how the system could operate at the 100% Annual Exceedance Probability rainfall event, 3.33% AEP plus climate change and 1% AEP plus climate change allowance, to be provided, half drain down times for infiltration storage features should be included as will urban creep on any assumed impermeable areas. Any <b>strategic</b> road networks may need to be considered as separate SuDS networks depending on the adoptable or approval authority requirements. Any large sports fields will also need to be included in the drainage scheme (assuming they will be built to operate 365 days a year)</li><li>• High level drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled high level drainage layout drawing which relates to the landscaping and blue green infrastructure layouts. Total storage volumes provided within each future sub-catchment should be identified.</li><li>• The usage of above ground surface water conveyance and storage SuDS features unless otherwise shown to be unsuitable</li></ul> |
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| Page 266  | <ul style="list-style-type: none"> <li>• Demonstrate an appropriate SuDS management and treatment train accounting for any sensitive discharge locations such as ecological protection areas, groundwater source protection zones, surface drinking water safeguarding zones or areas previously used for landfill.</li> <li>• Integration of SuDS to enhance any proposed amenity space and link to any climate change mitigation such as urban cooling and social wellbeing.</li> <li>• Provision of biodiversity enhancement within SuDS provision.</li> <li>• Compliance with the agreed <b>Strategic</b> Design Code.</li> <li>• Indicative phasing plan for the cumulative provision of SuDS and drainage infrastructure within the green infrastructure and high-level details.</li> <li>• A high level assessment of overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 year return period including an appropriate allowance for climate change</li> <li>• A high-level management and maintenance plan. It should include maintenance and operational activities and who will be adopting which parts of the SuDS infrastructure.</li> </ul> <p>Reason: To ensure the development appropriately addresses climate change and the risk of flooding in accordance with Paragraphs 167 and 169 of NPPF and its accompanying Practice Guide, to improve and protect water quality, to protect natural habitats and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity and to comply with the requirements of Policy GA1 V (y) of the East Herts Local Plan 2018.</p> |
| E2 - Village Sustainable Urban Drainage System Strategy | <p>Prior to or in conjunction with the submission of the Village Masterplan (pursuant to condition D4), a <b>Strategic</b> Village Sustainable Drainage System scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. Notwithstanding the details contained in the Development Specification hereby approved as part of outline application 3/19/2124/OUT relating to surface water management and drainage, the Strategy shall follow and include the following details:</p> <ul style="list-style-type: none"> <li>• Evidence to show the location of any SuDS will not become overwhelmed by any source of flood risk including surface water or groundwater.</li> <li>• A strategy following the SuDS discharge hierarchy including potential use of rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>• Desk based information and preliminary ground investigations, including some site wide infiltration testing undertaken to BRE 365 specification in broad approximations of proposed SuDS features.</li> <li>• If infiltration drainage is proved viable, identification of areas where infiltration or part infiltration is likely to be located within developable areas of the village.</li> <li>• If infiltration drainage is unfavourable, surface water greenfield runoff rates and volumes should be provided for each pre-development sub catchment and all post-development scenarios will be limited to Qbar or the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations (without an allowance for future climate change, but with appropriate long-term storage). Appropriate feasible discharge locations should be provided to the closest ordinary watercourses or main river by gravity for any of the developed areas. No pumping of surface water drainage will be acceptable. Any discharge outfall to a watercourse should be assumed to be surcharged.</li> <li>• Provision of supporting calculations to show how much post development storage is required across the site (assuming the worst infiltration rate as a worst-case scenario) and how this will be achieved across the development. Where infiltration is not feasible, post development runoff rates and volumes will be limited to Qbar (or 2l/s/ha, whichever is the greater) or the equivalent greenfield scenarios (with long term storage for the 1% AEP plus climate change event limited to 2l/s/ha or less). Include interception and source control within the development area, prior to utilising site control and regional (<b>strategic</b>) control. Overarching supporting modelling for the drainage network to demonstrate on test plots how the system could operate at the 100% Annual Exceedance Probability rainfall event, 3.33% AEP plus climate change and 1% AEP plus climate change allowance, to be provided, half drain down times for infiltration storage features should be included as will urban creep on any assumed impermeable areas. Any <b>strategic</b> road networks may need to be considered as separate SuDS networks depending on the adoptable or approval authority requirements. Any large sports fields will also need to be included in the drainage scheme (assuming they will be built to operate 365 days a year).</li> <li>• High level drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled high level drainage layout drawing showing and SuDS storage and conveyance networks Total storage volumes will be provided within each sub-catchment.</li> <li>• The usage of above ground surface water storage and conveyance features unless otherwise shown to be unsuitable, with a priority focused on rainwater reuse, interception and source control. Any above ground</li> </ul> |
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| Page 268                                       | <p>management of surface water (approximate extent and depth) not in a drainage feature will be clearly shown on a drawing along with appropriate mitigation measures and flood resistance and resilience to vulnerable parts of the development included.</p> <ul style="list-style-type: none"> <li>• Demonstrate an appropriate SuDS management and treatment train accounting for any sensitive discharge locations such as ecological protection areas, groundwater source protections zones, surface drinking water safeguarding zones or areas previously used for landfill.</li> <li>• Integration of SuDS to enhance any proposed amenity space.</li> <li>• Provision of biodiversity enhancement within SuDS provision.</li> <li>• Compliance with the agreed Village Design Code.</li> <li>• Indicative phasing plan for the cumulative provision of SuDS and drainage infrastructure within the village masterplan.</li> <li>• A high level assessment of overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 year return period including an appropriate allowance for climate change.</li> </ul> <p>Reason: To ensure the development appropriately addresses climate change and the risk of flooding in accordance with Paragraphs 167 and 169 of NPPF and its accompanying Practice Guide, to improve and protect water quality, to protect natural habitats and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity and in order to comply with the requirements of Policy GA1 V (y) of the East Herts Local Plan 2018.</p> |
| E3 - Sustainable Urban Drainage System Details | <p>Prior to or in conjunction with the submission of each Reserved Matters application for individual development Phases, Sub-phases or Plots, details and construction drawings of the sustainable drainage components, flow control mechanisms and a construction method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. The details submitted must accord with the Village Sustainable Drainage System Strategy (pursuant to condition E2) and Village Design Code, the scheme shall then be constructed in accordance with the approved drawings, method statement and modelling calculations prior to the first use of the development, phase, sub-phase or plot hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority. and shall include the following:</p>  |

- **Detailed** design of all drainage following the SuDS discharge hierarchy with rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.
- Specific **detailed** evidence of areas where infiltration drainage is favourable, for either full infiltration or part infiltration design. Infiltration testing will be to BRE 365 standard (or equivalent) and undertaken and the location and depth of proposed SuDS features. With additional groundwater monitoring data to show that there is at least 1m between the base of any proposed infiltration feature and seasonally high groundwater level.
- Where infiltration is not favourable, sub catchments and appropriate locations where surface water discharge can outfall to a watercourse shall be confirmed (in line with the strategic and village masterplan). Each SuDS sub catchment shall be able to be delivered in full alongside the appropriate development phase it falls within and shown on a phasing drawing and plan.
- Pre-development greenfield runoff rates and volumes will be confirmed for each sub catchment and all post-development scenarios be limited to Qbar (or 2l/s/ha, whichever is the greater) or the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 Year) and 1% AEP (1 in 100 year) rainfall event (with long term storage for the 1% AEP plus climate change event limited to 2l/s/ha or less).
- Full, **detailed** drainage modelling for the SuDS drainage network (and specifically Village 7 access road) to demonstrate how the system operates during up to and including the 100% AEP, 3.33% AEP including an allowance for climate change and the 1%AEP critical storm events including an allowance for climate change ensuring discharge rates do not exceed the agreed greenfield discharge rates for the corresponding storm durations. Half drain down times for all infiltration storage features should be included. Urban creep will be included within any assumptions of impermeable area. Any sports pitches shall be included within the drainage network.
- Full **detailed** engineering drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout drawing showing any SuDS storage and conveyance networks. The drawings should show any 'node numbers' that have been referred to in drainage modelling supporting calculations and it also show invert and cover levels, finished floor levels and proposed external ground levels. Total storage volumes will be provided within each sub-catchment.

- The usage of above ground and other surface water storage and conveyance features with a priority focused on rainwater reuse, interception and source control. Any above ground management of surface water (extent and depth) not in a drainage feature will be clearly shown on a drawing along with appropriate mitigation measures and flood resistance and resilience to vulnerable parts of the development included.
- Provision of appropriate water quality assessment including specific requirements for sensitive discharge locations such as ecological designations, groundwater source protection zones, surface drinking water protection zones or areas previously used for landfill. Specific water quality assessments may be required for runoff from main roads.
- The use of flood resistance and resilience measures included in the design. A minimum of 300mm must be provided between the design flood event and the finished floor level. A minimum of 150mm is recommended above external ground levels that are sloping away from vulnerable areas such as doorways.
- Integration of SuDS to enhance any proposed amenity space.
- Provision of biodiversity enhancement within SuDS provision.
- Identify opportunities to address surface water flooding in the immediate vicinity of the development site and within the area of the central watercourse.
- Review of the potential to de-culvert Stone Basin Spring culvert to provide betterment to flood risk and provide biodiversity enhancement.
- Compliance with the agreed SuDS principles within the approved Design Code.
- Phasing plan for the provision of SuDS and drainage infrastructure within each part of the development to show that any strategic SuDS features are in place and operational prior to the commission of the proposed development.
- Details of final exceedance routes, including those for an event which exceeds the 1% AEP rainfall event including climate change event or blockage of the drainage network.
- A management and maintenance plan including maintenance and operational activities.
- Confirmation of how the measures proposed will integrate appropriately and cumulatively with any wider SuDS infrastructure already approved and/or implemented. In addition to a Construction Environmental Management Plan there will be a SuDS implementation strategy with appropriate timescales the required temporary measures required to implement village, phased or plot SuDS which may include temporary discharge rates and volumes at control structures which will increase during overall build out phase to the final proposals.

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|   | <ul style="list-style-type: none"> <li>The development shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the development, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Therefore, the development shall not be carried out otherwise than in accordance with the details thus approved.</li> </ul> <p>Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. To ensure the development appropriately addresses climate change and the risk of surface water flooding, to improve and protect water quality and to protect natural habitats (paragraphs 174 and 180 of NPPF) and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity.</p>   |
| E4 –Sustainable urban Drainage System Verification Report | <p>Prior to the first use of each corresponding agreed phase, sub-phase or plot a final Completion and Verification Report to a specification agreed and defined by the Local Planning Authority, signed off by an appropriate, qualified person or body which demonstrates that the sustainable drainage measures have been implemented as per the details approved under Condition E2 and or E3; shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. It shall include the following:</p> <ul style="list-style-type: none"> <li>Provision of a Completion and Verification Report appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure, during construction and final make up, and the control mechanism.</li> <li>Provision of a complete set of as built drawings for site drainage.</li> <li>Post-construction surveys including a CCTV survey for any underground features and piped networks.</li> <li>A management and maintenance plan for the SuDS features and drainage network.</li> <li>Final arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.</li> </ul> |

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| Page 272                                 | <p>Reason: To prevent the increased risk of surface water flooding, to improve and protect water quality, protect natural habitats and the amenity of residents, ensure the future maintenance of the Sustainable Drainage System in perpetuity and comply with the requirements of Policy GA1 V (y) of the adopted East Herts Local Plan 2018.</p>   |
| E5 – Infiltration Drainage               | <p>No drainage systems for the infiltration of surface water to the ground are permitted other than where a scheme for infiltration drainage has first been submitted to and approved in writing by the Local Planning Authority. Any proposals for such infiltration drainage that are submitted for approval must be supported by an assessment of the risks to controlled waters. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: This condition relates to areas where contamination is present and may be mobilised due to the infiltration of surface water or where contaminated surface water may result in an input of contaminants to groundwater.</p>  |
| E6 - Operational Off-site Drainage Works | <p>No development shall commence until a full planning application/s has been submitted to and approved by the local planning authority for the development of Off-Site Drainage Outfalls required at Locations A, B, and C, as annotated on the Surface Water Management Strategy Plan (reference 44361/4002/001/P10) in the form of a headwall and outfall pipe, or other such development as may be required for operational purposes. The approved development shall thereafter be carried out and completed in accordance with the approved details prior to the occupation of the development.</p> <p>Reason: To prevent flooding by ensuring the satisfactory discharge of surface water from the site in accordance with Policies WAT5 and WAT6 of the East Herts District Plan (2019).</p> |
| E7 - Piling/Deep Foundations             | <p>Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried other than where a scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of impacts on noise and vibration as well as details of the measures to be taken to mitigate any adverse effects. The groundworks shall thereafter be carried out in accordance with the approved details.</p>  |

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|   | Reason: To ensure that the proposed Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using does not harm groundwater resources in line with paragraph 170 and 178 of the NPPF and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and does not have an adverse impact on the local amenity in accordance with policy EQ2 of the East Herts District Local Plan.  |
| E8 – Borehole Investigation                         | <p>Prior to the installation of any boreholes at the site for the investigation of soils, groundwater or geotechnical purposes, a scheme for managing borehole investigations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall thereafter be implemented in complete accordance with the approved details.</p> <p>Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 and 178 of the NPPF and Policies EQ2 and WAT3 'Water of the East Herts District Plan (2018).</p> |
| <b>F – Archaeology</b>                              |  |
| F1 – Archaeological Written Scheme of Investigation | <p>Prior to the commencement of development of the relevant Phase, an Archaeological Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall include an assessment of archaeological significance and research questions; and</p> <ul style="list-style-type: none"> <li>i. The programme and methodology of site investigation and recording;</li> <li>ii. The programme and methodology of site investigation and recording as suggested by the evaluation;</li> <li>iii. The programme for post investigation assessment;</li> <li>iv. The provision to be made for analysis of the site investigation and recording;</li> <li>v. The provision to be made for publication and dissemination of the analysis and records of the site investigation;</li> </ul>                       |

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| Page 274 | <p>vi. The provision to be made for archive deposition of the analysis and records of the site investigation; and,</p> <p>vii. The nomination of a competent person or person/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</p> <p>No development of the relevant Phase shall be carried out other than in accordance with the approved WSI.</p> <p>Reason: to ensure the appropriate investigation for presence /recording of heritage assets and to comply with the requirements of Policy GA1 V (o) of the adopted East Herts Local Plan 2018.</p> |
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#### G – Construction

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| G1 - Construction Traffic and Environmental Management Plan | <p>Prior to the commencement of development (excluding Preliminary Works) within the relevant Phase, a Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the local planning authority. The CTEMP shall include the following:</p> <ul style="list-style-type: none"> <li>a) The construction programme and phasing (including for any temporary development), including details of measures to be taken to coordinate construction activities to manage and reduce environmental effects;</li> <li>b) Access and routeing arrangements for construction vehicles, including numbers and types of vehicles, haul routes into and through the development site and construction accesses from the local highway network including the method of segregating construction traffic from general traffic, pedestrians and cyclists and measures to be taken to reduce congestion and avoid peak periods such as school pick up/drop off times;</li> <li>c) Hours of operation for construction, demolition, and delivery of materials;</li> <li>d) Details of any highway works necessary to enable construction to take place including temporary construction accesses, haul routes, highway signage strategy, and approach to monitoring and enforcement;</li> </ul> |
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|  | <ul style="list-style-type: none"><li>e) Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;</li><li>f) Details of any works to Public Rights of Way, footways, bridleways and cycle ways to enable construction to take place;</li><li>g) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways. The access roads shall be hard surfaced between the cleaning facility and the highway and must be kept free of mud and debris at all times;</li><li>h) Details of dust mitigation and monitoring scheme to be in accordance with the best practice measures outlined in 'the control of dust and emissions during construction and demolition' 2014;</li><li>i) Details of measures to minimise noise and vibration;</li><li>j) Mechanisms to deal with other environmental impacts including light and odour;</li><li>k) Details of community liaison, communication and consultation arrangements with local residents and businesses, including details of how complaints will be managed;</li><li>l) Measures to protect existing vegetation and landscape features, any tree works, and vegetation removal to accommodate construction activity;</li><li>m) Post construction restoration/reinstatement measures for the working areas and any temporary access arrangements;</li><li>n) Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it;</li><li>o) A surface water management scheme to outline construction related drainage control measures to protect watercourses and sources, including the River Stort;</li><li>p) Measures for the protection of identified archaeological and built heritage assets;</li><li>q) Details of ecological protection and supervision; and,</li><li>r) Measures to be taken to seek approval from the local highway authority that the highway extent has been marked out accurately prior to construction.</li></ul> <p>Thereafter, the construction of the development shall only be carried out in complete accordance with the approved CTEMP.</p> |
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| Page 276   | <p>There shall be no amendment of the CTEMP unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: In the interests of highway safety and the control of environmental impacts on existing and future residents in accordance with policies TRA2, CFLR3, EQ2, EQ3 and EQ4 of the adopted East Herts District Plan 2018.</p>   |
| G2 - Construction Environmental Management Plan – Surface Water Drainage | <p>No preliminary works shall take place until a temporary drainage strategy demonstrating the preliminary works will not increase flood risk or pollution has been submitted as part of a wider Construction Environmental Management Plan to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development appropriately manages appropriate risk of flooding in accordance with Paragraphs 167 and 169 of NPPF and its accompanying Practice Guide, to protect water quality, to protect natural habitats and the amenity of residents and in order to comply with the requirements of Policy GA1 V (y) of the East Herts Local Plan 2018.</p> |

## H - Landscaping

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| H1 – Landscape and Ecological Management Plan | <p>No development shall take place (excluding Preliminary Works) until a detailed landscape and ecological management plan of the relevant Phase including the following elements, has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.</p> <p>The scheme shall include the following elements:</p> <ul style="list-style-type: none"> <li>• details of Biodiversity Net Gain calculations, including use of the river metric where appropriate;</li> <li>• details of mitigation and compensation to account for any biodiversity losses;</li> <li>• details of any proposed planting schemes;</li> <li>• details of any new habitat created on site;</li> <li>• details of treatment of site boundaries and/or buffers around water bodies;</li> <li>• details of maintenance regimes;</li> </ul> |
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|  | <ul style="list-style-type: none"> <li>details of management responsibilities over the long term including adequate financial provision, a detailed management plan and a named body responsible for management.</li> </ul> <p>There shall be no amendment of the Landscape and Ecological Management Plan unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 174 of the NPPF as well as Policy WAT3, Policy NE2 and Policy GA1 of the East Herts District Plan.</p>   |
| H2 – Existing Trees, Hedgerows & Woodlands | <p>Prior to or at the same time as the submission of each Reserved Matters Application for the relevant Phase, Sub-phase or Plot, a tree survey and impact assessment, tree protection plan and arboricultural method statement shall be submitted to and approved in writing by the local planning authority. The development of the Phase, Sub-phase or Plot shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To secure the retention of the trees within the site in the interests of visual amenity and the character of the area in accordance with Policy NE3 of the East Herts District Plan.</p>   |
| H3 – Landscape Scheme                      | <p>Prior to or at the same time as the submission of each Reserved Matters application for the relevant Phase, Sub-Phase or Plot, a composite hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include the following:</p> <ul style="list-style-type: none"> <li>Details of the extent and type of new planting</li> <li>Details of maintenance regimes</li> <li>Details of any new habitat created on site</li> <li>Details of treatment of site boundaries and/or buffers around waterbodies and woodlands, hedgerows and trees</li> <li>Details of brown and green roofs</li> <li>Planting Plans that show the location of proposed plant species</li> </ul> |

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| Page 278                   | <ul style="list-style-type: none"> <li>Written specifications (including cultivation and other operations associated with the establishment of grassland and planting)</li> <li>Schedules of plants, noting species, planting sizes and proposed numbers / densities</li> <li>Implementation timetables</li> <li>Landscape Management Plan</li> <li>Surface treatment of SuDS maintenance access routes</li> <li>Fencing/gates to culvert openings</li> </ul> <p>The development of the Phase, Sub-Phase or Plot shall thereafter be carried out in accordance with the approved details.</p> <p>There shall be no amendment of a Landscape Scheme unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity.</p>  |
| H4 - Strategic Green Space | <p>Prior to or in conjunction with the submission of the Strategic Landscape Masterplan (pursuant to condition D1), a scheme for the strategic green corridors (main rivers, tributaries, ordinary watercourses or surface water flow paths) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:</p> <ul style="list-style-type: none"> <li>Design principles for ecological enhancement and achieving net gains in biodiversity</li> <li>Design principles for how the watercourses (river channel and riparian habitat) will be restored and enhanced, informed by the Water Framework Directive Mitigation and Enhancement Strategy</li> <li>Design principles for how these areas will be landscaped for the benefit of biodiversity including planting and any soft and hard landscaping</li> <li>Design principles for how lighting designs will minimise and avoid light spill to trees, hedgerows, woodland edges, watercourses and other light sensitive ecological areas to avoid disturbance impacts</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Design principles for how access to the watercourses will be maintained for flood management inspection and maintenance; and</li> <li>• All watercourses, ordinary or main river will be retained (but for the avoidance of doubt may be modified or enhanced), with only culverting for access proposed and any works that require consent will be applied for from the relevant authority.</li> <li>• Design principles for how proposed changes to watercourses will not adversely affect flood risk in the site boundary or elsewhere.</li> <li>• Design principles for surface water management or natural flood management or flood storage measures to reduce the risk of flooding</li> <li>• Design principles for demonstrating how these blue green corridors will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.</li> </ul> <p>Reserved Matter Applications relating to the strategic green corridors and the area adjacent to Fiddlers Brook in the Gilston Community Park shall be prepared in accordance with the approved details.</p> <p>Reason: It is essential that the detailed designs for these corridors in future masterplans and reserved matters applications protect and enhance the ecological value of the main rivers, some of which may require improvement and restoration. This approach is supported by paragraphs 159, 167 and 179 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains in biodiversity. This is also supported by policy WAT3 of the East Herts District Plan (2018).</p> |
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#### I – Contamination

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| I1 -<br>Contamination<br>Investigation &<br>Remediation | No development (excluding Preliminary Works) within the relevant Phase shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components: |
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| Page 280                                    | <p>1. A site investigation scheme, based on the preliminary risk assessment/desk studies to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority.</p> <p>The scheme shall thereafter be implemented as approved.</p> <p>There shall be no amendment of remediation strategies unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraphs 170 and 178 of the NPPF and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018).</p> |
| I2 – Land Contamination Verification Report | Prior to occupation of each relevant Phase, Sub-phase or Plot, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.  |

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|  | <p>Reason: To ensure that the site does not pose any further risk to human health, land or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 and 178 of the NPPF and Policies EQ1 and WAT3 of the East Herts District Plan (2018).</p>  |
| I3 – Contamination Monitoring & Maintenance Plan | <p>No development in relation to each relevant Phase shall commence (save Preliminary Works) until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.</p> <p>There shall be no amendment of Contamination Monitoring &amp; Maintenance Plans unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraphs 170 and 178 of the National Planning Policy Framework and Policy WAT3 of the East Herts District Plan.</p> |
| I4 – Unsuspected Contamination                   | <p>If, during development of relevant Phase, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. No site investigation can fully characterise a site. This is in line with paragraphs 170 and 178 of the National Planning Policy Framework and Policy WAT3 of the East Herts District Plan.</p>  |

| Condition                        |  |
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| <b>Limitations</b>               |  |
| L1 – Phase Waste Management Plan | <p>No development within any Phase, or part of a Phase shall be commenced (save Preliminary Works) until a Phase Waste Management Plan (PWMP) for operational waste for that Phase, or part of a Phase has been submitted to and approved in writing by the local planning authority in consultation with the waste planning authority. The Phase Waste Management Plan shall thereafter be implemented in accordance with the approved details.</p> <p>There shall be no amendment of Phase Waste Management Plans unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To identify, reuse, manage and reduce the amount of waste produced on site in accordance with Policy 12 of the Hertfordshire Waste Core Strategy.</p> |
| L2 Noise Assessment              | <p>Each application for reserved matters including buildings shall include a noise assessment, which demonstrates the noise control measures, including through the design, layout and materials, will achieve compliance with the levels set out in the Development Specification and British Standards BS8233 and BS4142 and/or prevailing best practice guidance as agreed with the LPA. The development shall thereafter be carried out and maintained in accordance with the approved details.</p> <p>Reason: To ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>   |
| L3 – Lighting                    | <p>Prior to or at the same time as the submission of each reserved matters application, details of a lighting strategy shall be submitted for approval to the local planning authority. The strategy shall demonstrate how a balance can be achieved between ensuring safety for pedestrians, cyclists and users of the highway whilst also ensuring that the lighting proposals would not cause an unacceptable impact on amenity, biodiversity or landscape and visual effects. The strategy shall demonstrate how consideration has been given to new and alternative technologies and innovative approaches to securing appropriate levels of light.</p>   |

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|  | <p>Reason: To ensure an adequate level of amenity for residents of the new dwellings in accordance with policies TRA2, WAT3 and EQ3 of the adopted East Herts District Plan 2018.</p>   |
| L4 - Water Framework Directive Mitigation & Enhancement Strategy | <p>No development shall take place until a water framework directive mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following elements:</p> <ul style="list-style-type: none"> <li>• Evidence that the final development would cause no deterioration of waterbody status of the River Stort and Stort Navigation and associated waterbodies, not prevent future improvement to the waterbody, not contribute to cumulative deterioration, using up to date Water Framework Directive classification data</li> <li>• Long term objectives, management responsibilities and maintenance schedules</li> </ul> <p>Details of suitable mitigation and/or compensation as required. The strategy shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason : To ensure compliance with the Water Framework Directive and the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 170 and 175 of the NPPF and Policy WAT3 of the East Herts District Local Plan (2018).</p> <p>Reason: To ensure compliance with the Water Framework Directive and the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 170 and 175 of the NPPF and Policy WAT3 of the East Herts District Local Plan (2018).</p> |
| L5 – Noise Bund Noise Impact                                     | <p>Prior to commencement of development (save Preliminary Works) within the relevant Phase, the applicant shall submit in writing for the approval of the Local Planning Authority, modelling which demonstrates that the creation of a noise bund for the development would not increase the noise levels for the existing residents of Hunsdon Pound either internally or externally.</p>   |

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| Page 284  | Reason: To ensure an adequate level of amenity for existing occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018  |
| <b>M - Flood Risk and Drainage</b>                |  |
| M1 –<br>Supplementary<br>Flood Risk<br>Assessment | <p>Prior to or in conjunction with the submission of the Strategic Landscape Masterplan (pursuant to condition D1) a supplementary assessment of flood risk and climate change shall be submitted to, and approved in writing by, the Local Planning Authority. This should include the following elements:</p> <ul style="list-style-type: none"> <li>• Additional investigations, surveys and appropriate modelling to establish the detailed areas at risk of flooding from ordinary watercourses, surface water flooding and groundwater flooding (including spring fed watercourses). This would include definition of functional floodplain and flood levels that may be required to input to drainage modelling of surcharged outfalls of ordinary watercourses.</li> <li>• The retention of all watercourses, ordinary or main river (but may be modified and enhanced), with only crossings to facilitate access proposed and any works that require consent will be applied for from the relevant authority.</li> <li>• A sequential approach shall be taken to the development in order to avoid any less to highly vulnerable land uses being located within the design flood (1 in 100 year plus appropriate climate change allowance for each source of flooding) extent. The submitted village masterplan shall include, where relevant, the flood outlines overlaid to help demonstrate that this has been achieved.</li> <li>• That any compatible development which occurs within the design flood is designed to the 1 in 100 year, plus an appropriate allowance for climate change allowance, event.</li> <li>• A strategic overview of flooding incorporating both fluvial and pluvial flooding and how they interact. Detail on expected flow rates for any new connections (surface water, sewer etc.) to the main river network will need to be provided.</li> <li>• Consideration for an emergency flood evacuation plan if it has been demonstrated that there is any residual risk from any source of flooding, as required.</li> </ul> <p>Should additional investigations, surveys and appropriate modelling show a potential risk from flooding within the development area, the following points are required:</p> |

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|  | <ul style="list-style-type: none"> <li>• Detailed Analysis of baseline flow conditions of receiving watercourses. Requires full surveys of all watercourses including any culverted structures impacting a watercourse.</li> <li>• Full condition survey of all existing structures on all watercourses within the development boundary with an assessment on how any culverts can be daylighted and open naturalised watercourses reinstated without adverse effects on flood risk.</li> <li>• A modelling assessment of the functional floodplain and 1 in 100 year plus climate change allowances for all surface water flow paths and ordinary watercourses.</li> </ul> <p>The development shall thereafter be fully implemented in accordance with the Village Masterplans as informed by the supplementary assessment of flood risk and climate change or as may subsequently be agreed, in writing, by the Local Planning Authority.</p> <p>Reason: Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the future communities of the Gilston Park Estate Village Development Site. This condition is necessary to reduce the risk of flooding and vulnerability to climate change to the proposed development and its future users in accordance with Policy WAT1 'Flood Risk Management' of the East Herts District Plan (2018).</p> |
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## N – Sustainability and Energy Efficiency

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| N1 – Energy Statement | <p>Each application for reserved matters including buildings, shall be accompanied by an Energy Statement.</p> <p>No Development (excluding Preliminary Works) shall Commence pursuant to the relevant Reserved Matters approval until the corresponding Energy Statement has also been approved in writing by the local planning authority. The details and measures contained in each approved Energy Statement shall be implemented and operational upon the first use or occupation of the buildings permitted by the Reserved Matters approval to which the Energy Statement relates and shall thereafter be retained in the approved form unless otherwise agreed in writing by the local planning authority.</p> |
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| Page 286  | <p>Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance with policies CC2, CC3 and DES4 of the East Herts District Plan.</p>   |
| N2 – Electric Vehicles at Residential Dwellings | <p>No residential dwelling of the relevant Planning Permission shall be occupied unless and until a domestic Electric Vehicle ready charging point has been installed at the dwelling.</p> <p>Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance with policies CC2, CC3 and DES4 of the East Herts District Plan.</p>  |
| <b>O – Education</b>                            |   |
| O1 – Community Use Agreement                    | <p>Any sports facility identified for shared school/community use within the relevant Phase shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall confirm the facility will be used by a range of community/voluntary clubs/users, include details of the programme for community use, pricing policy, hours of use, access arrangements for non-educational establishment users, management responsibilities and a mechanism for review. The facility shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>There shall be no amendment of the Community Use Agreement unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To secure well managed and safe access to the sports facility for all users in accordance with District Plan policies GA1, GA1, CFLR1, CFLR7 and CFLR10.</p> |
| <b>P – Ecology</b>                              |   |

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| P1 - Protected Species Surveys/Ecological Appraisal | <p>The plans and particulars for each Reserved Matters application for each relevant Phase, Sub-Phase or Plot shall include an ecological appraisal based on up-to-date ecological surveys to demonstrate the effects of the development on protected species and habitats and the measures to be taken to avoid, reduce, mitigate and, as a last resort, offset adverse impacts. The appraisal shall also include details of biodiversity enhancements and shall demonstrate how the application contributes towards achieving the minimum 10% biodiversity net gain across the village area.</p> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan.</p>   |
| P2 – Village Ecological Strategy                    | <p>Prior to or at the same time as the submission of the Village 7 Village Masterplan (pursuant to condition D4), a Village 7 Ecology Strategy informed by up to date ecology surveys shall be submitted to and approved in writing by the local planning authority and shall include the following:</p> <ul style="list-style-type: none"> <li>• Identification of existing ecology assets and assessment of impacts to those assets following the NPPF mitigation hierarchy;</li> <li>• Measures to protect and enhance retained assets (noting commitments secured at the outline application stage);</li> <li>• Measures to mitigate the impact of uncontrolled public access to Lords Wood as Ancient Woodland;</li> <li>• Identify opportunities to create new biodiversity assets and links to wider on and off site ecological networks;</li> <li>• Demonstration of how the above measures contribute to achievement of 10% min net gain target based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA;</li> <li>• Village Framework Management and Maintenance Strategy.</li> </ul> <p>All Reserved Matters applications shall accord with the Village Ecological Strategy, which shall be implemented as approved and there shall be no amendment of the Village Ecological Strategy unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan.</p> |

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| <p>00<br/>R3 - Rye Meads<br/>SSSI<br/>00</p> | <p>Prior to the occupation of the development, an assessment of phosphate levels arising from the development that could harm the Favourable Conservation Status at Rye Meads SSSI shall be submitted to and approved in writing by the local planning authority. Where impacts are identified that could harm the favourable conservation status of Rye Meads SSSI, the assessment shall also propose measures for mitigation of these impacts.</p> <p>Reason: To safeguard and protect the favourable conservation status of the Rye Meads SSSI in accordance with policy NE1 of the adopted East Herts Local Plan (2018)."</p>   |
| <p><b>T - Transport</b></p>                  |   |
| <p>T1 – Framework Travel Plan</p>            | <p>Prior to or at the same time as the submission of the first Reserved Matters Application containing residential uses, a Framework Travel Plan shall be submitted to and approved in writing by the local planning authority in consultation with the Transport Review Group. The Framework Travel Plan shall be based on the Hertfordshire County Council document 'Hertfordshire's Travel Plan Guidance'. The Framework Travel Plan shall thereafter inform the Village 7 Masterplan (pursuant to condition D4) and reserved matters applications on a site-wide basis.</p> <p>There shall be no amendment of the Framework Travel Plan unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p> |
| <p>T2 – Car Parking Statement</p>            | <p>Each reserved matters application including buildings shall include a Car Parking Statement that accords with the Village Parking Strategy approved pursuant to Condition T5.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p>  |

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| T3 - Travel Plan  | <p>Any reserved matters application pertaining to the uses and thresholds identified in Appendix A of the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance' shall include a Full Travel Plan or Travel Plan Statement in accordance with the guidance. The travel plan or statement shall accord with the Framework Travel Plan and shall thereafter be implemented in accordance with the approved details throughout the duration of the development.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p>   |
| T4 – School Travel Plan   | <p>Within three months of the first use of each individual school on the development site, a Modeshift STARS School Travel Plan shall be submitted to and approved in writing by the local planning authority in consultation with Hertfordshire County Council. Thereafter the approved Travel Plan shall be implemented in full throughout the life of the school.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p>  |
| T5 – Village Access, Movement and Parking Strategy to include Management and Maintenance of Streets | <p>Prior to or at the same time as the submission of the Village 7 Masterplan (pursuant to condition D4) and notwithstanding the details shown on approved Parameter Plans, an Access and Movement Statement shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The movement strategy shall set out the following:</p> <ul style="list-style-type: none"> <li>• Details of proposed leisure and commuter routes for pedestrian, cyclists, equestrians and other active travel modes including intra and inter village routes and connections to routes beyond the site boundary</li> <li>• Details of proposed designated Public Rights of Way and improvement or modifications to existing Public Rights of Way</li> <li>• Details of proposed public transport infrastructure</li> </ul> |

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| Page 290 | <ul style="list-style-type: none"><li>• Details of proposed infrastructure for cyclists, including cycle hire facilities</li><li>• Measures to be taken to give priority to active and sustainable modes, including public transport, in accordance with the movement hierarchy.</li></ul> <p>A parking strategy of all vehicle modes. The parking strategy shall include the following details:</p> <ul style="list-style-type: none"><li>• Parking ratios, including allocated and unallocated spaces</li><li>• Electric vehicle parking</li><li>• Off-plot solutions</li><li>• Zero parking/car-free zones</li><li>• Bus parking</li><li>• Cycle parking</li><li>• Solutions to support walkable neighbourhoods</li><li>• Car clubs</li><li>• Mobility impaired spaces</li><li>• Motorcycle parking</li></ul> <p>Full details of the proposed roles and responsibilities for future management and maintenance of all streets within the masterplan area, including a highway adoption plan (to show that Internal STCs, Primary Roads and Secondary Roads will be adopted) shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The streets shall thereafter be maintained in accordance with the approved details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reserved matters applications shall thereafter demonstrate how they have been informed by the approved strategy.</p> <p>There shall be no amendment of the Village Access, Movement and Parking Strategy unless otherwise agreed in writing with the local planning authority.</p> |
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|                             | Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.   |
| T6 – Roydon Commuter Link   | <p>Prior to the occupation of 350 Residential Units, a scheme for the Roydon Commuter Link shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authorities. The scheme shall include:</p> <ul style="list-style-type: none"> <li>i. An Ordnance Survey based plan at 1:5,000 scale to show the proposed alignment of the Roydon Commuter Link edged green;</li> <li>ii. Plans at 1:500 scale to show details of the layout of the Roydon Commuter Link, including details of lighting, hard and soft landscaped materials and planting;</li> <li>iii. Details of specific elements to be provided at 1:100 scale where appropriate;</li> <li>iv. Sections at 1:50 scale to show details of the Roydon Commuter Link including hard and soft landscaped materials and planting corresponding to the submitted to show the layout of the Roydon Commuter Link;</li> <li>v. Written details of the proposals for management and maintenance of the Roydon Commuter Link.</li> </ul> <p>No more than 1,000 Residential Units shall be occupied until the Roydon Commuter Link has been constructed and implemented in accordance with the approved Roydon Commuter Link scheme.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p> |
| T7 - Eastwick Commuter Link | Prior to the commencement of development (excluding Preliminary Works), a scheme for the Eastwick Link shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authorities. The scheme shall include:  |

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| Page 292               | <ul style="list-style-type: none"> <li>i. An Ordnance Survey based plan at 1:5,000 scale to show the proposed alignment of the Eastwick Commuter Link edged green;</li> <li>ii. Plans at 1:500 scale to show details of the layout of the Eastwick Commuter Link, including hard and soft landscaped materials and planting;</li> <li>iii. Sections at 1:50 scale to show details of the Eastwick Commuter Link including hard and soft landscaped materials and planting corresponding to the submitted to show the layout of the Eastwick Commuter Link;</li> <li>iv. Written details of the proposals for management and maintenance of the Eastwick Commuter Link.</li> </ul> <p>There shall be no occupations of Residential Units until the Eastwick Commuter Link has been constructed and implemented in accordance with the approved Eastwick Commuter Link scheme.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p> |
| T8 - Hunsdon Lock Link | <p>Prior to the occupation of any residential units details for the Hunsdon Lock Link shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authorities.</p> <p>The submitted details shall comprise an Ordnance Survey based plan to 1:1250 or 1:2,500 scale to show the proposed alignment of the Hunsdon Lock Link edged green.</p> <p>No more than 200 Residential Units shall be occupied until the Hunsdon Lock Link has been constructed and implemented in accordance with the approved details.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>  |

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| T9 - V1-V7 Sustainable Transport Corridor ("STC") - Road Works Phase 1   | <p>No residential units shall be occupied at Village 7 until details of an Interim A414/Church Lane means of access and the Primary Vehicular Route towards the Interim STC Hub and the Interim STC Hub has been submitted to and approved in writing by the local planning authority and implemented (including being open to traffic) in accordance with the approved details.</p> <p>In the circumstances where approval of the Interim A414/Church Lane means of access is not forthcoming, the Full improved means of Access from the A414 onto Church Lane and the Interim Primary Vehicular Route shall be implemented in accordance with the approved Details of A414 Church Lane Access to Village 7 (ref 110042/A/130 Rev A) prior to the occupation of any residential units in Village 7.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p> |
| T10 - V1-V7 Sustainable Transport Corridor ("STC") - Road Works Phase 2  | <p>No more than 150 residential shall be occupied at Village 7 until the Full A414/ Church Lane Junction upgrade and upgrade of Interim Primary Vehicular Route to STC standard alongside Full STC Transport Hub are completed and open to traffic.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>   |
| T11 - V1-V7 Sustainable Transport Corridor ("STC") - Road Works Phase 3a | <p>No more than 350 residential units shall be occupied at Village 7 Development until highway works associated with Primary Vehicular Route from Full V7 STC Transport Hub to join Church Lane towards Hunsdon are completed and open to traffic.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>  |

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| T12 - V1-V7 Sustainable Transport Corridor ("STC") – Road Works Phase 3b       | <p>No more than 350 residential units at Village 7 shall be occupied until highway works associated with STC inclusive of Primary Vehicular Route from Full V7 STC Transport Hub to V6/V7 boundary, are completed and open to traffic.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>  |
| T13 - Supplemental V7 STC Bus Route Inclusive of Bus Gate – Road Works Phase 4 | <p>No more than 1,200 residential units at Village 7 shall be occupied until highway works associated with the construction of the Supplemental STC Bus Route Inclusive of Bus Gate, are completed.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>   |
| T14 - V1-V7 Sustainable Transport Corridor Link Road                           | <p>Prior to the occupation of any Residential Units within Village 7, details for the V1-V7 Sustainable Transport Corridor Link shall be submitted to and approved in writing by the local planning authority. The details shall:</p> <ol data-bbox="411 949 2149 1246" style="list-style-type: none"> <li data-bbox="411 949 2149 1024">Include plans at 1:500 scale to show the appearance, landscaping and layout of the V1-V7 Sustainable Transport Corridor Link, including hard and soft landscaped materials and planting;</li> <li data-bbox="411 1024 2149 1098">Include sections at 1:50 scale to show appearance, landscaping, layout and scale of the V1-V7 Sustainable Transport Corridor Link including hard and soft landscaped materials and planting;</li> <li data-bbox="411 1098 2149 1173">Include written details of the proposals for future management and maintenance of the V1-V7 Sustainable Transport Corridor Link; and</li> <li data-bbox="411 1173 2149 1246">Be in accordance with the V1-V7 Sustainable Transport Corridor Link Proving Study</li> </ol> <p>No more than 350 Residential Units shall be occupied until the V1-V7 Sustainable Transport Corridor Link has been constructed in accordance with the approved details.</p> |

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|   | Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.   |
| T15 –<br>A414/Church<br>Lane Junction –<br>A414 Speed Limit<br>Review | No development (excluding Preliminary Works) shall commence until the A414 Speed Limit Review has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. Any recommendations contained in the approved A414 Speed Limit Review shall thereafter be implemented prior to the completion of the Full A414 / Church Lane Junction Upgrade work".<br><br>Reason: In the interests of highway safety.   |
| T16 -<br>A414/Church<br>Lane Junction –<br>Road Safety Audit          | "No development (excluding Preliminary Works) shall commence until a Stage 1 Road Safety Audit has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. Any recommendations contained in the Stage 1 Road Safety Audit shall thereafter be incorporated at Stage 2 of the design process for the Full A414 / Church Lane Junction Upgrade work".<br><br>Reason: In the interests of highway safety   |
| <b>W – Water</b>  |   |
| W1 – Excavations<br>below chalk<br>groundwater<br>table               | Any works involving excavations below the chalk groundwater table (such as, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.<br><br>Reason: To avoid displacing any shallow contamination to a greater depth that could impact the chalk aquifer. |
| W2 – Water<br>turbidity   | Prior to any excavation works taking place, full details of the proposed mitigation measures in place to prevent the risk of turbidity in the chalk aquifer affecting public water shall be submitted to and approved in writing by the local planning authority.   |

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| Page 296  | <p>Reason: To prevent turbidity in the chalk aquifer from affecting the public water abstraction point and causing disruption to the service.</p>   |
| W2 – Unexpected Pollution                               | <p>If, during development, pollution not previously identified is found to be present at the site then no further development of that relevant Phase shall be carried out until a remediation strategy detailing how this pollution will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall thereafter be implemented in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of land or water pollution from previously unidentified contamination sources at the development site. No site investigation can fully characterise a site. This is in line with paragraph 170 and 178 of the NPPF and Policies EQ1 and WAT3 of the East Herts District Plan (2018).</p> |
| <b>Y- Waste</b>   |   |
| Y1 – On-Site Waste Storage for flats with Communal Bins | <p>Prior to the commencement of development (excluding Preliminary Works) of a relevant Phase, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.</p> <p>There shall be no amendment of the details On-Site Waste Storage for flats with Communal Bins unless otherwise agreed in writing with the local planning authority.</p> <p>Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.</p>  |
| Y2 – On-Site Waste Storage for                          | <p>Prior to occupation of a relevant Phase, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. The approved facilities shall</p>   |

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| Houses with Individual Bins              | <p>be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.</p> <p>There shall be no amendment of the details On-Site Waste Storage for Houses with Individual Bins unless otherwise agreed in writing with the local planning authority.</p> <p>Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.</p>  |
| Y3 – Refuse Collection Circulation Route | <p>No development (excluding Preliminary Works) of a relevant Phase shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development of that relevant Phase shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.</p> <p>There shall be no amendment of the Refuse Collection Circulation Route unless otherwise agreed in writing with the local planning authority.</p> <p>Reason – To facilitate refuse and recycling collections.</p> |

## Proposed Informatics

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| S106 Agreement     | This planning Permission is subject to a Planning Obligation under S106 of the Town and County Planning Act 1990 (as amended)   |
| Other Consents     | The permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Highways Act, Building Regulations or under any other form of law, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency etc. Neither does this permission negate or override any private covenants which may affect the land.  |
| Highway Agreements | The applicant is advised that in order to implement this permission, it will be necessary for the developer of the site to enter into agreements with Hertfordshire County Council as Highway Authority under Section 278 and Section 38 of the Highways Act 1980 to ensure satisfactory completion of the site access and road improvements. The construction must be undertaken to the Highway Authority's detailed design / specification and to their satisfaction. Construction must be undertaken by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and meet their requirements. In addition, that the agreements under Section 38 of Highways Act for the highways authorities to adopt the newly constructed public highway (and any related features that are required for its operation) on its satisfactory completion include financial provision for future maintenance. Highways Development Management teams should be consulted on any drainage features that are proposed for adoption by Hertfordshire County Council. Any drainage features to be adopted shall be designed and built to accommodate the Highway Authorities adoption requirements and an appropriate commuted sum, based on the approved feature maintenance plan must be agreed. |
| Materials Storage  | The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.<br><a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/materialson-the-highway.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/materialson-the-highway.aspx</a>   |

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| Obstruction of Public Highway Land | <p>It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:</p> <p><a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a></p>   |
| Road Deposits                      | <p>It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:</p> <p><a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a></p>  |
| Stopping up of Public Highway Land | <p>An application for a "stopping up" order to extinguish highway rights over the land will need to be made. In this respect, this initially needs to be made to Hertfordshire County Council via <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/stopping-up-the-highway.aspx#">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/stopping-up-the-highway.aspx#</a> If this proposal is acceptable to the highway authority, then you would need to either make an application to the County Council, as highway authority, for a highway "stopping up" order under Section 116 of the Highways Act 1980 for the area of land in question. Any such application together with a plan showing the area concerned should be sent to Legal Services, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DE. The costs of making such an order would be in the region of £3,500 - £5,500 which includes the formal consultation and application to the Magistrates Court. Alternatively, if any such request is in conjunction with the redevelopment of the property, then you may wish to apply for a "stopping up" Order pursuant to Section 247 of the Town and Country Planning Act 1990. All such applications would need to be made to the Secretary of State's National Transport Casework Team (nationalcasework@dft.gov.uk, see also the DfT website); and In the meantime, note that when an area of highway is "stopped up" then the surface of the land reverts back to the original owner of the subsoil of the land. This may or not be the applicant. Details of the ownership of land may be available at the Land Registry, Leicester Office, Westbridge Place, Leicester, LE3 5DR. Their phone number is 0333 011 3500. Land Registry can also be contacted by e-mail on <a href="mailto:contact@uklandregister.co.uk">contact@uklandregister.co.uk</a></p> |

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| Highway Structures   | The applicant is advised that in connection with any proposals for highway structures it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Management Team in connection with the requirements of Department for Transport Standard CG 300: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority by telephoning 0300 123 4047 or by email: <a href="mailto:highway.structures@hertfordshire.gov.uk">highway.structures@hertfordshire.gov.uk</a>   |
| Public Rights of Way Obstruction   | The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or by email on <a href="mailto:row@hertfordshire.gov.uk">row@hertfordshire.gov.uk</a> for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_1">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_1</a> |
| Water protection, infrastructure provision, supply and efficiency measures | General: The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.<br><br>Infrastructure: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal ( <a href="https://affinitywater.custhelp.com/">https://affinitywater.custhelp.com/</a> ) or <a href="mailto:awdeveloperservices@custhelp.com">awdeveloperservices@custhelp.com</a>   |

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|                                 | <p>Water Supply: In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<a href="https://affinitywater.custhelp.com/">https://affinitywater.custhelp.com/</a>) or <a href="mailto:aw_developerservices@custhelp.com">aw_developerservices@custhelp.com</a>. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing <a href="mailto:maps@affinitywater.co.uk">maps@affinitywater.co.uk</a>. Please note that charges may apply.</p> <p>Water Efficiency: Being within a serious water stressed area, we would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.</p>   |
| Waste                           | The details of on-site waste storage facilities shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 15m of the kerbside of the adopted highway/refuse collection vehicle access point.  |
| Environmental Health Department | Gas boilers make a large contribution to the 14% of UK greenhouse gas emissions from homes. The Government intend to exclude gas boilers from new homes by 2025. Alternative heating systems are therefore encouraged, which could include (but are not limited to) electric boilers, solar thermal panels, heat pumps or other energy efficient systems.  |
| SuDS & Land Drainage            | <p>Where SuDS are proposed; infiltration SuDS should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SuDS manual <a href="http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx">http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx</a></p> <p>Land drainage procedures, rights and legal requirements taking account of Environment Agency and Lead Local Flood Authority (LLFA) requirements and advice. All works to ordinary watercourses, including widening of the</p> |

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| Topic                                | <p>channel to include additional storage will require ordinary watercourse consent from the LLFAs. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners. Any works proposed to be carried out that may affect the flow within an ordinary watercourse (including erection of flow control structures, any culverting of an ordinary watercourse or works taking place within and/ or over the culvert or within 3 metres of the top of bank of the ordinary watercourse) will also require the prior written consent from the LLFA under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of planning permission. The LLFAs have a duty to maintain an asset register and records of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage (SuDS) features which may form part of the future register, details of and location of the SuDS assets created or modified through the development should be provided in a GIS layer on completion of the development. For further advice on what the LLFA expect to be contained within the FRA to support a planning application, please refer to the Developers Guide and Checklist on the surface water drainage webpage via: <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx</a> This link also includes Hertfordshire County Council's policies on SuDS in Hertfordshire.</p> |
| Piling                               | <p>With respect to any proposals for piling through made ground, we would refer the applicant to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" (NGWCL Centre Project NC/99/73). We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. We will not permit piling activities on parts of a site where an unacceptable risk is posed to controlled waters.</p>   |
| Good Practice for Land Contamination | <p>Good Practice Procedures for Land Contamination</p> <p>We recommend that developers should:</p> <ul style="list-style-type: none"> <li>Follow the risk management framework provided in Land contamination: risk management, when dealing with land affected by contamination.</li> </ul>   |

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|   | <ul style="list-style-type: none"> <li>Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health.</li> <li>Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.</li> </ul> <p>Refer to the contaminated land pages on gov.uk for more information.</p>   |
| Property gazetteer custodian requirements | The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Finance and Support Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Hertford, SG13 8EQ. Phone number: 01279 655 261.   |
| Additional Regulatory Considerations      | Additional regulatory consideration may be required on some of specialist matters relevant to this permission as follows: I. Archaeological requirements: contact Hertfordshire County Council Historic Environment Team via email: historic.environment@hertfordshire.gov.uk and phone: 01992 555 021. II. Sewer protection requirements: the site has public sewers running across or close to it which may be affected by the proposed building works. It may be necessary to divert the sewer and water course and carry out other works to protect it and the proposed building works before any site works are commenced. Contact: Thames Water Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ. Phone number: 01923 898 072. III. Ground water pollution risk: parts of the site are located within the groundwater protection zone of Sawbridgeworth Pumping Station. The construction works and operation of the proposed development should be in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the pollution risk. Construction works may exacerbate any existing pollution. Please refer to CIRIA Publication C532 'Control of water pollution from construction – guidance for consultants and contractors'. IV. Protected species including bats / reptiles / great crested newts: if found during development, works must stop immediately and professional ecological advice must be sought on how to proceed. A licence may be required from Natural England who can be contacted on email: enquiries@naturalengland.org.uk or phone: 0300 060 3900 / 01206 796 666. V. Nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September. |

## Definitions

The following definitions are suggested (to be agreed)

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| Local Planning Authority              | East Hertfordshire District Council  |
| A414 Speed Limit Review               | Means a review of the existing speed limit on the A414 to establish whether a reduced speed limit of 40mph and any other recommended measures are required in association with the Full A414 / Church Lane Junction Upgrade work.  |
| Preliminary Works                     | <p>Means an operation or item of work of or connected with or ancillary to:</p> <ul style="list-style-type: none"> <li>a) archaeological investigation;</li> <li>b) investigations for the purpose of assessing ground conditions including exploratory boreholes and trial pits;</li> <li>c) remedial works in respect of any contamination or other adverse ground conditions;</li> <li>d) site clearance including earthworks, regrading and landscape clearance works in compliance;</li> <li>e) diversion decommissioning and/or laying of services for the supply or carriage of water, sewerage, gas, electricity, telecommunications or other media or utilities;</li> <li>f) the erection of fences and hoardings around the site;</li> <li>g) provision of temporary construction site accommodation; and</li> <li>h) construction of temporary access and service roads;</li> </ul> |
| A414 Means of Access Preparatory Work | Construction of the means of access to the site from the A414, approved details of which are shown in the plan entitled Proposed A414/Church Lane Signalised Junction (ref. 110042/A/64) to a wearing course underlying the surfaced finish shown in the approved details.   |
| Noise Bund Preparatory Work           | Construction of the noise bund indicatively shown in the submitted Gilston Area Village 7 Appendix to Design & Access Statement Addendum June 2021 and in compliance with condition B1   |

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| Operational Off-site Drainage Works                        | Development involving a headwall and outfall pipe as indicatively shown on the approved Surface Water Drainage Strategy Plan (drawing reference 44361/4002/001/P10).  |
| Residential Units  | Means a unit forming part of the development falling within Use Class C3 (residential)  |
| Roydon Commuter Link                                       | The improved means of pedestrian and cycle connectivity between the planning application site and Roydon railway station, the alignment of which is indicatively shown by the Commuter/utility route (intended to be well-lit and used at all times) and Interim alternative alignment (pre-STC) on the Off-Site Walking and Cycling Improvements plan (drawing reference 1521/165) included at Appendix H of the Transport Assessment.                   |
| Eastwick Commuter Link                                     | The means of interim pedestrian and cycle connectivity between the planning application site and boundary of Village 1.   |
| Hunsdon Lock Link  | The means of pedestrian and cycle connectivity between the A414 / Church Lane junction to tie into the River Stort towpath at the Hunsdon Lock.   |
| Sustainable Transport Corridor                             | Means all modes means of connectivity to provide direct sustainable travel connectivity between key destinations within the villages, performing in all instances as a public transport (e.g. bus) link designed along its full length to give appropriate priority to sustainable modes over the private car in accommodating dedicated and segregated facilities for walking and cycling as part of the Commuter Route network.                         |
| Village 1 to Village 7 Sustainable Transport Corridor Link | Means the Sustainable Transport Corridor between the boundary of Village 7 and the boundary of Village 1 as shown on Parameter Plan 4: Access and Movement (dated November 2020) of the outline planning application for development of Villages 1-6 (3/19/1045/OUT) and Parameter Plan 4 – Vehicular Access and Movement (ref. V7_01_1004) of the planning application for the development of Village 7 (3/19/2124/OUT) OR, if the Sustainable Transport |

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| Section 106<br>Agreement<br>Number<br>006 | Corridor has not been provided to the boundary of Village 1, to the point where the Sustainable Transport Corridor within Village 1 has been provided to ensure a continuous link with it OR, if none of the Sustainable Transport Corridor has been provided within Village 1, to a point on the existing Eastwick Road highway (or as otherwise agreed) to enable vehicles using the Sustainable Transport Corridor to pass completely between the existing A414/Eastwick Road highway and Village 7.   |
| Village 7 and Village 1 Phasing Scheme    | Means a scheme relating to the phasing of the development within Village 7 relative to the timing of delivery of key infrastructure and facilities within Village 1 and sustainable transport connections from Village 7 to Village 1 facilities and the Central Stort Crossing, such scheme to demonstrate there will be sustainable access for residents of Village 7 to the appropriate education and other facilities, the planned sustainable transport corridor link from Village 7 to Village 1 and the Central Stort Crossing in a timely manner. The detail of which shall be addressed within the section 106 agreement itself. |

## Gilston Area Draft Schedule of Conditions

'Enabling Works' [definition to be confirmed] comprises site clearance and demolition; tree/vegetation removal (in accordance with the approved plans in Condition 1); soil investigations (including soakage testing, window sampling, boreholes, CBR's and gas monitoring); ecology surveys; archaeology surveys (including geo physical surveys, window samples and trenching); slip trenches to investigate existing services; utilities diversions and connections as agreed with the statutory authorities; drainage surveys (such as CCTV and jetting); river modelling; and topographical surveys.

| Condition Number  | Title             | Villages 1-6   |
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| <b>PROCEDURAL</b> |                   |  |
| 1                 | Approved Drawings | <p>The approved development shall be carried out in accordance with the following approved drawings:</p> <ul style="list-style-type: none"> <li>• Central Stort Crossing Interim Junction Tie-in Arrangement VD17516-CCi-100-GA REV P03</li> <li>• Village 2 Interim Phase General Arrangement VD17516/V2i-100-GA REV P01</li> <li>• Village 6 Access General Arrangement VD17516-V6-100-GA REV P02</li> <li>• Parameter Plan 1: Existing Vegetation and Buildings Dated November 2020</li> <li>• Parameter Plan 2: Village Corridors, Constraints and Developable Areas dated November 2020</li> <li>• Parameter Plan 3: Green Infrastructure &amp; Open Space Dated November 2020</li> <li>• Parameter Plan 4: Access and Movement Dated November 2020</li> <li>• Parameter Plan 5: Principal Land Uses Dated November 2020</li> <li>• Parameter Plan 6: Maximum Building Heights Dated December 2022</li> <li>• Tree Protection Plan Village 1 Access 200731-1.1-GPA-V1-TPP-MM</li> <li>• Tree Protection Plan Village 2 Access 200901-1.4-GPA-V2-TPP-MM</li> </ul> |

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|   |                          | <ul style="list-style-type: none"> <li>Tree Protection Plan Village 6 Access 200728-1.0-GPA-V6-TPP-MM</li> <li>V1 Accesses &amp; CSC Interim Planting Scheme Plan 1/5 HNP495-GRA-X-XX-DR-L-5151 Rev 02</li> <li>V1 Accesses &amp; CSC Interim Planting Scheme Plan 2/5 HNP495-GRA-X-XX-DR-L-5152 Rev 02</li> <li>V1 Accesses &amp; CSC Interim Planting Scheme Plan 3/5 HNP495-GRA-X-XX-DR-L-5153 Rev 02</li> <li>V1 Accesses &amp; CSC Interim Planting Scheme Plan 4/5 HNP495-GRA-X-XX-DR-L-5154 Rev 02</li> <li>V1 Accesses &amp; CSC Interim Planting Scheme Plan 5/5 HNP495-GRA-X-XX-DR-L-5155 Rev 01</li> <li>Village 2 Access Planting Plan HNP495-GRA-X-XX-DR-L-5161 Rev 02</li> <li>Village 6 Access Planting Plan HNP495-GRA-X-XX-DR-L-5141 Rev 03</li> <li>Gilston River Crossings and Village Development Access Planting Schedule HNP495-GRA-SC-001_Rev 03</li> </ul> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed.</p> |
| 2 | Other Approved Documents | <p>Development shall be undertaken in accordance with the approved plans and documents listed below, except to the extent that those details are superseded or expanded by an approved Design Code or by any Reserved Matters approval or other approval pursuant to any condition of this planning permission:</p> <ul style="list-style-type: none"> <li>Development Specification (incorporating Parameter Plans 1-6) December 2022</li> <li>Strategic Design Guide July 2022</li> <li>Placemaking Strategy July 2022</li> </ul> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.</p>   |

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| 3 | Timescales for RM Submission /Implementation | <p>The highway access works to Village 1 shall be begun not later than 5 years from the date of this permission.</p> <p>The first application for the approval of reserved matters shall be made to the District Planning Authority before the expiration of 5 years from the date of this permission. All subsequent applications for the approval of reserved matters shall be made to the District Planning Authority before the expiration of 30 years from the date of this permission</p> <p>The development of any reserved matters pursuant to this outline permission shall be begun before the expiration of 5 years from the date of approval of that reserved matters.</p> <p>Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance, and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p> |
| 4 | Reserved Matters                             | <p>Plans and particulars of the reserved matters referred to in condition 3, relating to the means of internal access, appearance, landscaping, layout and scale, shall be submitted to and approved in writing by the District Planning Authority in respect of any part of the development of the site before any development commences within that part of the site. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance, and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>   |

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| 5 | Remedial Works if Development Ceases | <p>In the event that building work should cease (no residential completions for a period of five years) and enabling works have taken place, remedial works shall take place to restore the land, based on a Land Restoration Scheme for the part of the site impacted, that will have been submitted to and approved by the District Planning Authority.</p> <p>Reason: In the interest of environmental and residential amenity, in accordance with Policy GA1, DES2 and DES3 of the East Herts District Plan and Policy AG1 of the Gilston Area Neighbourhood Plan.</p>   |
| 6 | Strategic Landscape Masterplan       | <p>No development (with the exception of Enabling Works) shall take place, nor shall any Village Masterplan pursuant to condition 32 or Reserved Matters application for commercial or residential floorspace pursuant to condition 4 be approved for any part of the site, until a Strategic Landscape Masterplan (SLMP) for the site (which shall include a Design Code and associated Regulatory Plan) has first been submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies GA1, DES1 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG3, AG4, AG5, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.</p> |
| 7 | Strategic Landscape Masterplan Scope | <p>The SLMP shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020) and the plans and documents approved in Conditions 1 and 2, and shall specifically consider the following (which for the avoidance of doubt excludes the village developable areas as shown on Parameter Plan 2 unless otherwise stated):</p> <ul style="list-style-type: none"> <li>• The approximate location of proposed leisure and commuter routes for pedestrian, cyclists, equestrians and other active travel modes including connections to village boundaries and the site boundary</li> </ul>   |

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|  | <ul style="list-style-type: none"><li>• The approximate location of proposed Public Rights of Way, and design principles for improvements and/or modifications to existing Public Rights of Way</li><li>• The approximate location of, and design principles for, proposed public transport infrastructure including for cyclists, such as cycle hire facilities</li><li>• The approximate location within the SLMP area and the indicative location in respect of the villages for the following sports facilities:<ul style="list-style-type: none"><li>(i) 1 x Bowls facility comprising:<ul style="list-style-type: none"><li>• 2 x six-rink bowls greens</li><li>• up to 0.4ha in total</li><li>• Club house/ancillary facilities</li></ul></li><li>(ii) Tennis:<ul style="list-style-type: none"><li>• 8 x senior courts (min 4 courts per facility)</li><li>• up to 0.75ha in total</li></ul></li><li>(iii) Cricket facilities:<ul style="list-style-type: none"><li>• 2 x senior cricket squares with club house/practice nets</li><li>• 1 x cricket square</li></ul></li><li>(v) 15 Grass pitches consisting of a range of adult and junior pitches:</li></ul></li><li>• a Conservation Management Plan to include details of the measures to be implemented in order to ensure the long-term protection and maintenance of the Eastwick Moated sites and Mount Moated site</li><li>• Investigate the feasibility of integrating and bringing back into long-term sustainable use, the designated heritage assets within the Hunsdon Airfield Park.</li><li>• The approximate location of, and design principles for, a Heritage Trail, accessed primarily through active and sustainable modes of transport, utilising the green corridor network where appropriate.</li></ul> |
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|   |                                 | <p>The SLMP shall demonstrate consultation with relevant statutory bodies such as Historic England, the Environment Agency, the LLFA and Herts Ecology as appropriate.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies DES1, DES2 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG4, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.</p>   |
| 8 | Strategic Landscape Design Code | <p>The SLMP shall be supported by a Strategic Landscape Design Code and associated Regulatory Plan which shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020) and the plans and documents approved in Conditions 1 and 2.</p> <p>The Strategic Landscape Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the strategic landscape area.</p> <p>As a minimum the code shall include principles for the following:</p> <ol style="list-style-type: none"> <li>1. Design: <ul style="list-style-type: none"> <li>• SuDS and drainage</li> <li>• Community food growing</li> <li>• Sport and recreation</li> <li>• Play spaces</li> <li>• Planting</li> <li>• Village edge treatments</li> <li>• Response to heritage (assets within Hunsdon Airfield Park and heritage trail)</li> <li>• Ancillary buildings within landscape areas</li> <li>• Ecological enhancements</li> <li>• Gypsy and Traveller and Travelling Show People provision</li> </ul> </li> </ol> |

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|  | <ul style="list-style-type: none"><li>• Public realm areas</li><li>• Pedestrian and cycle routes hierarchy</li><li>• Sustainable Transport Corridor</li><li>• Sustainable Transport Hubs (if agreed to be appropriate and necessary outside village boundaries)</li><li>• Wayfinding and legibility</li><li>• Street hierarchy -</li><li>• All modes parking</li><li>• Street furniture</li><li>• Boundary treatments</li><li>• Utilities</li><li>• Lighting</li><li>• Waste and recycling</li><li>• Approach to public art</li><li>• Materials palette for different forms of built development and hard landscaping</li></ul> <p>2. A scalable Regulatory Plan to assist users in navigating where the provisions of the code will apply.</p> <p>3. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.</p> <p>4. Design Code Compliance Checklist.</p> <p>All subsequent Village Masterplans, Village Design Codes and Reserved Matters Applications shall accord with the approved Strategic Landscape Design Code and Regulatory Plan, and be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.</p> |
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|    |   | Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies GA1, DES1 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG3, AG4, AG5, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.  |
| 9  | Strategic Landscape Phasing and Delivery Plan | <p>The SLMP shall be accompanied by a Strategic Landscape Infrastructure Delivery Plan which will set out the anticipated phasing of key infrastructure within the SLMP area. The identified infrastructure shall thereafter come forward in accordance with the Strategic Landscape Infrastructure Delivery Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the District Planning Authority. The Strategic Landscape Infrastructure Delivery Plan may, by written agreement with the District Planning Authority, be updated from time-to-time to reflect increased certainty of delivery of infrastructure.</p> <p>Reason: To allow consideration of the impacts of the development and to ensure timely delivery of the necessary infrastructure needed to support the development in accordance with Policy DEL1 of the East Herts District Plan and Policy AG9 of the Gilston Area Neighbourhood Plan. This is a pre-commencement condition as it is necessary to secure the phasing of key infrastructure before any works commence.</p> |
| 10 | Strategic Green Space                         | <p>The SLMP shall include a scheme for the strategic green corridors (Eastwick Valley Corridor, Fiddlers Brook/Golden Brook Corridor, tributaries and ordinary watercourses) and the area adjacent to Fiddlers Brook in the Gilston Community Park which shall include the following elements:</p> <ul style="list-style-type: none"> <li>• Design principles for ecological enhancement and achieving net gains in biodiversity</li> <li>• Design principles for how the watercourses (river channel and riparian habitat) will be restored and enhanced, informed by the Water Framework Directive Mitigation and Enhancement Strategy)</li> </ul>  |

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|  | <ul style="list-style-type: none"><li>• Design principles for how these areas will be landscaped for the benefit of biodiversity including planting and any soft and hard landscaping</li><li>• Design principles for how lighting designs will minimise and avoid light spill to trees, hedgerows, woodland edges, watercourses and other light sensitive ecological areas to avoid disturbance impacts</li><li>• Design principles for how access to the watercourses will be maintained for flood management inspection and maintenance; and</li><li>• All watercourses, ordinary or main river will be retained (but for the avoidance of doubt may be modified or enhanced), with only culverting for access proposed and any works that require consent will be applied for from the relevant authority.</li><li>• Design principles for how proposed changes to watercourses will not adversely affect flood risk in the site boundary or elsewhere.</li><li>• Design principles for surface water management or natural flood management or flood storage measures to reduce the risk of flooding</li><li>• Design principles for demonstrating how these blue green corridors will be protected during development and managed over the longer term i</li></ul> <p>In producing the scheme consultation will occur with the Environment Agency, the LLFA, and Herts Ecology as appropriate.</p> <p>Reserved Matter Applications relating to the strategic green corridors and the area adjacent to Fiddlers Brook in the Gilston Community Park shall be prepared in accordance with the approved details.</p> <p>Reason: It is essential that the detailed designs for these corridors in future masterplans and reserved matters applications protect and enhance the ecological value of the main rivers, some</p> |
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|    |  | of which may require improvement and restoration. This approach is supported by paragraphs 159, 167 and 179 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains in biodiversity. This is also supported by policy WAT3 of the East Herts District Plan (2018).   |
| 11 | Strategic Landscape and Visual Appraisal | <p>The SLMP to be submitted pursuant to conditions 5 shall be supported by a landscape and visual appraisal compliance statement to demonstrate that the proposals contained in the SLMP will not give rise to any new or materially different significant effects in comparison with that reported in the Environmental Statement.</p> <p>Reason: In order to ensure the development is within the parameters assessed in the Environmental Statement to avoid unacceptable adverse landscape and visual effects in accordance with Policies GA1 and DES2 of the East Herts District Plan and Policies AG1, AG3, H1 of the Gilston Area Neighbourhood Plan.</p>   |
| 12 | Strategic SuDS Strategy                  | <p>Prior to the approval of the Strategic Landscape Masterplan, a Strategic Sustainable Drainage System Strategy shall be submitted to and approved in writing by the District Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. Notwithstanding the details contained in the Development Specification hereby approved as part of outline application 3/19/1045/OUT relating to surface water management and drainage, the Strategy shall follow and include the following details:</p> <ul style="list-style-type: none"> <li>• Evidence to show the location of any SuDS will not become overwhelmed by any source of flood risk including surface water or groundwater.</li> <li>• A strategy following the SuDS discharge hierarchy including potential use of rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.</li> </ul> |

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|  | <ul style="list-style-type: none"><li>• Desk based information and preliminary ground investigations, including some site wide infiltration testing undertaken to BRE 365 specification in broad approximations of strategic attenuation features.</li><li>• If infiltration drainage is proved viable, identification of areas where infiltration or part infiltration is likely to be located within villages or strategic open spaces.</li><li>• If infiltration drainage is unfavourable, surface water greenfield runoff rates and volumes should be provided for each pre-development sub catchment and all post-development scenarios will be limited to the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations (without an allowance for future climate change). Appropriate feasible discharge locations should be provided to the closest ordinary watercourses or main river by gravity for any of the developed areas. No pumping of surface water drainage will be acceptable. Any discharge outfall to a watercourse should be assumed to be surcharged.</li><li>• Provision of supporting calculations to show how much post development storage is required across the site (assuming infiltration as a worst-case scenario) and how this will be achieved across the development. Where infiltration is not feasible, post development runoff rates and volumes will be limited to the equivalent greenfield scenarios for the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations. One Greenfield runoff rate for the whole site or per village will not be accepted. Include interception and source control within the development area, prior to utilising site control and prior to utilising regional (strategic) control. Overarching supporting modelling for the drainage network to demonstrate how the system could operate at the 100% Annual Exceedance Probability rainfall event, 3.33% AEP plus climate change and 1% AEP plus climate change allowance, to be provided, half drain down times for infiltration storage features should be included as will urban creep on any assumed impermeable areas. Any strategic road networks may need to be considered as separate SuDS networks depending on the adoptable authority requirements. Any large sports fields</li></ul> |
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|  | <p>will also need to be included in the drainage scheme (assuming they will be built to operate 365 days a year)</p> <ul style="list-style-type: none"><li>• High level drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled high level drainage layout drawing which relates to the landscaping and blue green infrastructure layouts. Total storage volumes provided within each future sub-catchment should be identified. The usage of above ground and other surface water conveyance and storage SuDS features</li><li>• Demonstrate an appropriate SuDS management and treatment train accounting for any sensitive discharge locations such as ecological protection areas, groundwater protection zones, surface drinking water safeguarding zones or areas previously used for landfill.</li><li>• Integration with and enhancement of amenity space and link to any climate change mitigation such as urban cooling and social wellbeing.</li><li>• Provision of biodiversity enhancement within strategic green space and biodiversity net gain requirements</li><li>• Compliance with the agreed Strategic Design Code which includes multifunctional SuDS.</li><li>• Indicative phasing plan for the cumulative provision of SuDS and drainage infrastructure within the green infrastructure.</li><li>• A high-level assessment of overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.</li><li>• A high-level management and maintenance plan. It should include maintenance and operational activities and who will be adopting which parts of the SuDS infrastructure</li></ul> <p>Reason: To ensure the development appropriately addresses climate change and the risk of flooding, to improve and protect water quality, to protect natural habitats and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity and in order to comply with the requirements of Policy GA1 V (y) of the East Herts District Plan 2018 and Policies LA1 of the Gilston Area Neighbourhood Plan</p> |
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| 13 | Supplementary FRA | <p>Prior to the approval of the SLMP a supplementary assessment of flood risk and climate change shall be submitted to, and approved in writing by, the District Planning authority. This should include the following elements:</p> <ul style="list-style-type: none"> <li>• Additional investigations, surveys and appropriate modelling to establish the detailed areas at risk of flooding from ordinary watercourses, surface water flooding and groundwater flooding (including spring fed watercourses). This would include definition of functional floodplain of ordinary watercourses. No development will occur within the high and medium flood risk areas for main rivers, ordinary watercourses, and surface water flow paths.</li> <li>• Detailed Analysis of baseline flow conditions of receiving watercourses. Requires full surveys of all watercourses including any culverted structures impacting a watercourse. This should also include a detailed modelling for ordinary watercourses and main rivers to establish the flood levels that may be required to input to drainage modelling of surcharge outfalls.</li> <li>• Full condition survey of all existing structures on all watercourses impacted by the development within the development boundary with an assessment on how any culverts can be daylighted and open naturalised watercourses reinstated without adverse effects on flood risk.</li> <li>• All watercourses, ordinary or main river will be retained (but for the avoidance of doubt may be modified and enhanced), with only culverting for access proposed and any works that require consent will be applied for from the relevant authority.</li> <li>• An assessment of the 1 in 100 year plus 35% and the 1 in 100 year plus 70% climate change allowances for the Stort, Eastwick Brook, Fiddlers Brook and Pole Hole Brook.</li> <li>• A sequential approach to the development to avoid any less to highly vulnerable land uses being located within the design flood (1 in 100 year plus 70%). Submission of the proposed</li> </ul> |

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|    |                                      | <p>development areas with the flood outlines overlaid will help to demonstrate that this has been achieved.</p> <ul style="list-style-type: none"> <li>• Ensure that any built development which occurs within the design flood is designed to the 1 in 100 year plus 70% climate change allowance.</li> <li>• A strategic overview of flooding incorporating both fluvial and pluvial flooding and how they interact. Detail on expected flow rates for any new connections (surface water, sewer etc.) to the main river network will need to be provided.</li> <li>• Consideration for an emergency flood evaluation plan if any residual risk from any source of flooding as required.</li> </ul> <p>Village Masterplans and Reserved Matter Applications shall be informed by the approved supplementary assessment of flood risk and climate change or as may subsequently be agreed, in writing, by the District Planning authority.</p> <p>Reason: to reduce the risk of flooding and vulnerability to climate change to the proposed development and its future users in accordance with Policy WAT1 'Flood Risk Management' of the East Herts District Plan (2018)</p> |
| 14 | Strategic Landscape Ecology Strategy | <p>Prior to or at the same time as the submission of the SLMP a Strategic Landscape Ecology Strategy for the strategic landscape area informed by the Gilston Park Estate Biodiversity Strategy (May 2019) and the Gilston Park Estate Outline Ecological Management Plan (November 2020), and up to date ecology surveys (only required where necessary and appropriate having regard to CIEEM guidance 'Advice note on the lifespan of ecological reports and surveys' April 2019), shall be submitted to and approved in writing by the LPA and shall include the following:</p> <ul style="list-style-type: none"> <li>• Measures to protect and enhance retained assets (noting commitments secured at the outline application stage);</li> </ul>   |

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|  |  | <ul style="list-style-type: none"> <li>Identify opportunities to create new biodiversity assets and links to existing off site ecological networks;</li> <li>Demonstration of how the above measures contribute to achievement of 10% min net gain target for the overall Gilston Park Estate site based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA;</li> <li>Framework management and maintenance strategy.</li> </ul> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan and Policies AG1, AG2, AG3, AG4, AG7 and LA1 of the Gilston Area Neighbourhood Plan.</p>  |
| 15                                     | Strategic Landscape Energy & Sustainability Strategy | <p>Prior to or at the same time as the SLMP, an Strategic Landscape Energy and Sustainability Strategy shall be submitted to and approved in writing by the LPA. The strategy shall confirm the measures to be implemented to minimise climate impacts arising from the strategic landscape aspects of the development in accordance with the Sustainable Development principles in the Development Specification hereby approved.</p> <p>REASON: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance with policies CC2, CC3 and DES4 of the East Herts District Plan and Policy AG1 of the Gilston Area Neighbourhood Plan.</p> |
| <b>STAGE 2: SITE-WIDE REQUIREMENTS</b> |  |  |
| 16                                     | Archaeological WSI                                   | No below ground excavations shall be carried out nor shall any development commence in any part of the site, until an Archaeological Written Scheme of Investigation covering that part of the site has been submitted to and approved in writing by the LPA. The scheme shall include an assessment of archaeological significance and research questions; and  |

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|    |                               | <ul style="list-style-type: none"> <li>i. The programme and methodology of site investigation and recording through evaluation</li> <li>ii. The programme and methodology of site investigation and recording for any further works as suggested by the evaluation</li> <li>iii. The programme for post investigation assessment</li> <li>iv. Provision to be made for analysis of the site investigation and recording</li> <li>v. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>vi. Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>vii. Nomination of a competent person or person/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</li> </ul> <p>Reason: to ensure the appropriate investigation for presence /recording of heritage assets and to comply with the requirements of Policy GA1 V (o).</p> |
| 17 | Implementation of WSI         | <p>The development hereby approved shall not take place other than in complete accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 16.</p> <p>Reason: to ensure the appropriate investigation for presence /recording of heritage assets and to comply with the requirements of Policy GA1 V (o).</p>   |
| 18 | Post investigation Assessment | <p>No part of the development shall be occupied or brought into use until the site investigation and post investigation assessment for that part of the development has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and submitted to and approved in writing by the LPA, and thereafter provision made for analysis and publication where appropriate.</p>   |

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|                              |                           | Reason: to ensure the appropriate investigation for presence /recording of heritage assets and to comply with the requirements of Policy GA1 V (o).   |
| <b>STAGE 3: CONSTRUCTION</b> |                           |   |
| 19                           | Gilston Park Estate CTEMP | <p>Prior to the commencement of any part of the development, including any enabling works, a Gilston Park Estate Construction Traffic and Environmental Management Plan (CTEMP) for that part of the development shall be submitted to and approved in writing by the District Planning Authority. The plan shall include the following (where relevant):</p> <ul style="list-style-type: none"> <li>a) Updated Code of Construction Practice</li> <li>b) The construction programme and phasing (including for any temporary development), including details of any measures to be taken to coordinate construction activities across the Gilston Area to manage and reduce environmental effects.</li> <li>c) Access and routeing arrangements for construction vehicles, including approximate numbers and types of vehicles; location of any highway works necessary to enable construction to take place; haul routes into and through the development site; temporary traffic management or construction accesses from the local highway network including the method of segregating construction traffic from general traffic, pedestrians and cyclists; highway signage strategy; measures to be taken to reduce congestion and avoid peak periods such as school pick up/drop off times; and approach to monitoring and enforcement.</li> <li>d) Hours of operation for construction, demolition, and delivery of materials</li> <li>e) Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas</li> <li>f) Details of any works to Public Rights of Way, footways, bridleways and cycle ways to enable construction to take place</li> </ul> |

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|  | <ul style="list-style-type: none"><li>g) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways. The access roads shall be hard surfaced between the cleaning facility and the highway and must be kept free of mud and debris at all times</li><li>h) Details of a materials management scheme</li><li>i) An air quality and dust management plan</li><li>j) Details of noise and vibration mitigation and monitoring scheme</li><li>k) Mechanisms to deal with other environmental impacts including light and odour</li><li>l) Details of community liaison, communication and consultation arrangements with local residents and businesses, including details of how complaints will be managed</li><li>m) Measures to protect existing vegetation and landscape features, any tree works, and vegetation removal to accommodate construction activity</li><li>n) Post construction restoration/reinstatement measures for the working areas and any temporary access arrangements</li><li>o) Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it.</li><li>p) A surface water management scheme to outline construction related drainage control measures to protect watercourses and sources, including the River Stort</li><li>q) Measures for the protection of identified archaeological and built heritage assets</li><li>r) Appointment of a suitably qualified Ecological Clerk of Works and details of ecological supervision</li><li>s) Measures to be taken to seek approval from the highway authority that the highway extent has been marked out accurately prior to construction.</li><li>t) Demonstrate how the CTEMP for the part of the development has been cognisant of the CTEMP(s) for prior parts.</li><li>u) Confirmation of details of a watching brief on excavations on the eastern side of Village 2 for opportunistic prior extraction</li><li>v) Evaluate the availability of construction materials from mineral workings in proximity to the site and opportunities to use available materials, where possible</li></ul> |
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|                                 |                               | <p>Thereafter, the construction of the development shall only be carried out in complete accordance with the relevant approved CTEMP.</p> <p>Reason: In the interests of highway safety and the control of environmental impacts on existing and future residents in accordance with policies TRA2, CFLR3, EQ2, EQ3 and EQ4 of the adopted East Herts District Plan 2018 and Policy AG8 and EX1 of the Gilston Area Neighbourhood Plan</p>  |
| 20                              | Site Waste Management Plan    | <p>No part of the development hereby permitted shall be commenced until a SWMP for that part has been submitted to and approved in writing by the LPA in consultation with the WPA. The SWMP shall thereafter be implemented in accordance with the approved details.</p> <p>Reason: In order to identify, reuse, manage and reduce the amount of waste produced on site in accordance with Policy 12 of the Hertfordshire Waste Core Strategy.</p>   |
| <b>STRATEGIC INFRASTRUCTURE</b> |                               |   |
| 21                              | Foul Water Disposal /Sewerage | <p>No part of the development shall be occupied until confirmation has been provided that either</p> <ul style="list-style-type: none"> <li>(I) Wastewater network upgrades required to accommodate foul water flows for that part of the development have been completed; or</li> <li>(II) A housing and infrastructure phasing plan has been agreed with Thames Water to allow that part of the development to be occupied.</li> </ul> <p>Where a housing and infrastructure phasing plan has been agreed with Thames Water, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> |

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|    |                                      | Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.   |
| 22 | V1 Interim Access from A414          | <p>The interim access to Village 1 from the A414 shall be constructed wholly in accordance with the approved Central Stort Crossing Interim Junction Tie-in Arrangement drawing (VD17516-CCi-100-GA RevP03) and shall be fully open and operational prior to the occupation of any homes in Village 1.. The access arrangements shall thereafter be retained until the Central Stort Crossing and Final Village 1 Access Arrangements have been delivered as approved through planning permission no. 3/19/1046/FUL</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.</p>     |
| 23 | V1 Interim Access from Eastwick Road | <p>The interim access to Village 1 from Eastwick Road shall be constructed wholly in accordance with the approved Central Stort Crossing Interim Junction Tie-in Arrangement drawing (VD17516-CCi-100-GA Rev P03) and shall be fully open and operational prior to the occupation of any homes in Village 1. The access arrangements shall thereafter be retained until the Central Stort Crossing and Final Village 1 Access Arrangements have been delivered as approved through planning permission no. 3/19/1046/FUL</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance</p> |

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| 24 | V1 Access Arrangements Tree Protection | <p>The Village 1 Interim Access Arrangements shall not be constructed other than in complete accordance with the approved Tree Protection Plan Village 1 Access Drawing 200731-1.1-GPA-V1-TPP-MM read together with the Tree Survey Schedule contained within Appendix 13.4 of the Environmental Statement Volume 3.</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance</p>  |
| 25 | V1 Access Arrangements Landscaping     | <p>The V1 Access Arrangements Planting Plan shown on approved drawings HNP495-GRA-X-XX-DR-L-5151 Rev02, 5152 Rev 02, 5153 Rev 02, 5154 Rev 02, and 5155 Rev 01 read together with approved Gilston River Crossings and Village Development Access Planting Schedule HNP495-GRA-SC-001_Rev 03 shall be implemented in the first planting season following completion of the V1 Access Arrangements. Any trees, shrubs or grassed areas which die, are diseased or vandalised within the first five years following completion shall be replaced within the next planting season.</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance</p> |
| 26 | Interim V2 Access                      | <p>Notwithstanding the details shown on the submitted Village 2 Interim Phase General Arrangement Drawing (VD17516/V2i-100-GA Rev P01), a revised arrangement for the interim access to Village 2, north of the Pye Corner/Eastwick Road Junction shall be submitted to and approved in writing by the District Planning Authority. The revised arrangement shall demonstrate how the road alignment minimises, as far as possible, loss of ancient hedgerow H194 and how left-turn in/right-turn out movements are to be prevented. Thereafter, the interim</p>   |

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|    |                                   | <p>access to village 2 shall be constructed wholly in accordance with the approved drawing and shall be fully operational prior to the occupation of the first dwelling in Village 2 (unless the STC link between Village 1 and 2 is in place in which case the trigger shall be prior to the occupation of 1,000 homes in Village 2). The access shall thereafter be retained until the Eastern Stort Crossing and Final Village 2 Access has been delivered as approved through planning permission no. 3/19/1051/FUL.</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance</p> |
| 27 | V2 Interim Access Tree Protection | <p>The Village 2 Interim Access shall not be constructed other than in complete accordance with the approved Tree Protection Plan Village 2 Access Drawing 200901-1.4-GPA-V2-TPP-MM read together with the Tree Survey Schedule contained within Appendix 13.4 of the Environmental Statement Volume 3 unless otherwise agreed in writing by the LPA.</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance</p>  |
| 28 | V2 Interim Access Landscaping     | <p>The Village 2 Access Planting Plan shown on approved drawing HNP495-GRA-X-XX-DR-L-5161 Rev 02 read together with approved Gilston River Crossings and Village Development Access Planting Schedule HNP495-GRA-SC-001_Rev 03 shall be implemented in the first planting season following completion of the V2 Access unless otherwise agreed in writing by the LPA. Any trees, shrubs or grassed areas which die, are diseased or vandalised within the first five years following completion shall be replaced within the next planting season.</p>  |

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|    |          | Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance  |
| 29 | STC V1-2 | <p>Prior to the occupation of any homes in Village 2, the Sustainable Transport Corridor link between the Village 1 Access and Village 2 (as defined in the Development Specification and shown on Parameter Plan 4: Access and Movement) shall be fully completed and operational. The STC link shall thereafter be retained in perpetuity.</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance</p>                  |
| 30 | STC V3-6 | <p>Prior to the occupation of any homes in each of Villages 3, 4, 5 or 6, the Sustainable Transport Corridor link (as defined in the Development Specification and shown on Parameter Plan 4: Access and Movement) between that village and the Village 1 Access shall be completed and operational. The STC link shall thereafter be retained in perpetuity.</p> <p>Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance</p> |

#### STAGE 4: VILLAGE MASTERPLANS & DESIGN CODES

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| 32 | Village Masterplans      | <p>A Village Masterplan (VMP) for each of the six villages identified on Parameter Plan 5 hereby approved, shall be submitted to and approved in writing by the LPA, prior to the approval of any Reserved Matters application for residential or commercial floorspace within the boundary of that village.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies GA1, DES1 and DES4 of the East Herts District Plan and Policy AG1, AG5, AG6, LA1, BU1, BU2, BU3, BU4, H1 and D1 of the Gilston Area Neighbourhood Plan.</p>   |
| 32 | Village Masterplan Scope | <p>The relevant VMP shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020), the Strategic Landscape Design Code and Regulatory Plan, and the plans and documents approved in Conditions 1 and 2. The scope of the VMP shall specifically incorporate the following for the relevant village:</p> <ul style="list-style-type: none"> <li>- guidance on the broad location and quantum of business and commercial, retail and leisure floorspace within the village</li> <li>- the approximate location of village sport and play facilities</li> <li>- the interaction with the relevant village buffer (which lies outside of the VMP area)</li> <li>- the approximate location of proposed leisure and commuter routes for pedestrian, cyclists, equestrians and other active travel modes including connections beyond village boundaries to the strategic landscape areas</li> <li>- the approximate location of proposed designated Public Rights of Way and design principles for improvements and/or modifications to existing Public Rights of Way</li> <li>- the approximate location of proposed public transport infrastructure and active travel infrastructure including cyclists such as cycle hire facilities</li> </ul> |

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|    |                      | Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies DES1, DES2 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG4, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.  |
| 33 | Village Phasing      | <p>The relevant VMP shall be accompanied by a Village Infrastructure Delivery Plan which will set out the anticipated phasing of key infrastructure within the relevant village. The identified infrastructure shall thereafter come forward in accordance with the Village Infrastructure Delivery Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the District Planning Authority. The Delivery Plan may, by written agreement with the District Planning Authority, be updated from time-to-time to reflect increased certainty of delivery of infrastructure</p> <p>Reason: To allow consideration of the impacts of the development and to ensure timely delivery of the necessary infrastructure needed to support the development in accordance with Policy DEL1 of the East Herts District Plan and Policy AG9 of the Gilston Area Neighbourhood Plan.</p> |
| 34 | Village Design Codes | <p>Each VMP shall be supported by a Village Design Code and associated Regulatory Plan which shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020), the Strategic Landscape Design Code and Regulatory Plan, and the plans and documents approved in Conditions 1 and 2.</p> <p>The relevant Village Design Code and Regulatory Plan will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the village.</p> <p>As a minimum the code shall include principles for the following:</p> <p>1. Village design principles for:</p>   |

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|  | <ul style="list-style-type: none"><li>• Block structure</li><li>• Public Realm</li><li>• Green and blue infrastructure including multifunctional SuDS plus consideration for groundwater and watercourse safeguarding zones (flooding and pollution)</li><li>• Maintenance strips for SuDS and all watercourses or water features (springs)</li><li>• Biodiversity and amenity benefits SUDS</li><li>• Response to heritage (key groupings)</li><li>• Routes and movement network, integrating with the wider movement network</li><li>• All modes parking typologies</li><li>• Street hierarchy and character types</li><li>• Sustainable Transport Hubs (and bus parking)</li><li>• Land uses</li><li>• Density</li><li>• Building heights</li><li>• Edges, nodes and gateways</li><li>• Frontage, access and servicing</li><li>• Built form</li><li>• Identity</li><li>• Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification (section 3.17)</li><li>• Approach to public art</li><li>• Indicative village materials palette</li><li>• Planting strategy</li></ul> <p>2. A scalable Regulatory Plan to assist users in navigating where the provisions of the code will apply.</p> |
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|    |                                     | <p>3. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.</p> <p>4. Design Code Compliance Checklist.</p> <p>All subsequent Reserved Matters shall accord with the approved Village Design Code and Regulatory Plan, and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.</p> <p>Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies GA1, DES1 and DES4 of the East Herts District Plan Policies AG1, AG5, AG6, LA1, BU1, BU2, BU3, BU4, H1 and D1 Gilston Area Neighbourhood Plan.</p>  |
| 35 | Management & Maintenance of Streets | <p>Prior to or at the same time as the submission of each VMP, principles for the proposed roles and responsibilities for future management and maintenance of streets within the masterplan area, including a preliminary highway adoptions plan, shall be submitted to and approved in writing by the LPA in consultation with the Highway Authority. The streets shall thereafter be maintained in accordance with the approved details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Community Ownership and Stewardship Body or Private Management and Maintenance Company has assumed responsibility.</p> <p>Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies GA1, DES1 and DES4 of the East Herts District Plan Policies AG1, AG5, AG6, LA1, BU1, BU2, BU3, BU4, H1 and D1 Gilston Area Neighbourhood Plan.</p> |

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| 36 | Village SuDS Strategy | <p>Prior to the approval of each Village Masterplan, a Village Sustainable Drainage System scheme for that village shall be submitted to and approved in writing by the District Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. The scheme shall accord with the SuDS principles set out in the approved Strategic SuDS Strategy, the Strategic Landscape Masterplan, and the Strategic Design Code and shall include the following details:</p> <ul style="list-style-type: none"><li>• A Scheme following the SuDS discharge hierarchy with consideration given to rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.</li><li>• A detailed ground investigation report for areas where infiltration drainage is favourable, for either full infiltration or part infiltration design. Infiltration testing will be to BRE 365 standard (or equivalent) and undertaken at the location and depth of proposed SuDS features. The investigation will include evidence of seasonally high groundwater levels to be undertaken for an agreed period to show that there is at least 1m between the base of any proposed infiltration feature and seasonally high groundwater level. A full scope of the groundwater assessment of monitoring locations and timescales to be agreed with the LPA</li><li>• Where infiltration is not favourable, each village will be split into appropriate sub catchments and appropriate locations where surface water discharge can outfall to a watercourse shall be confirmed. Each SuDS sub catchment shall be able to be delivered in full alongside the appropriate development phase it falls within and shown on a phasing drawing and plan.</li><li>• Pre-development greenfield runoff rates and volumes will be confirmed for each sub catchment and all post-development scenarios be limited to the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations.</li><li>• Full, detailed drainage modelling for any village SuDS network (and specifically village 1 access road) to demonstrate how the system operates during up to and including the 100% AEP,</li></ul> |
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|  | <p>3.33% AEP including an allowance for climate change and the 1%AEP rainfall event including an allowance for climate change ensuring the agreed discharge rates for that sub catchment are not exceeded for the critical storm durations if infiltration is not feasible. Half drain down times for all infiltration storage features should be included. Urban creep will be included within any assumptions of impermeable area. Any sports pitches shall be included within the drainage network.</p> <ul style="list-style-type: none"><li>• Full detailed engineering drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing any SuDS storage and conveyance networks. Total storage volumes will be provided within each sub-catchment.</li><li>• The usage of above ground and other surface water storage and conveyance features with a priority focused on rainwater reuse, interception and source control. Any above ground management of surface water (extent and depth) not in a drainage feature will be clearly shown on a drawing along with appropriate mitigation measures and flood resistance and resilience to vulnerable parts of the development included.</li><li>• Provision of appropriate water quality assessment including specific requirements for sensitive discharge locations such as ecological designations, groundwater source protection zones, surface drinking water protection zones or areas previously used for landfill. Specific water quality assessments may be required for runoff from main roads.</li><li>• The use of flood resistance and resilience measures included in the design. A minimum of 300mm must be provided between the design flood level and the finished floor level. A minimum of 150mm is recommended above external ground levels that are sloping away from vulnerable areas such as doorways.</li><li>• Integration of SuDS to enhance any proposed amenity space.</li><li>• Provision of biodiversity enhancement within SuDS provision.</li></ul> |
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|    |                                      | <ul style="list-style-type: none"> <li>• Compliance with the agreed SuDS Design Code.</li> <li>• Details of exceedance routes, including those for an event which exceeds to 1% AEP rainfall event including climate change event and how impacts to vulnerable parts of the development will be minimised.</li> <li>• A management and maintenance plan including maintenance and operational activities</li> <li>• Confirmation of how the measures proposed will integrate appropriately and cumulatively with any wider SuDS infrastructure already approved and/or implemented. In addition to a Construction Environmental Management Plan there will be a SuDS implementation strategy, to ensure that flood risk is not increased on this site and elsewhere and the function of any SuDS is not compromised by building activity.</li> </ul> <p>All Reserved Matters Applications within the relevant village shall be in accordance with the details thus approved</p> <p>Reason: To ensure the development appropriately addresses climate change and the risk of flooding, to improve and protect water quality and to protect natural habitats and the amenity of residents and to comply with the requirements of Policy GA1 V (y) of the adopted East Herts District Plan 2018 and Policy LA1 of the Gilston Area Neighbourhood Plan..</p> |
| 37 | Village Landscape & Visual Appraisal | <p>VMP to be submitted pursuant to condition 30 shall be supported by a landscape and visual appraisal compliance statement to demonstrate that the proposals contained in the relevant village masterplan will not give rise to any new or materially different significant effects in comparison with that reported in the Environmental Statement</p> <p>Reason<br/>in accordance with Policy DES2, DES3 and DES4 of the East Herts District Plan (2018) and Policy AG3 and AG5 of the Gilston Area Neighbourhood Plan.</p>  |

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| 38 | Village Ecology Strategy                 | <p>Prior to or at the same time as the submission of each VMP a Village Ecology Strategy for that village informed by the Gilston Park Estate Biodiversity Strategy (May 2019) and the Gilston Park Estate Outline Ecological Management Plan (November 2020), and up to date ecology surveys (only required where necessary and appropriate having regard to CIEEM guidance 'Advice note on the lifespan of ecological reports and surveys' April 2019), and cognisant of the approved Strategic Landscape Ecology Strategy, shall be submitted to and approved in writing by the LPA and shall include the following:</p> <ul style="list-style-type: none"> <li>• Measures to protect and enhance retained assets (noting commitments secured at the outline application stage);</li> <li>• Identify opportunities to create new biodiversity assets and links to existing off site ecological networks;</li> <li>• Demonstration of how the above measures contribute to any net gain in the context of the minimum 10% target for the overall Gilston Park Estate site based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA;</li> <li>• Framework management and maintenance strategy</li> </ul> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan and Policies AG1 of the Gilston Area Neighbourhood Plan.</p> |
| 39 | Village Energy & Sustainability Strategy | <p>Prior to or at the same time as the submission of each VMP, a Village Energy and Sustainability Strategy for that village shall be submitted to and approved in writing by the LPA. The strategy shall confirm the measures to be implemented to minimise climate impacts arising from development in that village in accordance with the Sustainable Development principles in the Development Specification hereby approved.</p> <p>The approved measures shall thereafter inform each Reserved Matters submission within the relevant Village.</p>  |

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|    |  | Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance with policies CC2, CC3 and DES4 of the East Herts District Plan and Policy BU1, BU2 of the Gilston Area Neighbourhood Plan.  |
| 40 | Parking Strategy for all vehicle modes | <p>Prior to or at the same time as the submission of each VMP, a parking strategy of all vehicle modes and land uses within the relevant village shall be submitted to and approved in writing by the LPA. The parking strategy shall support walkable neighbourhoods and include the following where relevant:</p> <ul style="list-style-type: none"><li>• Parking ratios, including allocated and unallocated spaces</li><li>• Electric vehicle parking</li><li>• Options for off-plot solutions</li><li>• Zero parking/car-free zones</li><li>• Cycle parking ratios and locations</li><li>• Indicative locations for car club parking</li><li>• Mobility impaired spaces</li><li>• Motorcycle parking ratios and locations</li></ul> <p>Reserved matters applications shall thereafter demonstrate how they have been informed by the approved strategy</p> <p>Reason In accordance with Policy BU1, BU2, BU3, BU4 and TRA1 of the Gilston Area Neighbourhood Plan .</p> |
| 41 | Village 5 sports facilities            | <p>The Village 5 Masterplan shall be supported by details which confirm the location and intended end users(community/school/both) of the following sports facilities:</p> <ul style="list-style-type: none"><li>• 1 x adult sized and floodlit artificial grass surface football pitches</li></ul>  |

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|  | <ul style="list-style-type: none"> <li>• 1 x adult sized and floodlit artificial hockey pitch</li> <li>• 1 x artificial cricket wicket</li> <li>• Leisure Centre (minimum facilities as per agreed Leisure Centre Feasibility Study).</li> <li>• Gym/Health Club including 60 fitness stations minimum</li> <li>• Community sized sports hall</li> </ul> <p>The details submitted shall demonstrate that the locations identified have sufficient capacity to accommodate the facilities and any required supporting/ancillary facilities to Sport England and National Governing Body guidance, and would appropriately complement and not compromise the wider functions of the Gilston Area green infrastructure and open space network.</p> <p>The approved details shall inform the Reserved Matters applications that follow.</p> <p>Reason: To ensure that the development makes appropriate provision for sports to support the health and wellbeing of the growing community at Gilston in accordance with policies GA1, CFLR1, CFLR7 and CFLR10 and Policies C1 and LA1 of the Gilston Area Neighbourhood Plan</p> |
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#### STAGE 5: RESERVED MATTERS REQUIREMENTS AND COMPLIANCE CONDITIONS

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| 42 | Energy & Sustainability Statement | <p>The plans and particulars for each reserved matters application shall include an Energy and Sustainability Statement that demonstrates how that part of the development achieves the requirements set out in the relevant Strategic Landscape or Village Energy &amp; Sustainability Strategy.</p> <p>The development shall thereafter be implemented in accordance with the details approved.</p> <p>Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in</p> |
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|    |                               | accordance with policies CC2, CC3 and DES4 of the East Herts District Plan Policy AG1 and BU1 of the Gilston Area Neighbourhood Plan .  |
| 43 | Transport, Travel & Access    | <p>The plans and particulars to be submitted as reserved matters under condition 4 shall include details of the following, as appropriate:</p> <ul style="list-style-type: none"> <li>• Detailed street layouts, footways and cycleways</li> <li>• Proposed adoption plan</li> <li>• Foul and surface drainage provision (where relevant)</li> <li>• Details of cycle parking provision including design, quantum and siting</li> <li>• Details of how any communal amenities for cyclists (if relevant to the proposal) are to be designed in (e.g. showers/lockers)</li> </ul> <p>Development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: in accordance with Policies DES4 of the East Herts District Plan and Policy BU4 of the Gilston Area Neighbourhood Plan.</p>         |
| 44 | Buffers to Existing Waterways | <p>No development shall commence adjacent to an existing waterway alongside the main river watercourses or an ordinary watercourse waterway until such time as a scheme, for that specific waterway, for the provision and management of 20 metre wide buffers to existing waterways alongside the main river watercourses and 10m buffers to an ordinary watercourse (unless it is demonstrated that development is sited outside the 1 in 100 year 70% climate change allowance flood envelope) has been submitted to and approved in writing by the LPA. The scheme shall include for that relevant waterway:</p> <ul style="list-style-type: none"> <li>• Plans showing the extent and layout of the buffer zone</li> <li>• Design principles for any proposed planting scheme (for example, native species)</li> </ul> |

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|    |                                       | <ul style="list-style-type: none"> <li>• Design principles demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan</li> <li>• Design principles of any proposed footpaths, fencing, furniture, lighting etc. This should aim to maximise undisturbed habitat with native vegetation and minimise any footpaths or furniture within the 8 metres zone closest to the top of the riverbank.</li> <li>• Where footpaths or furniture are required, these will be kept as natural as possible, making use of natural materials and information provided on how impermeable areas will be drained.</li> <li>• Design principles of how access to watercourses will be maintained for flood management inspection and maintenance by both vehicular (large, heavy vehicles) and pedestrian access</li> <li>• Details of any SuDS, natural flood management or flood storage measures to reduce the risk of flooding.</li> </ul> <p>All Reserved Matters Applications relating to these buffers shall be in accordance with the approved details</p> <p>Reason: This approach is supported by paragraphs 174 and 180 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains in biodiversity and policy WAT3 of the East Herts District Plan (2018).</p> |
| 45 | Existing Trees, Hedgerows & Woodlands | <p>With each Reserved Matters application for individual parts of the development, a tree survey and impact assessment (updated from that undertaken to date as considered necessary and appropriate), tree protection plan and arboricultural method statement for that part of the development shall be submitted to and approved in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details.</p>  |

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|    |                   | Reason: in accordance with Policies NE3 of the East Herts District Plan and Policy AG2 and LA1, of the Gilston Area Neighbourhood Plan.   |
| 46 | Landscape Schemes | <p>With each Reserved Matters application concerning landscaping for part of the development, a composite hard and soft landscaping scheme for that part shall be submitted to and approved in writing by the LPA. The landscaping scheme shall be prepared in accordance with the relevant Design Code and include the following (where relevant):</p> <ul style="list-style-type: none"> <li>• Details of the extent and type of new planting</li> <li>• Details of maintenance regimes</li> <li>• Details of any new habitat created on site</li> <li>• Details of treatment of site boundaries and/or buffers around waterbodies and woodlands, hedgerows and trees</li> <li>• Details of brown and green roofs</li> <li>• Planting Plans that show the location of proposed plant species</li> <li>• Written specifications (including cultivation and other operations associated with the establishment of grassland and planting)</li> <li>• Schedules of plants, noting species, planting sizes and proposed numbers / densities</li> <li>• Implementation timetables</li> <li>• Landscape Management Plan</li> <li>• Surface treatment of paths and access routes</li> <li>• Fencing/gates to culvert openings</li> <li>• Details of proposed lighting</li> </ul> <p>The development of the part shall thereafter be carried out in accordance with the approved details.</p> |

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|    |                                   | Reason: In accordance with Policies DES3 and NE3 of the East Herts District Plan and Policy LA1 of the Gilston Area Neighbourhood Plan.  |
| 47 | Neighbourhood Open Space and Play | <p>Reserved matters applications which include residential development shall demonstrate how provision of neighbourhoods greens and neighbourhood play spaces has been addressed in accordance with the Development Specification (paragraph 3.7.4).</p> <p>Reason: in accordance with Policy CFLR1 of the East Herts District Plan Policy LA1 of the Gilston Area Neighbourhood Plan.</p>   |
| 48 | Heritage Design Principles        | <p>All reserved matters applications for development within Sensitive Development Areas (as identified on Parameter Plan 2) shall take into account the relevant Sensitive Development Area principles in the Development Specification (paragraphs 4.3.9 to 4.3.12)</p> <p>Reason: in accordance with Policies GA1, DES2 and HA1 of the East Herts District Plan and Policy AG1, AG6 and H1 of the Gilston Area Neighbourhood Plan.</p>   |
| 49 | Operational Fixed Plant Noise     | <p>Noise resulting from the operation of fixed plant shall not exceed 5dBA below the background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:2014 + A1:2019, at a point one metre external to the nearest noise sensitive building</p> <p>Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>   |
| 50 | Village Noise Management Scheme   | <p>Prior to or at the same time as the submission of the Village 1 and Village 6 Masterplan (and prior to the submission of any subsequent relevant reserved matters applications for residential development within the relevant village), a Village Noise Management Scheme shall be submitted to and approved in writing by the LPA, which demonstrates the noise control measures that the relevant reserved matters applications will need to incorporate in the respective part of the development, including through the design, layout and materials, in order for the relevant reserved matters area to achieve compliance with the noise levels set out in the Development</p> |

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|    |  | <p>Specification (section 3.14) and British Standards BS8233 or prevailing best practice guidance as agreed with the LPA. The plans and particulars for each reserved matters application shall include an Noise Statement that demonstrates how that part of the development achieves the requirements set out in the relevant approved Village Noise Management Scheme. The development shall thereafter be carried out and maintained in accordance with the details approved.</p> <p>Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>  |
| 51 |  | <p>Prior to the commencement of any construction works (save for Enabling Works, but excluding site clearance, demolition and tree/vegetation removal) for each part of the development, a Construction Landscape and Ecological Management Plan (CLEMP) for that part of the development shall be submitted to and approved in writing by the Local Planning Authority. CLEMPs shall include the following details as a minimum:</p> <ul style="list-style-type: none"> <li>a) Measures taken to minimise impacts on the landscape and landscape character during construction</li> <li>b) Description and evaluation of features to be managed, including bat commuting routes and other ecologically sensitive areas or species, trees, hedgerows, woodlands, watercourses and other existing environmental features on-site and off-site</li> <li>c) Measures to be taken to protect and manage the features identified above during the construction process, including pre-construction checks, construction methodology, and watching briefs/Ecological Clerk of Works</li> <li>d) Details of the body or organisation responsible for implementation of the CLEMP and timetables for implementation</li> <li>e) Details of ongoing monitoring (including timetables) and details of how and when any remedial action will be identified, agreed and implemented</li> </ul> |

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|    |       | <p>f) Demonstrate how the CLEMP for that phase has been cognisant of the CLEMP(s) for prior phases.</p> <p>Thereafter, the construction of the development shall only be carried out in accordance with the approved CLEMP, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.</p> <p>Reason: To secure the protection of existing landscape features and habitats of ecological interest and protected species in accordance with Policies NE1 and NE3 of the East Herts District Plan (2018).</p>   |
| 52 | OLEMP | <p>Prior to or at the same time as the submission of each Reserved Matters application, an Operational Landscape and Ecology Management Plan (OLEMP) for that part of the site shall be submitted to and approved in writing by the District Planning Authority. The OLEMP shall be cognisant of the Strategic Landscape Ecology Strategy, the relevant Village Ecology Strategy and shall include full details of the following (where relevant):</p> <p>(i) Confirmation of the landscape/habitat resources for the development parcel i.e.</p> <ul style="list-style-type: none"> <li>- Description/quantity of retained habitats and landscape features and their purpose</li> <li>- Description/quantity of created habitats and landscape features (inc. those for protected species etc) and their purpose</li> <li>- Confirmation of any net biodiversity units for area and linear habitats achieved on that part of the site, and contribution towards any overall net gain in the context of the minimum 10% target for the overall Gilston Park Estate site, based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA</li> </ul> <p>(ii) Management Measures for resources</p> <ul style="list-style-type: none"> <li>- Works to retained trees as identified in updated Arboriculture surveys and impact assessments</li> </ul> |

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|    |  | <ul style="list-style-type: none"> <li>- Management of vegetation to enable 'curated views' or that frame vistas and key views of local landmarks etc.</li> <li>- New planting areas – establishment and aftercare <ul style="list-style-type: none"> <li>• Short term 0-5 years - Five-year establishment maintenance period (e.g temporary fencing to protect planting (esp. from grazing cattle) during establishment period / replacement of failures etc.)</li> <li>• Medium term 5-10 years – (e.g woodland thinning etc)</li> <li>• Long term 10 years +</li> </ul> </li> </ul> <p>(iii) Access arrangements to enable management and maintenance.</p> <p>(iv) On site interpretation measures to inform public about the form and function of habitat and landscape areas.</p> <p>The measures in the OLEMP shall be designed and fully implemented in accordance with the details thus approved.</p> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan.</p> |
| 53 | Operational Landscape Environment Management Plan Verification | Five years following completion of each Reserved Matters approval (plus every five years thereafter for a period of 30 years) a OLEMP monitoring report shall be submitted to LPA for approval. The report shall confirm the effectiveness of the OLEMP and shall be carried out by a Chartered Member of the Landscape Institute (CMLI) and/or other suitably qualified professional. As a minimum the report shall include a suite of quantitative and qualitative indicators using methods such as annual site walkovers, surveys and fixed-point photography, to monitor the implementation and effectiveness of mitigation/management measures. The report shall include any remediation works required in order to address where measures may not be functioning and/or meeting Biodiversity Net Gain targets expected. The details of all survey findings shall be  |

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|    |  | <p>shared with Herts Ecological Record database and any remediation works identified shall thereafter be implemented in accordance with the approved details.</p> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan.</p>  |
| 54 | Reserved<br>Matters<br>Application<br>SuDS Details | <p>Prior to or in conjunction with the submission of each Reserved Matters application for individual parts of the development, details and construction drawings of the sustainable drainage components, flow control mechanisms and a construction method statement for that part shall be submitted to and approved in writing by the District Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. The details submitted must accord with the relevant Village Sustainable Drainage System Strategy and Design Code, the scheme shall then be constructed in accordance with the approved drawings, method statement and modelling calculations prior to the first use of that part of the development. No alteration to the approved drainage scheme shall occur without prior written approval of the District Planning Authority. The details to be submitted shall include the following:</p> <ul style="list-style-type: none"> <li>• Detailed design of all drainage following the SuDS discharge hierarchy with rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.</li> <li>• Specific detailed evidence of areas where infiltration drainage is favourable, for either full infiltration or part infiltration design. Infiltration testing will be to BRE 365 standard (or equivalent) and undertaken and the location and depth of proposed SuDS features. With additional groundwater monitoring data to show that there is at least 1m between the base of any proposed infiltration feature and seasonally high groundwater level.</li> <li>• Where infiltration is not favourable, sub catchments and appropriate locations where surface water discharge can outfall to a watercourse shall be confirmed (in line with the strategic and</li> </ul> |

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|  | <p>village masterplan). Each SuDS sub catchment (or part thereof) shall be able to be delivered in full alongside the appropriate part of the development it falls within and shown on a phasing drawing and plan.</p> <ul style="list-style-type: none"><li>• Pre-development greenfield runoff rates and volumes will be confirmed for each sub catchment and all post-development scenarios be limited to the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 Year) and 1% AEP (1 in 100 year).</li><li>• Full, detailed drainage modelling for the SuDS drainage network to demonstrate how the system operates during up to and including the 100% AEP, 3.33% AEP including an allowance for climate change and the 1%AEP critical storm events including an allowance for climate change ensuring discharge rates do not exceed the agreed greenfield discharge rates for the corresponding storm durations. Half drain down times for all infiltration storage features should be included. Urban creep will be included within any assumptions of impermeable area. Any sports pitches shall be included within the drainage network.</li><li>• Full detailed engineering drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout drawing showing any SuDS storage and conveyance networks. The drawings should show any 'node numbers' that have been referred to in drainage modelling supporting calculations and it also show invert and cover levels, finished floor levels and proposed external ground levels. Total storage volumes will be provided within each sub-catchment.</li><li>• The usage of above ground and other surface water storage and conveyance features with a priority focused on rainwater reuse, interception and source control. Any above ground management of surface water (extent and depth) not in a drainage feature will be clearly shown on a drawing along with appropriate mitigation measures and flood resistance and resilience to vulnerable parts of the development included.</li></ul> |
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|  | <ul style="list-style-type: none"><li>• Provision of appropriate water quality assessment including specific requirements for sensitive discharge locations such as ecological designations, groundwater source protection zones, surface drinking water protection zones or areas previously used for landfill. Specific water quality assessments may be required for runoff from main roads.</li><li>• The use of flood resistance and resilience measures included in the design. A minimum of 300mm must be provided between the design flood event and the finished floor level. A minimum of 150mm is recommended above external ground levels that are sloping away from vulnerable areas such as doorways.</li><li>• Integration of SuDS to enhance any proposed amenity space.</li><li>• Provision of biodiversity enhancement within SuDS provision.</li><li>• Compliance with the agreed SuDS principles within the approved Design Code(s)</li><li>• Phasing plan for the provision of SuDS and drainage infrastructure within each part of the development to show that any strategic SuDS features are in place and operational prior to the occupation/first use of the relevant part of the development.</li><li>• Details of final exceedance routes, including those for an event which exceeds to 1% AEP rainfall event including climate change event or blockage of the drainage network.</li><li>• A management and maintenance plan including maintenance and operational activities.</li><li>• Confirmation of how the measures proposed will integrate appropriately and cumulatively with any wider SuDS infrastructure already approved and/or implemented. In addition to a Construction Environmental Management Plan there will be a SuDS implementation strategy to ensure that flood risk is not increased on this site and elsewhere and the function of any SuDS is not compromised by building activity.</li><li>• The development shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the development, or within any other period as may subsequently be agreed, in writing, by the District Planning authority.</li></ul> |
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|    |                          | <p>The development shall not be carried out otherwise than in accordance with the details thus approved</p> <p>Reason: To ensure the development appropriately addresses climate change and the risk of surface water flooding, to improve and protect water quality and to protect natural habitats and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity. In accordance with Gilston Area Neighbourhood Plan Policy LA1.</p>   |
| 55 | SuDS Verification Report | <p>Prior to the first use of each part of the development a final Completion and Verification Report to a specification agreed and defined by the LPA, signed off by an appropriate, qualified person or body which demonstrates that the sustainable urban drainage measures have been implemented as per the details approved under Condition 55; for that part of the development shall be submitted to and approved in writing by the District Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. It shall include the following:</p> <ul style="list-style-type: none"> <li>• Provision of a Completion and Verification Report appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure, during construction and final make up, and the control mechanism.</li> <li>• Provision of a complete set of as built drawings for site drainage.</li> <li>• Post-construction surveys including a CCTV survey for any underground features and piped networks.</li> <li>• A management and maintenance plan for the SuDS features and drainage network.</li> <li>• Final arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime</li> </ul> |

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|    |   | Reason: To prevent the increased risk of surface water flooding, to improve and protect water quality, protect natural habitats and the amenity of residents, ensure the future maintenance of the Sustainable Urban Drainage System in perpetuity and comply with the requirements of Policy GA1 V (y) of the adopted East Herts District Plan 2018.   |
| 56 | Contamination Investigation & Remediation | <p>No part of the development hereby approved shall commence until a remediation strategy to deal with the risks associated with contamination of that part of the site, has been submitted to, and approved in writing by, the District Planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> <li>1. A investigation scheme, based on the preliminary risk assessment/desk studies to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</li> <li>2. The results of the investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</li> <li>3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the District Planning authority.</li> </ol> <p>The scheme shall thereafter be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraphs</p> |

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|    |   | 170 and 178 of the NPPF and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and policy AG7 of the Gilston Area Neighbourhood Plan.  |
| 57 | Verification Report                         | <p>Prior to each part of development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that part of the development shall be submitted to, and approved in writing, by the District Planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason: To ensure that the site does not pose any further risk to human health, land or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 and 178 of the NPPF and Policies EQ1 and WAT3 of the East Herts District Plan (2018).</p>   |
| 58 | Contamination Monitoring & Maintenance Plan | <p>No part of the development hereby permitted shall commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the District Planning authority for that part of the development has been submitted to and approved in writing by, the District Planning authority. The reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring shall be submitted to and approved in writing by the LPA in accordance with the details approved. The monitoring and maintenance plan shall thereafter be fully implemented and complied with in accordance with the approved details.</p> <p>Reason: To ensure that the site does not pose any further risk to human health, land, or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 and 178 of the NPPF and Policies EQ1 and WAT3 of the East Herts District Plan (2018).</p> |

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| 59 | Unsuspected Contamination | <p>If, during development, contamination not previously identified is found to be present at part of the site then no further development shall be carried out on that part until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the District Planning authority. The remediation strategy shall thereafter be implemented in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of land or water pollution from previously unidentified contamination sources at the development site. No site investigation can fully characterise a site. This is in line with paragraph 170 and 178 of the NPPF and Policies EQ1 and WAT3 of the East Herts District Plan (2018).</p> |
| 60 | Infiltration Drainage     | <p>No drainage systems for the infiltration of surface water to the ground are permitted other than where a scheme for infiltration drainage has first been submitted to and approved in writing by the LPA. Any proposals for such infiltration drainage that are submitted for approval must be supported by an assessment of the risks to controlled waters. The development shall thereafter be carried out in accordance with the approved details</p> <p>Reason: This condition relates to areas where contamination is present and may be mobilised due to the infiltration of surface water or where contaminated surface water may result in an input of contaminants to groundwater.</p>   |
| 61 | Piling/Deep Foundations   | <p>Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried other than where a scheme has first been submitted to and approved in writing by the LPA. The scheme shall include an assessment of impacts on noise and vibration as well as details of the measures to be taken to mitigate any adverse effects. The groundworks shall thereafter be carried out in accordance with the approved details.</p>  |

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|    |                                       | Reason: To ensure that the proposed Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using does not harm groundwater resources in line with paragraph 170 and 178 of the NPPF and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and does not have an adverse impact on the local amenity in accordance with policy EQ2 of the East Herts District Plan.   |
| 62 | Borehole Investigations               | <p>Prior to the installation of any boreholes at the site for the investigation of soils, groundwater or geotechnical purposes, a scheme for managing borehole investigations shall be submitted to and approved in writing by the LPA. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall thereafter be implemented in complete accordance with the approved details</p> <p>REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 and 178 of the NPPF and Policies EQ2 and WAT3 'Water of the East Herts District Plan (2018).</p>                        |
| 63 | WFD Mitigation & Enhancement Strategy | <p>No development shall take place until a water framework directive mitigation and enhancement strategy has been submitted to and approved in writing by the District Planning Authority. The strategy shall include the following elements:</p> <ul style="list-style-type: none"> <li>• Evidence that the final development would cause no deterioration of waterbody status of the River Stort and Stort Navigation and associated waterbodies, not prevent future improvement to the waterbody, not contribute to cumulative deterioration, using up to date Water Framework Directive classification data</li> <li>• Long term objectives, management responsibilities and maintenance schedules</li> <li>• Details of any proposed enhancements to watercourses and their corridors to support improving overall water framework directive status</li> </ul> |

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|    |  | <ul style="list-style-type: none"> <li>• Details of suitable mitigation and/or compensation as required</li> </ul> <p>The strategy shall thereafter be carried out in accordance with the approved details</p> <p>Reason: To ensure compliance with the Water Framework Directive as implemented in England and the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 170 and 175 of the NPPF and Policy WAT3 of the East Herts District Plan (2018).</p>   |
| 64 | Details of river crossings and underpasses | <p>No development shall commence in Villages 2, 4 or 6 until such time as full details of any vehicular or pedestrian river crossings or underpasses or other works (e.g. enhancement proposals) on main rivers within that village, informed by a detailed Water Framework Directive assessment have been submitted to, and approved in writing by, the District Planning authority. This should include:</p> <ul style="list-style-type: none"> <li>• Detailed plans, long-sections and cross-sections of the works and its relationship to the main river channel and corridor;</li> <li>• A minimum of an 8 metre unobstructed buffer zone from the top of the bank surrounding the watercourse or landward toe of any defence or culvert, is maintained around main rivers for access and biodiversity;</li> <li>• Any reduction must demonstrate how any impacts on flood risk, water quality or biodiversity are to be mitigated or compensated for, taking into account the Water Framework Directive and agreed in writing with the District Planning Authority.</li> </ul> <p>The development shall thereafter be fully implemented and subsequently maintained, in accordance with the details approved or as may subsequently be agreed, in writing, by the District Planning authority.</p> |

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|    |  | Reason: Parameter Plan 4 details the proposed strategic access points including vehicular and public rights of way. This identifies the locations at which the primary vehicular and pedestrian corridors cross watercourses. These crossings/underpasses are also highlighted within the preliminary WFD assessment. This condition is necessary to ensure that there are no detrimental impacts to water quality, biodiversity, the structural integrity of main river watercourses and to reduce the risk of flooding to the proposed development and future users. This is in accordance with Policies WAT1 'Flood Risk Management' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018)                      |
| 65 | Delivery and Servicing Management Plan | <p>Prior to occupation of any non-residential floorspace, a Delivery and Servicing Management Plan (DSMP) for that floorspace shall be submitted to and approved in writing by the District Planning Authority. Thereafter, deliveries to and servicing of that floorspace shall be in accordance with the approved DSMP unless otherwise agreed in writing by the District Planning authority.</p> <p>Reason: In order to safeguard residential amenity, and pedestrian, cyclist and traffic safety, and to secure compliance with Policy TRA2 of the East Herts District Plan (2018) and AG8 of the Gilston Area Neighbourhood Plan 2021.</p>  |
| 66 | Village 6 Curled Hook Moss             | <p>Prior to the commencement of development in Village 6 an Ecological Management Plan and Surface Water Drainage Strategy shall be submitted to and approved in writing with the District Planning Authority to:</p> <ul style="list-style-type: none"> <li>• Carry out a ground investigation in the vicinity of where Curled Hook Moss was observed along Stone Basin Springs, including water level and quality monitoring, to determine the hydrogeological conditions that provide base-rich water that is required for this moss species.</li> <li>• Carry out a hydrological risk assessment to determine the risk to this moss species from development of Village 6 and any changes in the prevailing hydrogeological regime.</li> </ul> |

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|  |  | <ul style="list-style-type: none"> <li>Where required following the risk assessment, ensure that the Surface Water Drainage Strategy for Village 6 includes appropriate mitigation measures to mitigate the risk of adverse impacts to the Curled Hook Moss where it is found along Stone Basin Springs.</li> <li>In keeping with the Surface Water Drainage Strategy, ensure that any SuDS proposed have a suitable long term management and maintenance regime.</li> </ul> <p>Reason: in accordance with Policies WAT1 'Flood Risk Management' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018)</p> |
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#### Informatics

1. 'Enabling works' are defined as [to be added]
2. 'Local Planning Authority' means East Herts Council.
3. 'Highway Authority' means Hertfordshire County Council. The Local Planning Authority will consult with the Highway Authority when providing agreement in writing on applications to discharge relevant conditions.
4. Section 106 (S106) Agreement:  
This planning permission is also subject to a Planning Obligation under S106 of the Town and Country Planning Act 1990 (as amended).
5. Other Consents:  
The permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Highways Act, Building Regulations or under any other form

of law, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency etc. Neither does this permission negate or override any private covenants which may affect the land.

6. Highways Agreements:

The applicant is advised that in order to implement this permission, it will be necessary for the developer of the site to enter into agreements with Hertfordshire County Council as Highway Authority under Section 278 and Section 38 of the Highways Act 1980 to ensure satisfactory completion of the site access and road improvements. The construction must be undertaken to the Highway Authority's detailed design / specification and to their satisfaction. Construction must be undertaken by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and meet their requirements.

In addition, that the agreements under Section 38 of Highways Act for the highways authorities to adopt the newly constructed public highway (and any related features that are required for its operation) on its satisfactory completion include financial provision for future maintenance. Highways Development Management teams should be consulted on any drainage features that are proposed for adoption by Hertfordshire County Council. Any drainage features to be adopted shall be designed and built to accommodate the Highway Authorities adoption requirements and an appropriate commuted sum, based on the approved feature maintenance plan must be agreed.

7. Storage of Materials:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/materials-on-the-highway.aspx>

8. Obstruction of Public Highway Land:

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way

to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx>

9. Road Deposits:

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx>

10. Stopping Up of Public Highway Land:

An application for a "stopping up" order to extinguish highway rights over the land will need to be made. In this respect, this initially needs to be made to Hertfordshire County Council via <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/stopping-up-the-highway.aspx#>

If this proposal is acceptable to the highway authority, then you would need to either make an application to the County Council, as highway authority, for a highway "stopping up" order under Section 116 of the Highways Act 1980 for the area of land in question.

Any such application together with a plan showing the area concerned should be sent to Legal Services, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DE. The costs of making such an order would be in the region of £3,500 - £5,500 which includes the formal consultation and application to the Magistrates Court.

Alternatively, if any such request is in conjunction with the redevelopment of the property, then you may wish to apply for a "stopping up" Order pursuant to Section 247 of the Town and Country Planning Act 1990. All such applications

would need to be made to the Secretary of State's National Transport Casework Team (nationalcasework@dft.gov.uk, see also the DfT website); and

In the meantime, note that when an area of highway is "stopped up" then the surface of the land reverts back to the original owner of the subsoil of the land. This may or not be the applicant.

Details of the ownership of land may be available at the Land Registry, Leicester Office, Westbridge Place, Leicester, LE3 5DR. Their phone number is 0333 011 3500. Land Registry can also be contacted by e-mail on [contact@uklandregister.co.uk](mailto:contact@uklandregister.co.uk)

#### 11. Highways Structures:

The applicant is advised that in connection with any proposals for highway structures it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Management Team in connection with the requirements of Department for Transport Standard CG 300: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority by telephoning 0300 123 4047 or by email: [highway.structures@hertfordshire.gov.uk](mailto:highway.structures@hertfordshire.gov.uk)

#### 12. PROW Obstruction:

The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the

website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or by email on [row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk) for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

[https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_1](https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_1)

#### 13. Land Contamination:

The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.

#### 14. Thames Water Assets:

The proposed development is located within 15 metres of Thames Water's underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'Working Near Our Assets' to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near their pipes or other structures which is available via

<https://www.thameswater.co.uk/developers/larger-scale-developments/sewers-and-wastewater/build-over-or-near-a-sewer>.

Should you require further information contact Thames Water on email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) or phone: 0800 009 3921 (Monday to Friday, 8am to 5pm). Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

#### 15. National Grid

National Grid's Overhead Lines are protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect the asset. Statutory electrical safety clearances must be maintained at all times. These distances are set out in EN 43 – 8 Technical Specification and 'Development near overhead lines' (July 2008)

Appendix III which is available via

[https://www.nationalgrid.com/sites/default/files/documents/Development%20near%20overhead%20lines\\_0.pdf](https://www.nationalgrid.com/sites/default/files/documents/Development%20near%20overhead%20lines_0.pdf)

Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum 'sag' or 'swing' conditions.

If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of our towers.

#### 16. Additional Regulatory Considerations:

Additional regulatory consideration may be required on some of specialist matters relevant to this permission as follows:

I. Archaeological requirements: contact Hertfordshire County Council Historic Environment Team via email:

[historic.environment@hertfordshire.gov.uk](mailto:historic.environment@hertfordshire.gov.uk) and phone: 01992 555 021.

II. Sewer protection requirements: the site has public sewers running across or close to it which may be affected by the proposed building works. It may be necessary to divert the sewer and water course and carry out other works to protect it and the proposed building works before any site works are commenced. Contact: Thames Water Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ. Phone number: 01923 898 072.

III. Ground water pollution risk: parts of the site are located within the groundwater protection zone of Sawbridgeworth Pumping Station. The construction works and operation of the proposed development should be in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the pollution risk. Construction works may exacerbate any existing pollution. Please refer to CIRIA Publication C532 'Control of water pollution from construction – guidance for consultants and contractors'.

IV. Protected species including bats / reptiles / great crested newts: if found during development, works must stop immediately and professional ecological advice must be sought on how to proceed. A licence may be required from Natural England who can be contacted on email: [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk) or phone: 0300 060 3900 / 01206 796 666.

V. Nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September.

#### 17. Land Drainage:

Land drainage procedures, rights and legal requirements taking account of Environment Agency and Lead Local Flood Authority (LLFA) requirements and advice. All works to ordinary watercourses, including widening of the channel to include additional storage will require ordinary watercourse consent from the LLFAs. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners. Any works proposed to be carried out that may affect the flow within an ordinary watercourse (including erection of flow control structures, any culverting of an ordinary watercourse or works taking place within and/ or over the culvert or within 3 metres of the top of bank of the ordinary watercourse) will also require the prior written consent from the LLFA under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of planning permission.

The LLFAs have a duty to maintain an asset register and records of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage (SuDS) features which may form part of the future register, details of and location of the SuDS assets created or modified through the development should be provided in a GIS layer on completion of the development.

For further advice on what the LLFA expect to be contained within the FRA to support a planning application, please refer to the Developers Guide and Checklist on the surface water drainage webpage via:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

This link also includes Hertfordshire County Council's policies on SuDS in Hertfordshire.

18. Surface Water Discharge to River Stort:

Any surface water discharge to the River Stort will require prior consent from the Canal & River Trust. Please contact Chris Lee from the Canal River Trust Utilities Team via [Lee.Chris@canalrivertrust.org.uk](mailto:Lee.Chris@canalrivertrust.org.uk).

19. Property Gazetteer Custodian Requirements:

The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Finance and Support Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Hertford, SG13 8EQ. Phone number: 01279 655 261.

20. Bins:

Bins for apartment buildings should be ordered direct from the Council's contractor ten weeks in advance of first occupation. Bins for houses should be ordered direct from the Council's contractor two weeks in advance of first occupation.

# Development Management

- 01279 655261
- [www.eastherts.gov.uk](http://www.eastherts.gov.uk)
- East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

 EastHertsDC  
 EastHerts  
 eastherts council



Application Ref: 3/19/1046/FUL

Mr Philip Murphy  
Quod  
Quod  
8-14 Meard Street  
London  
W1F 0EQ

## Town and Country Planning Act 1990 (as amended)

### DECISION NOTICE

**Alterations to the existing Fifth Avenue road/rail bridge, and creation of new bridges to support the widened highway to west of the existing structure to create the Central Stort Crossing, including embankment works, pedestrian and cycle facilities, a pedestrian and cycle bridge over Eastwick Road, lighting and landscaping works and other associated works**

**Land Adj To Fifth Avenue Existing Eastwick Crossing Hertfordshire/Harlow**

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

#### Grant Planning Permission subject to Conditions

For the development proposed in your application received 20th May 2019 and registered on 12th June 2019 and shown on the approved plans.

#### Conditions:

1. Consistent implementation of permissions across Local Planning Authority boundaries:  
No development shall commence until planning permissions are granted for the development as a whole, as detailed in planning applications reference 3/19/1046/FUL (East Herts District) and HW/CRB/19/00220 (Harlow District).

Reason: To ensure, for the development to perform its function, sections of the new roads and bridges must be constructed as a whole across local authority boundaries, that the relevant phases of the development are capable of being built on both sides of the local authority boundary.

2. Approved Drawings and Documents:  
Subject to any contrary details, drawings and timetables approved under any condition, the development shall be carried out in accordance with the approved drawings listed in the Decision Notice.

Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

3. Time Limit for Commencement:

The development hereby approved shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to ensure the timely implementation of the development.

4. Linking Implementation to the Outline:

The development hereby permitted shall not be commenced (save for Enabling Works) unless and until planning permission has been granted for the development pursuant to planning application no. 3/19/1045/OUT (Gilston Area Villages 1-6).

Reason: The harm to the Green Belt and other harms arising from the development are outweighed by the significant public benefit arising from its contribution towards a shift towards active and sustainable travel associated with strategic growth in the Gilston Area and the wider Harlow and Gilston Garden Town in accordance with Policies GA1 'The Gilston Area' and GA2 'The River Stort Crossings' of the East Herts District Plan (2018) and Policies HGT1 'Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town' and SIR1 'Infrastructure Requirements' of the Harlow Local Development Plan (2020).

5. Submission and approval of phasing plans and documents:

Prior to the commencement of the development hereby approved (save for Enabling Works), a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall set out the details of the proposed sequence of development and the extent and location of individual development phases or sub-phases.

Once approved, the development shall be implemented in accordance with the approved Phasing Plan (or any subsequent revision thereof approved in writing by the Local Planning Authority).

Reason: To ensure proper management of the phasing of the development, compliance with essential pre-commencement conditions on the development and the provision of relevant mitigation at appropriate times throughout the development, in a way that does not prevent or unnecessarily hinder practical implementation, and in the interests of the amenity of occupiers and users of the site and in accordance with the requirements of Policies DEL1 'Infrastructure and Service Delivery' and DEL4 'Monitoring of the Gilston Area' of the East Herts District Plan (2018), and Policy IN2 'Impact of Development on the Highways Network Including Access and Servicing' of the Harlow Local Development Plan (2020).

6. Energy & Sustainability Strategy:

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) an Energy and Sustainability Strategy for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

The Strategy will include details of the measures to be implemented to minimise climate impacts arising from the development taking account of all levels of the energy hierarchy and consideration of the East Herts Sustainability Supplementary Planning Document and Harlow and Gilston Garden Town Sustainability Guidance.

The Energy and Sustainability Strategy will specifically address the following:

# Development Management

- ▶ 01279 655261
- ▶ [www.eastherts.gov.uk](http://www.eastherts.gov.uk)
- ▶ East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

-  EastHertsDC
-  EastHerts
-  eastherts council



- a) How green infrastructure, urban greening and water management have been integrated;
- b) Reducing energy and carbon embodied in construction materials through re-use and recycling of existing materials where possible, and the use of sustainable materials and local sourcing where possible;
- c) Considering high quality innovative design, new technologies and construction techniques, including zero or low carbon energy/energy generation and water efficient, design and sustainable construction methods;
- d) Demonstration that energy and carbon reduction and sustainability has been considered in all stages of the commissioning, procurement, transportation and construction processes.

The phase or sub-phase of the development shall thereafter be implemented in accordance with the relevant approved energy and sustainability strategy.

Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance with Policy CC2 'Climate Change Mitigation' of the East Herts District Plan (2018) and Policy PL3 'Sustainable Design, Construction and Energy Usage' of the Harlow Local Development Plan (2020).

## 7. Materials:

Prior to the commencement of any above ground construction works (save for Enabling Works) on any phase or sub-phase of the site (as defined in plans and documents approved pursuant to Condition 5), the external materials of construction for the structures on that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only using the approved materials.

Reason: In the interests of amenity and good design in accordance with Policy DES4 'Design of Development' of the East Herts District Plan (2018) and Policies PL1 'Design Principles for Development' and 2 'Amenity Principles for Development' of the Harlow Local Development Plan (2020).

## 8. Levels:

Prior to the commencement of construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) detailed plans showing the existing and proposed ground levels for that phase or sub-phase of the site relative to adjoining land, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 'Design of Development' of the East Herts District Plan (2018) and Policies PL1 'Design Principles for Development' and 2 'Amenity Principles for Development' of the Harlow Local Development Plan (2020).

9. Details of river / canal crossings and related structures (in respect of management of water course related environmental issues):

Prior to the commencement of construction works (save for Enabling Works) for each relevant phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) full details of any vehicular or pedestrian river crossings or underpasses on main rivers, or other relevant works (e.g. realignment of a watercourse), informed by a detailed Water Framework Directive assessment, for that phase or sub-phase shall be submitted to, and approved in writing by, the Local Planning Authority.

This should include (as relevant to that phase of the development):

- a) Detailed plans, long-sections and cross-sections of the road or pedestrian crossing/underpass structure or other relevant works, and its relationship to the main river channel and corridor;
- b) A minimum of an 8 metre unobstructed buffer zone is maintained around main rivers for access and biodiversity, except adjacent to structures (as shown on the approved plans in Condition 2). Any reduction must demonstrate how any impacts on flood risk, water quality or biodiversity are to be mitigated or compensated for, taking into account the Water Framework Directive and be agreed in writing with the Local Planning Authority.

The development shall be fully implemented and subsequently maintained, in accordance with the details approved or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure compliance with the Water Framework Directive and the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 174 and 180 of the NPPF 2021 and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan 2018, and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

10. Details of Stort Navigation (canal) crossing and related structures (in respect of management of the navigable water way and its amenities):

Prior to the commencement of any phase or sub-phase of the development (save for Enabling Works) related to the Stort Navigation canal road bridge (as defined in plans and documents approved pursuant to Condition 5), full details of the following shall be submitted to and approved in writing by the local planning authority:

- a) Details of materials and finishes to be used in the construction of the canal road bridge abutments, beams, deck and parapets;
- b) Details of vehicle and pedestrian restraint systems;
- c) The proposed layout and materials of the ramp and steps adjacent to the towpath, including any railings and detail of how the ramp will interact with the bridge holes adjacent;
- d) A lighting strategy for the tow path tunnel which demonstrates how a balance can be achieved between ensuring safety for vehicles, pedestrians, cyclists and users of the highway whilst also ensuring that the proposals would not cause an unacceptable impact on amenity, biodiversity or landscape and visual effects.
- e) A maintenance strategy in relation to the above.

The canal road bridge shall thereafter be implemented in accordance with the approved details prior to its first use.

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Reason: To ensure the proposals have no adverse impact on highway safety, amenity or the character, appearance and biodiversity of the Stort Navigation (canal) or the use of its towpath and in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', NE3 'Species and Habitats', EQ3 'Light Pollution', CFLR3 'Public Rights of Way', CFLR4 'Water Based Recreation' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE1 'Strategic Green Infrastructure', WE3 'General Strategy for Biodiversity and Geodiversity' PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', PL1 'Design Principles for Development', PL2 'Amenity Principles for Development' PL8 'Green Infrastructure and Landscaping', PL9 'Biodiversity and Geodiversity Assets', PL10 'Pollution and Contamination', and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

11. Pedestrian/ Cycle Bridges (Eastwick Road and Stort Navigation) (Detailed design): Prior to the commencement of the phase or sub-phase of the development (save for Enabling Works) related to the pedestrian and cycle bridges over Eastwick Road and over the Stort Navigation (as defined in plans and details approved pursuant to Condition 5), a Design Brief shall be submitted to and approved in writing by the Local Planning Authority. The Design Brief shall set out the basis upon which the design of the bridges will be determined and shall have regard to inclusive design, the safety and needs of diverse and / or vulnerable users of the Pedestrian/ Cycle Bridges. The Design Brief shall include details of an engagement strategy identifying how the design shall be informed through engagement.

Prior to the construction of the pedestrian and cycle bridges over Eastwick Road and over the Stort Navigation (save for Enabling Works) (as defined in plans and details approved pursuant to Condition 5), full details shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall have regard to inclusive design, the safety and needs of diverse and / or vulnerable users of the Pedestrian/ Cycle Bridges, and shall include as a minimum:

- Full elevation drawings and cross sections to demonstrate the scale and layout of the bridge, including gradients
- Details of materials and appearance
- Details of structures including fencing, chicanes, seating, signage
- Hard and soft landscaping proposals, including measures to ensure a satisfactory boundary relationship between the Stort Navigation Pedestrian and Cycle Bridge and adjacent land uses to the east of the bridge
- Details of lighting
- Details of how innovative, sustainable design solutions have been incorporated
- Details of how sustainable construction methods and materials have been incorporated
- Demonstration of compliance with approved parameters pursuant to Condition 2 (VD17516-CC-121-CoMP P03, VD17516-CC-121.1-COMP P03 and CSC Footbridge Design Parameters Revision C)
- A maintenance strategy in relation to the above.

The construction of the pedestrian and cycle bridge over Eastwick Road and over the Stort Navigation shall be carried out in accordance with the approved details and shall be practically completed and open to the public within six months of the completion of the full Central Stort Crossing.

Reason: To allow for approval of the details of this part of the development, as the detailed design of the bridge is not included in approved application drawings and to ensure the delivery of a high quality sustainable design solution for the crossing that supports sustainable travel and both complements and avoids adverse impacts on the character and appearance of the River Stort and the use of its towpath. This is in accordance with policies CC1 'Climate Change Adaptation', CC2 'Climate Change Mitigation', TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation' and DES4 'Design of Development' of the East Herts District Plan (2018) and Policies PL1 'Design Principles for Development', PL2 'Amenity Principles for Development', Policy PL3 'Sustainable Design, Construction and Energy Usage', SIR2 'Enhancing Key Gateways' and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

12. **Lighting Strategy:**

Prior to the commencement of construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Lighting Strategy for that phase or sub-phase shall have regard to inclusive design, the safety and needs of diverse and / or vulnerable users of the Pedestrian and Cycle Bridges and routes, including under bridges as applicable, and shall be submitted to and approved in writing by the Local Planning Authority.

The Strategy shall include the following details as a minimum:

- a) Details of the proposed location(s) of all lighting to be installed.
- b) Details of the make and model of the proposed lighting.
- c) A LUX plan demonstrating the light spill from the proposed lighting.
- d) A timetable for provision.
- e) An operation and maintenance plan.

The strategy shall demonstrate how a balance can be achieved between ensuring safety for pedestrians, cyclists and users of the highway whilst also ensuring that the lighting proposals would not cause an unacceptable impact on amenity, biodiversity or landscape and visual effects.

The strategy shall demonstrate how consideration has been given to new and alternative technologies and innovative approaches to securing appropriate levels of light and reduction of energy consumption.

The approved lighting strategy shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of highway safety, the river environment, its users and its biodiversity and in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', NE3 'Species and Habitats', EQ3 'Light Pollution', CFLR3 'Public Rights of Way', CFLR4 'Water Based Recreation' CC2 'Climate Change Mitigation', CC3 'Renewable and Low Carbon Energy' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE1 'Strategic Green

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Infrastructure', WE3 'General Strategy for Biodiversity and Geodiversity'PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', PL1 'Design Principles for Development', PL2 'Amenity Principles for Development', 'PL3 Sustainable Design, Construction and Energy Usage', PL8 'Green Infrastructure and Landscaping', PL9 'Biodiversity and Geodiversity Assets', PL10 'Pollution and Contamination', and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

13. Public Realm Strategy for Burnt Mill Lane:

Prior to the commencement of the phase or sub-phase of the development directly associated with Burnt Mill Lane, Burnt Mill Close and the junction of Burnt Mill Lane with the existing Fifth Avenue crossing (as shown on Drawing VD17516-CC-100.1-GA P07 and as defined in plans and details approved pursuant to Condition 5), details of a Public Realm Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall include:

- Details of proposed function, layout and design
- Details of proposed surface and materials
- Soft and hard landscaping, including details of any proposed structures
- Measures to manage vehicular access and vehicle speed, including signage and wayfinding
- Measures to prioritise walking and cycling at the junction of Burnt Mill Lane and Fifth Avenue
- Details of lighting
- A maintenance strategy in relation to the above.

Reason: To allow for approval of the details of this part of the development, as the detailed design of the Burnt Mill Lane enhancements are not included in approved application drawings. And to ensure the delivery of a high quality public realm strategy for the route that supports active and sustainable travel.

14. Construction Environment Management Plan (CEMP):

Prior to the commencement of construction works (save for Enabling Works, but excluding site clearance, demolition and tree removal) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a detailed Construction Environmental Management Plan (CEMP) for that phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

CEMPs shall include the following as a minimum:

- Updated Code of Construction Practice;
- The construction programme and phasing;
- Hours of operation and delivery of materials;
- Details of any highway works necessary to enable construction to take place, including access;
- Parking and loading arrangements;
- Emergency planning response including fire prevention and control and worker welfare

- g) Bird Hazard Management Plan to mitigate risks to highway and aerodrome safety caused by the hazard from birds attracted to the site during construction;
- h) Details of site compound: location relative to the CSC site, lighting, hoarding, security, parking, material storage areas, and utilities, including measures taken to utilise renewable energy sources and to reduce energy consumption;
- i) Implementation of an Air Quality Dust Management Plan, incorporating measures for control of dust and dirt on the public highway including siting and details of wheel washing facilities, cleaning of site entrances, site tracks and the adjacent public highway;
- j) Details of consultation and complaint management with local businesses and neighbours including contact details;
- k) Waste management proposals;
- l) Mechanisms to deal with environmental and heritage impacts such as noise and vibration, air quality and dust, light and odour, including pollution incident response processes; and
- m) Surface water management plan during construction;
- n) Demonstrate how the CEMP for that phase has been cognisant of the CEMP(s) for prior phases.

All works shall be carried out in accordance with the approved relevant CEMP thereafter, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: In the interests of amenity and to limit and control environmental impacts in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', DES4, 'Design of Development', EQ2 'Noise Pollution', EQ4 'Air Quality', WAT1 'Flood Risk Management', WAT2 'Source Protection Zones' and WAT3 'Water Quality and the Water Environment' of the adopted East of the East Herts District Plan (2018) and Policies PL2 'Amenity Principles for Development', PL10 'Pollution and Contamination', PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

15. Construction Traffic Management Plan (CTMP):

Prior to the commencement of construction works (save for Enabling Works, but excluding site clearance, demolition and tree/ vegetation removal) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Construction Traffic Management Plan (CTMP) for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

CTMPs shall include the following details as a minimum:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements;
- d) Delivery and unloading arrangements;
- e) A construction travel plan to include site operatives and other on-site personnel
- f) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- g) Provision of sufficient on-site/ compound parking prior to commencement of construction activities;
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

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- i) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- j) Measures to be taken to seek approval from the highway authority that the highway extent has been marked out accurately prior to construction.
- k) Demonstrate how the CTMP for that phase has been cognisant of the CTMP(s) for prior phases.

Thereafter, the construction of the development shall only be carried out in accordance with the approved CTMP, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To protect highway safety and the amenity of users of the public highway and rights of way in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', DES4 'Design of Development', EQ2 'Noise Pollution', EQ4 'Air Quality', WAT1 'Flood Risk Management', WAT2 'Source Protection Zones' and WAT3 'Water Quality and the Water Environment' of the adopted East of the East Herts District Plan 2018 and Policies PL1 'Design Principles for Development', PL2 'Amenity Principles for Development', PL10 'Pollution and Contamination', PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan 2020, as well as relevant Highway Authority policies.

16. Construction Landscape and Ecological Management Plan (CLEMP):  
Prior to the commencement of any construction works (save for Enabling Works, but excluding site clearance, demolition and tree/vegetation removal) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Construction Landscape and Ecological Management Plan (CLEMP) for that phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

CLEMPs shall include the following details as a minimum:

- a) Measures taken to minimise impacts on the landscape and landscape character during construction
- b) Description and evaluation of features to be managed, including bat commuting routes and other ecologically sensitive areas or species, trees, hedgerows, woodlands, watercourses and other existing environmental features on-site and off-site
- c) Measures to be taken to protect and manage the features identified above during the construction process, including pre-construction checks, construction methodology, and watching briefs/Ecological Clerk of Works
- d) Details of the body or organisation responsible for implementation of the CLEMP and timetables for implementation
- e) Details of ongoing monitoring (including timetables) and details of how and when any remedial action will be identified, agreed and implemented
- f) Demonstrate how the CLEMP for that phase has been cognisant of the CLEMP(s) for prior phases.

Thereafter, the construction of the development shall only be carried out in accordance with the approved CLEMP, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To secure the protection of existing landscape features and habitats of ecological interest and protected species in accordance with Policies NE1 'International, National and Locally Designated Nature Conservation Sites', and NE3 'Species and Habitats' of the East Herts District Plan (2018) and Policies WE3 'General Strategy for Biodiversity and PL9 'Biodiversity and Geodiversity Assets', of the Harlow Local Development Plan (2020).

17. Implementation of Floodplain Compensation Measures:

The development hereby permitted shall be carried out in complete accordance with the submitted Highways Drainage Strategy and Drawings VD17516-CC-502 P05 and VD17516-CC-502.1 P05 and the following measures they detail:

- a) Compensatory storage shall be provided south of the A414 in accordance with drawing VD17516-CC-502 P05. A compensation area of 5,233m<sup>3</sup> will be provided by lowering land (Highways Drainage Strategy Chapter 8, bullet point 3).
- b) These measures shall be fully implemented prior to any widening of the existing crossing in accordance with the scheme's phasing and timing arrangements (as defined in plans and details approved pursuant to Condition 5).

The measures detailed above shall be retained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy WAT1 'Flood Risk Management' of the East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

18. Water Framework Directive Mitigation and Enhancement Strategy:

No phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), shall take place until a Water Framework Directive Mitigation and Enhancement Strategy for that phase or sub-phase has been submitted to, and approved in writing by, the Local Planning Authority.

The strategy for that phase or sub-phase shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements as relevant to that phase or sub-phase:

- a) Evidence that the development will cause no deterioration of waterbody status, nor prevent future improvement to the waterbody, nor contribute to cumulative deterioration of the River Stort and Stort Navigation using up to date Water Framework Directive classification data;
- b) Long-term objectives, management responsibilities and maintenance schedules;
- c) Update the existing scour assessment in the current Water Framework Directive assessment to confirm impacts and mitigation requirements (if additional mitigation needed) for the final design;
- d) Details of any proposed enhancements to watercourses and their corridors to support improving overall Water Framework Directive status (with reference to the approved Species and Habitat Protection and Enhancement Plan)

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Reason: To ensure compliance with the Water Framework Directive and the protection and enhancement of biodiversity in accordance with Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

19. **Risk Assessment & Method Statement:**

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development that involves works adjacent to the Stort Navigation (canal) (as defined in plans and documents approved Pursuant to Condition 5), a risk assessment and method statement outlining all works to be carried out adjacent to or affecting (directly or indirectly) the Stort Navigation (canal) in that phase or sub-phase must be submitted to, and approved in writing, by the Local Planning Authority.

The submitted details will include an assessment of any works to the banks of the River Stort Navigation and any works that may increase loading on the canal infrastructure.

Development shall thereafter be carried out in accordance with the approved risk assessment and method statements relevant to that phase or sub-phase.

Reason: To ensure that the works have no adverse impact on the structural integrity of the river walls and towpath. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial demolition and construction phases. In the interests of users of the Stort Navigation and the water environment in accordance with WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', of the Harlow Local Development Plan (2020).

20. **Land, Air & Water Contamination Investigation & Remediation:**

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), an Investigation and Remediation Strategy to deal with the risks associated with the contamination of land, air and water relevant to that phase or sub-phase shall be submitted to, and approved in writing by, the Local Planning Authority.

The investigation and remediation strategy shall include the following elements:

- a) A site investigation scheme, based on the preliminary risk assessment/desk studies, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- b) The results of the site investigation and the detailed risk assessment referred to in a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken;
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The Remediation Strategies shall thereafter be implemented in complete accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of land, air or water pollution in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

21. Land, Air & Water Contamination Verification Report:

Prior to the completion of each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Verification Report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase or sub-phase shall be submitted to, and approved in writing, by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved investigation and remediation strategy and its remediation criteria have been met and that remediation of the site is complete in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

22. Contamination Monitoring and Maintenance Plan:

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Monitoring and Maintenance plan for that phase or sub-phase in respect of land, air and water contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority has been submitted to and approved in writing by, the Local Planning Authority.

The Monitoring and Maintenance Plan shall cover the period of construction of that phase or sub-phase plus a period of six months, and shall be cognisant of prior phases or sub-phases.

The Monitoring and Maintenance Plan shall thereafter be fully implemented and complied with in accordance with the approved details.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved monitoring and maintenance plan have been met in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality,

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'Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

23. **Unsuspected Contamination:**

If, during site investigation works and/or development, contamination not previously identified is found to be present at the site then all works in that phase or sub-phase must immediately cease and no further development shall be carried out in that phase or sub-phase until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority without delay.

The remediation strategy shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of land or water pollution from previously unidentified contamination sources at the development site. No site investigation can fully characterise a site. This approach is in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

24. **Site Waste Management Plan:**

Prior to the commencement of any demolition or construction works (save for Enabling Works, but excluding demolition), for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Site Waste Management Plan (SWMP) for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

The Site Waste Management Plan shall set out the following:

- Details of waste arising during both the site preparation, demolition and construction phases- type and estimated volume;
- Confirmation that opportunities to reuse waste generated by the site are maximised;
- where residual waste is to be disposed from the site, details shall be provided as to the volumes, type and timing of waste disposal from the site;
- Where waste is being transported to, together with details of the waste carrier;

Demolition and construction shall take place in accordance with the relevant approved Site Waste Management Plan for that phase or sub-phase.

Reason: In order to minimise waste and ensure most sustainable disposal in accordance with Policy CC2 'Climate Change Mitigation' of the East Herts District Plan (2018) and Policy PL3 'Sustainable Design, Construction and Energy Usage' of the Harlow Local Development Plan (2020).

25. **Infiltration Drainage:**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

**Reason:** This condition relates to where contamination is present and may be mobilised due to the infiltration of surface water or where contaminated surface water may result in an input of contaminants to groundwater. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This approach is in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

**26. Piling/Deep Foundations Method Statement:**

No piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall be undertaken until a Piling/ Deep Foundation Method Statement has first been submitted to and approved in writing by the Local Planning Authority in consultation with potentially affected parties responsible for sub-surface infrastructure.

The Statement shall include an assessment of impacts on noise, vibration, land stability, ground water levels, underground pipes and other infrastructure as well as details of the measures to be taken to mitigate any adverse effects.

The groundworks shall thereafter be carried out in accordance with the approved details.

**REASON:** To ensure that the proposed Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) do not harm groundwater resources, damage essential infrastructure and do not have an adverse impact on the local amenity in accordance with Policies EQ1 'Contaminated Land and Land Instability', EQ2 'Noise Pollution' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

**27. Scheme for Managing Borehole Investigation:**

Prior to commencement of any phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), that involves the installation of, or use of, existing boreholes, a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the operational use of each phase or sub-phase of development and no boreholes should be decommissioned until it has been agreed in writing that they are no longer required.

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Reason: To ensure that a sufficient monitoring network is maintained to allow for the completion of any monitoring required and to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

28. **Implementation of Drainage Strategy:**

The development hereby approved shall be carried out in accordance with the principles of the approved Drainage Strategy (Reference number: EHUK-VEC-1XX-XX—TN-D-9001 B) and shall include and follow the mitigation details identified for each drainage catchment including:

- a) Specification to demonstrate and follow an appropriate Sustainable Drainage System (SuDS) management and treatment train.
- b) Prioritise on-surface conveyance features.
- c) Provision of biodiversity enhancement within SuDS provision.
- d) Provision of drainage catchments as per the agreed characteristic below - or such discharge rates and storage volumes agreed with the Local Planning Authority following detailed design:
  - o Catchment C1 - limiting the surface water runoff generated by the critical storm events to the maximum of 17 l/s for the 1 in 30 year event providing a minimum of 898m<sup>3</sup> of storage.
  - o Catchment C2 - limiting the surface water runoff generated by the critical storm events to the maximum of 5 l/s for the 1 in 30 year event providing a minimum of 215m<sup>3</sup> of storage.
  - o Catchment C3 - limiting the surface water runoff generated by the critical storm events to the maximum of 5 l/s for the 1 in 30 year event providing a minimum of 95m<sup>3</sup> of storage.

The mitigation measures shall be fully implemented prior to operational use of the development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the development appropriately addresses climate change and the risk of flooding, to ensure satisfactory storage of and disposal of surface water from the entire strategic drainage network, to improve and protect water quality and to protect natural habitats in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

29. **Detailed Surface Water Drainage Scheme:**

Prior to the commencement of each phase or sub-phase of the development (save for Enabling Works) (as defined in plans and documents approved pursuant to Condition 5), a Detailed Surface Water Drainage Scheme for that phase or sub-phase, or for the whole

affected catchment based on the approved Drainage Strategy and sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council/ Essex County Council as Lead Local Flood Authorities.

The Scheme shall accord with the approved SuDS principles and shall include the following details as relevant to that phase or sub-phase:

- a) Demonstration of an appropriate, final and detailed SuDS management and treatment train for each outfall.
- b) Information on ground conditions, including desk-based assessment, exploratory hole logs, in-situ test data, including infiltration tests undertaken in accordance with the BRE 365 testing procedure and, records of groundwater level monitoring, undertaken for a minimum period of 6 months over the autumn/winter period. .
- c) Verification of the suitability of infiltration of surface water for the development.
- d) Any existing drainage network within the extents of the planning application boundary, into which new highway runoff is being discharged, shall be checked to be functional/operational and the highway authority to be advised of existing blockages which need maintenance to repair. Additional attenuation storage shall be provided if identified as required, to reflect any net increases in runoff quantities being discharged into the existing networks, to avoid downstream flooding.
- e) Detailed plan showing the finalised drainage catchment areas.
- f) Full, detailed modelling for the strategic network to demonstrate how the system operates during up to and including the 1 in 1 year, the 1 in 30 year and the 1 in 100 year rainfall event including 40% allowance for climate change. Primarily surface water storage to be provided for up to and including the 1 in 30 year rainfall event.
- g) Full detailed engineering drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled, detailed drainage layout plan showing any SuDS and pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes. Total storage volumes provided within each catchment should be identified.
- h) Identification of opportunities to address existing surface water flooding in the immediate vicinity of the development site, within the extents of the red line planning application boundary.
- i) Detailed topographical surveys of the site and any existing watercourses.
- j) A Catchment Walkover of receiving watercourses shall be undertaken including topographical survey, details of water levels, and the location of existing structures that may constrain flows along watercourses receiving surface water runoff from the development, to ensure that there is sufficient capacity to accommodate future changes in flows.
- k) Full condition survey of all existing structures on all watercourse networks impacted by the proposed development or located within the development site.
- l) Full details of connection points to ordinary watercourses and main rivers, including cross sections and long sections drawings of any new proposed structures.
- m) Details of final exceedance routes above the designed 1 in 30 year return period, also including those for an event which exceeds to 1:100 rainfall event including climate change event.
- n) A management and maintenance plan including maintenance and operational activities. This should include land ownership plans with identified operators responsible for any future maintenance for the lifetime of the development.
- o) Phasing plan for the provision of SuDS and drainage infrastructure within each drainage catchment.

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- p) Final, detailed planting plans for all proposed SuDS features and its surrounding area.
- q) Assessment of all works impacting on any existing ordinary watercourses and identification with acknowledgement of any needed ordinary watercourse consents.
- r) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 year plus 40% climate change critical storm event.
- s) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753 and Highways England Water Risk Assessment Tool (HEWRAT).
- t) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage network shall be designed and fully implemented in accordance with the details and phasing plan thus approved.

**Reason:** To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased risk and pollution hazard from the site. This is in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

## 30. SuDS Completion & Verification Report:

Within three months of completion of SuDS works for each phase or sub-phase (as defined in plans and documents approved pursuant to Condition 5), or for a defined catchment relevant to the development, a final Completion and Verification Report for that phase or sub-phase or catchment shall be submitted to, and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council/ Essex County Council as Lead Local Flood Authorities.

The Completion and Verification Report shall include the following details:

- a) Provision of a Completion and Verification Report appended with substantiating evidence demonstrating the approved construction details and specifications for the SuDS features and drainage network have been implemented in accordance with the surface water drainage scheme. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure, during construction and final make up, and the control mechanism.
- b) Provision of a complete set of as built drawings for site drainage.
- c) Post-construction surveys including a CCTV survey for any underground features and piped networks.
- d) A management and maintenance plan for the SuDS features and drainage network, which should include details of the maintenance activities/ frequencies for each feature.

e) Final arrangements for adoption with identified operators responsible for future maintenance and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure approved drainage measures are fully implemented and appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is incomplete and / or not properly maintained and may increase flood risk or pollution hazard from the site. This is in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

31. **Tree and Hedge Removal:**

Until the end of five years following completion of each phase of the development (as defined in plans and documents approved pursuant to Condition 5), all existing trees and hedges which are shown on the approved drawings as being retained, shall be retained and shall not be damaged, cut down, uprooted or destroyed without the prior consent of the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 'Landscaping' of the East Herts District Plan (2018) and Policy PL7 'Trees and Hedgerows' of the Harlow Local Development Plan (2020).

32. **Tree and Hedge Protection Measures:**

No phase or sub-phase of development (as defined in plans and documents approved pursuant to Condition 5) shall commence until full details of the tree and hedge protection measures in respect of that phase or sub-phase have been submitted to, and approved in writing by, the Local Planning Authority and until the approved protection has been erected on site.

Protection measures shall be in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction, and be in place for the duration of the works on site. In the event that trees or hedging die, become damaged or otherwise defective within five years of completion of development within that phase or sub-phase, the Local Planning Authority shall be notified as soon as reasonably practicable, and remedial action agreed and implemented. The agreed remediation strategy and associated planting shall be undertaken during the first available planting season.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 'Landscaping' of the East Herts District Plan (2018) and Policy PL7 'Trees and Hedgerows' of the Harlow Local Development Plan (2020).

33. **Landscaping Strategy and Management and Maintenance Plan:**

Prior to the first public use of any phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a detailed hard and soft Landscaping Strategy for that phase or sub-phase shall be submitted to and approved by the Local Planning Authority, in consultation with the Highway Authority.

The Landscaping Strategy shall include as a minimum the following details:

a) Planting schedule to show species, sizes, number and densities;

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- b) Planting plans to show the location of proposed planting based on the approved landscaping drawings but informed by a consideration of the screening properties of the proposed planting;
- c) Written specifications to demonstrate cultivation and other operations associated with the establishment of grassland and planting;
- d) Details of hard landscaping proposals including surface treatment of SuDS maintenance access routes, fencing, gates, benches, lighting, bins and other structures;
- e) Details of signage and wayfinding;
- f) Details of any public art;
- g) Implementation timetables;
- h) Landscape Management and Maintenance Plan;
- i) Demonstration how the Landscape Strategy for that phase or sub-phase has been cognisant of the Landscape Strategies for prior phases.

The development shall be carried out in accordance with the approved Landscaping Scheme and the approved timetable and Landscape Management and Maintenance Plan.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, in consultation with the Highway Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation

Reason: In order to provide green infrastructure and landscaping in accordance with Policies NE4 'Green Infrastructure' and DES3 'Landscaping' of the East Herts District Plan (2018) and Policy 'PL8 Green Infrastructure and Landscaping' and SIR2 'Enhancing Key Gateways' of the Harlow Local Development Plan (2020).

34. Legally Protected Species and Habitat Protection and Enhancement Plan:  
No phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) shall commence (save for Enabling Works, but excluding site clearance, demolition and tree/ vegetation removal), until a Species and Habitat Protection and Enhancement Plan for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority.

The Species and Habitat Protection and Enhancement Plan shall detail measures to mitigate and/or compensate damages to protected and notable species (under The Wildlife and Countryside Act 1981) and their associated habitat.

The Species and Habitat Protection and Enhancement Plan must be based on up-to-date surveys and consider the whole duration of that phase or sub-phase of the development, from the construction phase through to completion.

The plan shall include the following (as far as is relevant to that phase or sub-phase):

- a) Up-to-date ecological surveys conducted by a suitably qualified ecologist, at the appropriate time of year;

- b) Details and drawings of the road crossings and culverts, including how they will interact with the watercourses (e.g. abutments, buffer zones, shading, lighting);
- c) Details of how the development will mitigate and compensate for any impacts it may have on protected species and their associated habitats and habitat corridors including floodplain restoration and how it will enhance habitats and corridors;
- d) Details of improvements to watercourse riparian corridors and river channels;
- e) Measures to be taken to ensure the safe movement of terrestrial mammals through/beneath the structures;
- f) Measures to be taken to provide bird and bat nesting and roosting sites on or around elevated structures;
- g) Measures to be taken to avoid disturbance to landscaping and habitats adjacent to pedestrian/cycle routes;
- h) Demonstration of how the above measures contribute towards biodiversity gain based on an up to date biodiversity net gain metric or alternative methodology as agreed by the Local Planning Authority;
- i) Description and evaluation of any features to be managed;
- j) Any specific ecological trends and constraints on the site that might influence management;
- k) Aims, objectives, actions and methods to ensure effective management;
- l) Preparation of a works schedule including an annual work plan capable of being rolled forward every 5 years;
- m) Details of ongoing management, maintenance, monitoring and remedial measures;
- n) A programme for implementation;
- o) Details of the body or organisation responsible for implementation and management of the plan;
- p) A scheme for the long-term funding and management mechanisms by which implementation, long term management and protection of these species and habitats will be secured.

The development shall be carried out in accordance with the approved details and the plan shall be implemented and the site managed in accordance with the approved details.

Reason: In order to provide an up to date baseline of biodiversity information and to ensure biodiversity is protected as far as possible and habitats are created and enhanced in accordance with Policies NE3 'Species and Habitats' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE3 'General Strategy for Biodiversity and Geodiversity' PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', and PL9 'Biodiversity and Geodiversity Assets' of the Harlow Local Development Plan (2020).

35. **Habitat Compensation Ecological Management Plan - Off-Site:**

Prior to the commencement of any phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), that results in the loss of habitat in the Parndon Moat Marsh Local Wildlife Site and Local Nature Reserve, and the Eastwick and Parndon Meads Local Wildlife Site, a Habitat Compensation Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority setting out how 1.33 Ha of compensatory habitat will be provided within the area of land identified in Drawing HNP495-GRA-SK-0011 Rev 03 - CSC Ecological Compensation.

The Plan shall include the following:

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- a) Details of how the development will mitigate and compensate for any impacts it may have on protected species and their associated habitats and habitat corridors including floodplain restoration and how it will enhance habitats and corridors;
- b) Demonstration of how the above measures contribute towards achieving a biodiversity net gain based on an up to date biodiversity metric or alternative methodology as agreed by the Local Planning Authority;
- c) Description and evaluation of any features to be managed;
- d) Any specific ecological trends and constraints on the site that might influence management;
- e) Aims, objectives, actions and methods to ensure effective management;
- f) Preparation of a works schedule including an annual work plan capable of being rolled forward every 5 years;
- g) Details of ongoing management, maintenance, monitoring and remedial measures;
- h) A programme for implementation;
- i) Details of the body or organisation responsible for implementation and management of the plan;
- j) A scheme for the long-term funding and management mechanisms by which implementation, long term management and protection of these species and habitats will be secured.

Thereafter, the Plan shall be implemented in accordance with the approved details and programme.

Reason: To ensure that the development compensates for the loss of designated sites of nature conservation interest in accordance with Policy NE1 and NE3 of the East Herts District Plan (2018) and Policy PL8 and PL9 of the Harlow Local Development Plan (2020).

## 36. Biodiversity Monitoring and Verification Plan:

Five years following completion of the development hereby approved (plus every five years thereafter for a period of 30 years) a Biodiversity Monitoring and Verification Report and Action Plan shall be submitted to the Local Planning Authority for approval.

The Report shall confirm the effectiveness or otherwise of the Landscape Management and Maintenance Plan (Condition 33), Species and Habitat Protection and Enhancement Plan (Condition 34) and Habitat Compensation Ecological Management Plan - Off-Site (Condition 35). The submission must be made by a suitably qualified professional.

As a minimum the report shall include a suite of quantitative and qualitative indicators using methods such as annual site walkovers, surveys and fixed-point photography, to monitor the implementation and effectiveness of mitigation/ management measures. The report shall include any remediation works required in order to address where measures may not be functioning and/or meeting net gain targets expected. The details of all survey findings shall be shared with Herts Ecological Record database.

Any remediation works identified shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development maintains, enhances and contributes appropriately to biodiversity in accordance with Policies NE3 'Species and Habitats' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE3 'General Strategy for Biodiversity and Geodiversity' PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', and PL9 'Biodiversity and Geodiversity Assets' of the Harlow Local Development Plan 2020.

37. Archaeological Written Scheme of Investigation:

No demolition shall be carried out nor shall any development commence in any phase or sub-phase of the site (as defined in plans and documents approved pursuant to Condition 5), until an Archaeological Written Scheme of Investigation covering that phase or sub-phase of the site has been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include an assessment of archaeological significance and research questions; and details of:

- a) The programme and methodology of site investigation and recording as suggested by the evaluation
- b) The programme for post investigation assessment
- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or person/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure the appropriate investigation for presence / recording of heritage assets in accordance with Policy HA3 'Archaeology' of the East Herts District Plan (2018) and Policy PL12 'Heritage Assets and their Settings' of the Harlow Local Development Plan (2020).

38. Implementation of Archaeological Investigation:

No development shall take place in any phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) other than in complete accordance with the programme of archaeological investigation and works set out in the Written Scheme of Investigation for that phase approved pursuant to Condition 37.

Reason: to ensure the appropriate investigation for presence / recording of heritage assets and to comply with the requirements of Policy GA1 of the East Herts District Plan 2018, Policy PL12 of the Harlow Local Development Plan and paragraph 211 of the NPPF 2021.

39. Post Archaeological investigation Assessment:

No phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), shall be brought into use until the site investigation and post investigation assessment has been completed for that phase or sub-phase in accordance with the programme set out in the Written Scheme of Investigation approved pursuant to Condition 37 and the provision made for analysis and publication where appropriate.

Reason: To ensure the appropriate investigation for presence / recording of heritage assets in accordance with Policy HA3 'Archaeology' of the East Herts District Plan (2018) and

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Policy PL12 'Heritage Assets and their Settings' of the Harlow Local Development Plan (2020).

40. **Land Restoration:**

In the event that outline planning permission has not been granted for planning application EHDC Ref 3/19/1045/OUT within 18 months of the date of this permission and Enabling Works have been undertaken:

(1) a Land Restoration Scheme of Work to restore any land that has been subject to and/or impacted by the Enabling Works shall be submitted to and approved by the Local Planning Authority within 21 months of the date of this permission; and

(2) any works carried out in connection with the development hereby permitted (e.g. as Enabling Works) shall be removed and the land restored to its former condition in accordance with the Scheme of Work and programme approved by the local planning authority.

The Land Restoration Scheme of Work to be submitted shall include a programme, detailed specifications and/or plans for remedial and restoration works, full details of replacement tree planting and landscaping along with a maintenance plan to the effect that should any part of replacement planting fail within a period of five years after planting these will be replaced.

The restoration works shall be carried out and completed in complete accordance with the approved details of the Land Restoration Scheme and evidence shall be provided to the satisfaction of the Local Planning Authority of the completion of the restoration works to be confirmed in writing.

If at any period within 21 months of the date of this permission any Enabling Works have been carried out and planning permission has not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Work.

**Reason:** Permitting "Enabling Works" enables the realisation of public benefits and helps to meet local plan requirements. If the crossing permission is unable to be implemented prior to expiry (on account of condition 4 not being satisfied) than any works to or harm caused to the crossing site is to be rectified so to reverse the effects of the "Enabling Works". In order to ensure the satisfactory replacement of landscaping features which are of amenity and/or biodiversity value, in accordance with Policies NE4 'Green Infrastructure', DES3 'Landscaping', DES4 (III) 'Design of Development' and TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation of the East Herts District Plan (2018) and Policy 'PL8 Green Infrastructure and Landscaping' of the Harlow Local Development Plan (2020).

41. **Employment and Training Strategy:**

Prior to the commencement of construction works on any part of the development hereby approved (save for Enabling Works), an Employment and Training Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall

set out the details of how employment and training opportunities will be provided to the local population during the construction phase of the development.

The Employment and Training Strategy shall provide details of the following:

- a) A schedule of new employment opportunities to be created through the proposed development, including (but not limited to) long-term job creation, short term/temporary job creation, apprenticeships, work placements, work experience and pre-employment training scheme placements.
- b) The process by which jobs will be advertised to local people
- c) The method in which the provision of jobs for local residents will be monitored
- d) Details of training programmes and opportunities, including through local education and further education establishments such as (but not limited to) Hertfordshire University, Herts Regional College, Harlow College and Job Centre Plus.

Once approved, the Employment and Training Strategy shall be implemented (including by all sub-contractors) in accordance with the approved details (or any subsequent revision thereof approved in writing by the Local Planning Authority).

Reason: To ensure opportunities are created for local residents to access employment and/or training during the construction of the development, in accordance with Policy GA1 (r) 'The Gilston Area' and ED6 'Lifelong Learning' of the East Herts District Plan (2018) and Policy PR4 'Improving Job Access and Training' of the Harlow Local Development Plan (2020).

42. **Low Noise Road Surfacing:**

Prior to the commencement of the development (save for Enabling Works), details of the low noise road surfacing to be provided on the section of Eastwick Road relevant to the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority

The development shall be delivered in accordance with the approved details.

Reason: In the interests of amenity and to limit and control environmental impacts in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', DES4, 'Design of Development', EQ2 'Noise Pollution', of the adopted East of the East Herts District Plan (2018) and Policies PL2 'Amenity Principles for Development', PL10 'Pollution and Contamination' and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

**Informatives:**

1. A) 'Enabling Works' comprises "site clearance and demolition; tree/vegetation removal (in accordance with the approved plans in Condition 2); soil investigations (including soakage testing, window sampling, boreholes, CBR's and gas monitoring); ecology surveys; archaeology surveys (including geo physical surveys, window samples and trenching); slip trenches to investigate existing services; drainage surveys (such as CCTV and jetting); river modelling; and topographical surveys"
2. B) 'Local Planning Authority' means either East Herts Council and/or Harlow District Council. Both Councils will consult the other when providing agreement in writing on applications to discharge conditions.

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3. C) 'Highway Authority' means either Essex County Council and/or Hertfordshire County Council. The Local Planning Authorities will consult with the Highway Authorities when providing agreement in writing on applications to discharge conditions.
4. D) The permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Highways Act, Building Regulations or under any other form of law, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency etc. Neither does this permission negate or override any private covenants which may affect the land.
5. E) The permission is for construction of new public highway infrastructure. As a result the permission cannot be implemented without the prior approval of the local highway authorities (Hertfordshire County Council and Essex County Council). Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and meet their requirements. In order to implement this permission it will be necessary for the developer of the site to enter into agreements with the County Councils as Highway Authorities under Section 278 and Section 38 of the Highways Act to ensure satisfactory completion of the road improvements. The construction must be undertaken to the Highway Authorities' detailed design / specification and to their satisfaction. Construction must be undertaken by a contractor who is authorised to work in the public highway.
6. F) A structural reassessment of the deck and associated bearings of Burnt Mill Station Bridge (Essex) is required to be carried out to the latest standards; CS454 for normal traffic loading and CS458 for special type vehicles, prior to the detailed design stage. The results of the reassessment should be submitted to Essex County Council for approval.
7. G) Implementation also requires:
  - I. that necessary property rights for use and access to all land required for the extended / enlarged and new highways (including drainage features and drainage rights and connections to existing water courses) have been legally secured in the public interest.
  - II. that the agreements under Section 38 of Highways Act for the highways authorities to adopt the newly constructed public highway (and any related features that are required for its operation) on its satisfactory completion include financial provision for future maintenance. Highways Development Management teams should be consulted on any drainage features that are proposed for adoption by Hertfordshire County Council/ Essex County Council. Any drainage features to be adopted shall be designed and built to accommodate the Highway Authorities adoption requirements and an appropriate commuted sum, based on the approved feature maintenance plan must be agreed.
8. H) The highway authorities also advise that, to ensure any works as part of this development are carried out in accordance with other the provisions of the Highways Act 1980 and other relevant processes, the following advice is considered:
  - I. Public Rights of Way:  
Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and

any other routes to be used by construction traffic should be a paramount concern during works. Safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to the relevant County Council for such an order. Further information should be sought in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

II. Obstruction of public highway land:

It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

III. Storage of materials:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

IV. Road Deposits:

It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

9. I) Other legal procedures providing wider public and private interest safeguards must be satisfied before implementation. These include:

I. Procedural Orders for any changes to existing public highway that affect public and / or private interests.

II. Procedural Orders for bridging the navigable waterway.

III. Land drainage procedures, rights and legal requirements taking account of Environment Agency and Lead Local Flood Authority (LLFA) requirements and advice. All works to ordinary watercourses, including widening of the channel to include additional storage will require ordinary watercourse consent from the LLFAs. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will also require the prior written consent from the LLFA under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of planning permission. The LLFAs have a

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duty to maintain an asset register and records of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage (SuDS) features which may form part of the future register, details of and location of the SuDS assets created or modified through the development should be provided in a GIS layer on completion of the development.

10. J) Additional regulatory consideration may be required on some of specialist matters relevant to this permission as follows:

- Archaeological requirements (Hertfordshire and Essex County Councils)
- Local Land and Property Gazetteer Custodian requirements (District Councils); the development may involve the naming of new streets and numbering of properties)
- Sewer protection requirements; the site has public sewers running across or close to it which may be affected by the proposed building works. It may be necessary to divert the sewer and water course and carry out other works to protect it and the proposed building works before any site works are commenced (Thames Water Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ Telephone: 01923 898072)
- Ground water pollution risk; parts of the site are located within the groundwater protection zone of Sawbridgeworth Pumping Station. The construction works and operation of the proposed development should be in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the pollution risk. Construction works may exacerbate any existing pollution. Please refer to CIRIA Publication C532 'Control of water pollution from construction- guidance for consultants and contractors'
- Protected species including bats / reptiles / great crested newts; if found during development, works must stop immediately and professional ecological advice must be sought on how to proceed. A licence may be required from Natural England who can be contacted on 01206 796666. Nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September.

## This Decision Relates to Plan Numbers:

- VD17516-CC-101-LS (1 OF 3) A414 FIFTH AVENUE (1 OF 3) LONGITUDINAL SECTION 1 OF 3 P03 (Section Details)
- VD17516-CC-101.1-LS (2 OF 3) A414 PEDESTRIAN FOOTBRIDGE LONGITUDINAL SECTION 2 OF 3 P03 (Section Details)
- VD17516-CC-101.2-LS (3 OF 3) A414 FITH AVENUE NORTHERN ARM LOGITUDINAL SECTION 3 OF 3 P03 (Section Details)
- VD17516-CC-100-GA (1 OF 2) GENERAL ARRANGEMENTS 1 OF 2 P07 (Layout)
- VD17516-CC-100.1-GA (2 OF 2) GENERAL ARRANGEMENTS (SHEET 2 OF 2) P07 (Layout)
- VD17516-CC-105-RL (SHEET 1 OF 2) RED LINE BOUNDARY P02 (Site plan)
- VD17516-CC-105.1-RL (SHEET 2 OF 2) RED LINE BOUNDARY P02 (Site plan)

VD17516-CC-106 XS A414 FIFTH AVENUE TYPICAL CROSS SECTIONS (SHEET 1 OF 2) P03  
(Section Details)  
VD17516-CC-107 XS A414 FIFTH AVENUE TYPICAL CROSS SECTIONS (SHEET 2 OF 2) P03  
(Section Details)  
VD17516-CC-109-TR A414 FIFTH AVENUE 16.5M LARGE ARTICULATED VEHICLE SWEPT  
PATHS P02 (Other)  
VD17516-CC-110-TR A414 FIFTH AVENUE 10M RIGID AND SINGLE DECK BUS VEHICLE  
SWEPT PATHS P02 (Other)  
VD17516-CC-111-VS PROPOSED VISIBILITY (SHEET 1 OF 2) P03 (Proposed Access Visibility  
Splays)  
VD17516-CC-112-VS PROPOSED VISIBILITY (SHEET 2 OF 2) P03 (Proposed Access Visibility  
Splays)  
VD17516-CC-111.2-VS PROPOSED VISIBILITY FIFTH AVENUE BURNT MILL LANE (SHEET 1  
OF 3) P03 (Proposed Access Visibility Splays)  
VD17516-CC-111.4-VS PROPOSED VISIBILITY FIFTH AVENUE BURNT MILL LANE (SHEET 3  
OF 3) P03 (Proposed Access Visibility Splays)  
VD17516-CC-120-EX EXISTING LAYOUT PLAN (SHEET 1 OF 2) P02 (Layout)  
VD17516-CC-120.1-EX EXISTING LAYOUT PLAN (SHEET 2 OF 2) P02 (Layout)  
VD17516-CC-121- COMP A414 Pedestrian/Cyclist Bridge Design Parameters (SHEET 1 of 2) P03  
(Other)  
VD17516-CC-121.1- COMP A414 Pedestrian/Cyclist Bridge Design Parameters (SHEET 2 of 2  
P03 (Other)  
REVISION C NOVEMBER 20 CENTRAL STORT CROSSING ADOPTABLE FOOTBRIDGES -  
DESIGN COMPETITION PARAMETERS REVISION C (Other)  
VD17516-CC-122- PROPOSED SPEED STRATEGY PLAN P02 (Other)  
VD17516-CC-123 - SURF PROPOSED VS EXISTING LEVELS (SHEET 1 OF 2) P02 (Land Levels)  
VD17516-CC-123.1 PROPOSED VS EXISTING LEVELS (SHEET 2 OF 2) P02 (Land Levels)  
VD17516-CC-160- AR HIGHWAYS AREAS PLAN (SHEET 1 OF 2) P03 (Other)  
VD17516-CC-160.1- AR HIGHWAYS AREAS PLAN (SHEET 2 OF 2) P03 (Other)  
VD17516-CC-170-AP PRELIMINARY ADOPTION PLANS P02 (Other)  
VD17516-CC-170.1-AP PRELIMINARY ADOPTION PLANS P02 (Other)  
VD17516-CC-180- ST STRUCTURES LOCATION PLAN (SHEET 1 OF 2) P03 (Location Plan)  
VD17516-CC-180.1 STRUCTURES LOCATION PLAN P03 (Location Plan)  
VD17516-CC-400-PROPOSED VEHICLE RESTRAINT SYSTEMS P05 (Other)  
VD17516-CC-400.1- PROPOSED VEHICLE RESTRAINT SYSTEMS P05 (Other)  
VD17516-CC-100- GA INTERIM JUNCTION TIE-IN GENERAL ARRANGEMENTS P03  
(Proposed Access)  
VD17516-CC-STR- 010 RIVER STORT BRIDGE -PRELIMINARY DESIGNS GA DRAWINGS P03  
(Other)  
VD17516-CC-STR-020 STORT NAVIGATION BRIDGE-PRELIMINARY DESIGNS GA  
DRAWINGS P03 (Other)  
VD17516-CC-STR- 050 HARLOW RAILWAY BRIDGE - PRELIMINARY DESIGN GA DRAWINGS  
SHEET 1 of 2 P03 (Other)  
VD17516-CC-STR- 051 HARLOW RAILWAY BRIDGE - PRELIMINARY DESIGN GA DRAWINGS  
SHEET 2 of 2 P03 (Other)  
VD17516-CC-501 PRELIMINARY PROPOSED DRAINAGE SHEET 1 OF 2 P03 (Drainage)  
VD17516-CC-501.1 PRELIMINARY PROPOSED DRAINAGE SHEET 2 OF 2 P03 (Drainage)  
VD17516-CC-502 PRELIMINARY DRAINAGE STRATEGY SHEET 1 OF 2 P05 (Drainage)  
VD17516-CC-502.1 PRELIMINARY DRAINAGE STRATEGY SHEET 2 OF 2 P05 (Drainage)  
VD17516-CC-503 PRELIMINARY DRAINAGE SWALE C1 P03 (Drainage)  
VD17516-CC-504 PRELIMINARY DRAINAGE SWALE C2 P03 (Drainage)  
VD17516-CC-505 PRELIMINARY DRAINAGE SWALE C3 P01 (Drainage)

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VD17516-CC-506 PRELIMINARY DRAINAGE FLOOD COMPENSATION LEVEL FOR LEVEL LONG SECTION (Drainage)  
HNP495-GRA-X-XX- DR-L-5171 CENTRAL STORT CROSSING PLANTING PLAN (1/5) REV 05 (Landscaping)  
VD17516-CC-507 PRELIMINARY DRAINAGE PROPOSED SuDS CATCHMENT AREA SHEET 1 OF 2 P02 (Drainage)  
VD17516-CC-507.1 PRELIMINARY DRAINAGE PROPOSED SuDS CATCHMENT AREA SHEET 2 OF 2 P02 (Drainage)  
201109-3.3-GPA-CC-TPP-MM TREE PROTECTION PLAN CENTRAL STORT CROSSING (Other)  
HNP495-GRA-X-XX- DR-L-5172 CENTRAL STORT CROSSING PLANTING PLAN (2/5) REV 04 (Landscaping)  
HNP495-GRA-X-XX- DR-L-5173 CENTRAL STORT CROSSING PLANTING PLAN (3/5) REV 03 (Landscaping)  
HNP495-GRA-X-XX- DR-L-5174 CENTRAL STORT CROSSING PLANTING PLAN (4/5) REV 02 (Landscaping)  
HNP495-GRA-X-XX- DR-L-5175 CENTRAL STORT CROSSING PLANTING PLAN (5/5) REV 02 (Landscaping)  
HNP495-GRA-SC-001 GILSTON RIVER CROSSING AND VILLAGE DEVELOPMENT ACCESSES PLANTING SCHEDULE REV 03 (Landscaping)  
HNP495-GRA-SK-0011 CSC ECOLOGICAL COMPENSATION REV 03 (Landscaping)  
EHUK-VEC-1XX-XX-TN-D-9001 B DRAINAGE STRATEGY REV B (Drainage)

## Notes:

1. Your proposed works may require building control approval. Please contact Hertfordshire Building Control Ltd who will help you through the process. Please contact them on 0208 207 7456 or email [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk).
2. East Herts District Council would like to know what you think about our Planning Service process. We would be very grateful if you could complete the survey, by using this link <https://www.surveymonkey.co.uk/r/FQMRJR9>. There are only four questions to answer, so it will take no time at all. We want to improve our customer experience, so please take the time to let us know what you think.

On Behalf Of Development Management

Dated: 18th March 2022

  
Signed:  
Jenny Pierce

**SEE ATTACHED NOTES**

**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.\*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.\*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

**Appeals under the Control of Advertisement Regulations**

The same provision relating to rights of appeal against the Local Planning Authority's decision applies to advertisements with the following differences:

- Notice of appeal must be given in writing to the Secretary of State within 8 weeks from the date of this notice.
- The notice of appeal must be accompanied by a copy of the following documents:
  - (a) The application forms
  - (b) All relevant plans and particulars
  - (c) This notice of decision
  - (d) All other relevant correspondence with the Authority

The Secretary of State may require a statement of additional matters from either the applicant or the Local Planning Authority, and may with the agreement of both the applicant and the authority determine the appeal without affording an opportunity to appear before an Inspector.

**Purchase Notices**

- If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its

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existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 169 and related provisions of the Town and Country Planning Act 1971.

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Application Ref: 3/19/1051/FUL

Philip Murphy  
Quod  
8-14 Meard Street  
London  
W1F 0EQ

## Town and Country Planning Act 1990 (as amended)

### DECISION NOTICE

**Erection of a new road, pedestrian and cycle bridge; replacement of an existing rail bridge at River Way; alterations to the existing local highway network; lighting and landscaping works; listed building works to Fiddlers Brook Bridge; and other associated works.**

**Land To The South And East Of Gilston Village And North Of River Stort Gilston Hertfordshire/Harlow**

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

#### Grant Planning Permission subject to Conditions

For the development proposed in your application received 20th May 2019 and registered on 12th June 2019 and shown on the approved plans.

#### Conditions:

1. Consistent Implementation of Permissions Across Local Planning Authority Boundaries:  
No development shall commence until planning permissions are granted for the development as a whole, as detailed in planning applications reference 3/19/1051/FUL (East Herts District) and HW/CRB/19/00221 (Harlow District).

Reason: To ensure, for the development to perform its function, sections of the new roads and bridges must be constructed as a whole across local authority boundaries, such that the relevant phases of the development are capable of being built on both sides of the local authority boundary.

2. Approved Drawings and Documents:  
Subject to any contrary details, drawings and timetables approved under any condition, the development shall be carried out in accordance with the approved drawings listed in the Decision Notice.

Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

3. Time Limit for Commencement:

The development hereby approved shall be begun within a period of five years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to ensure the timely implementation of the development.

4. Linking Implementation to the Outline:

The development hereby permitted shall not be commenced (save for Enabling Works) unless and until planning permission has been granted for the development pursuant to planning application no. 3/19/1045/OUT (Gilston Area Villages 1-6).

Reason: The harm to the Green Belt and other harms arising from the development are outweighed by the significant public benefit arising from its contribution towards a shift towards active and sustainable travel and by enabling delivery of the strategic growth in the Gilston Area (which includes the outline development at Villages 1-6 and Village 7) and the wider Harlow and Gilston Garden Town, both during the plan period and beyond 2033, in accordance with Policies GA1 'The Gilston Area' and GA2 'The River Stort Crossings' of the East Herts District Plan (2018) and Policies HGT1 'Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town' and SIR1 'Infrastructure Requirements' of the Harlow Local Development Plan (2020).

5. Submission and approval of phasing plans and documents:

Prior to the commencement of the development hereby approved (save for Enabling Works), a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall set out the details of the proposed sequence of development and the extent and location of individual development phases or sub-phases.

Once approved, the development shall be implemented in accordance with the approved Phasing Plan (or any subsequent revision thereof approved in writing by the Local Planning Authority).

Reason: To ensure proper management of the phasing of the development, compliance with essential pre-commencement conditions on the development and the provision of relevant mitigation at appropriate times throughout the development, in a way that does not prevent or unnecessarily hinder practical implementation, and in the interests of the amenity of occupiers and users of the site and in accordance with the requirements of Policies DEL1 'Infrastructure and Service Delivery' and DEL4 'Monitoring of the Gilston Area' of the East Herts District Plan (2018), and Policy IN2 'Impact of Development on the Highways Network Including Access and Servicing' of the Harlow Local Development Plan (2020).

6. Energy & Sustainability Strategy:

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) an Energy and Sustainability Strategy for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

The Strategy will include details of the measures to be implemented to minimise climate impacts arising from the development taking account of all levels of the energy hierarchy and consideration of the East Herts Sustainability Supplementary Planning Document and Harlow and Gilston Garden Town Sustainability Guidance.

The Energy and Sustainability Strategy will specifically address the following:

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- a) How green infrastructure, urban greening and water management have been integrated;
- b) Reducing energy and carbon embodied in construction materials through re-use and recycling of existing materials where possible, and the use of sustainable materials and local sourcing where possible;
- c) Considering high quality innovative design, new technologies and construction techniques, including zero or low carbon energy/energy generation and water efficient, design and sustainable construction methods;
- d) Demonstration that energy and carbon reduction and sustainability has been considered in all stages of the commissioning, procurement, transportation and construction processes.

The phase or sub-phase of the development shall thereafter be implemented in accordance with the relevant approved Energy and Sustainability Strategy.

Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance in accordance with Policy CC2 'Climate Change Mitigation' of the East Herts District Plan (2018) and Policy PL3 'Sustainable Design, Construction and Energy Usage' of the Harlow Local Development Plan (2020).

## 7. Materials:

Prior to the commencement of any above ground construction works (save for Enabling Works) on any phase or sub-phase of the site (as defined in plans and documents approved pursuant to Condition 5), the external materials of construction for the structures on that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only using the approved materials.

Reason: In the interests of amenity and good design in accordance with Policy DES4 'Design of Development' of the East Herts District Plan (2018) and Policies PL1 'Design Principles for Development' and PL2 'Amenity Principles for Development' of the Harlow Local Development Plan (2020).

## 8. Levels:

Prior to the commencement of construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) detailed plans showing the existing and proposed ground levels for that phase or sub-phase of the site relative to adjoining land, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 'Design of Development' of the East Herts District Plan (2018) and Policies PL1 'Design Principles for Development' and PL2 'Amenity Principles for Development' of the Harlow Local Development Plan (2020).

9. Details of river / canal crossings and related structures (in respect of management of water course related environmental issues):

Prior to the commencement of construction works (save for Enabling Works) for each relevant phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), full details of any vehicular or pedestrian river crossings or underpasses on main rivers, or other relevant works (e.g. realignment of a watercourse), informed by a detailed Water Framework Directive assessment, for that phase or sub-phase shall be submitted to, and approved in writing by, the Local Planning Authority.

This should include (as relevant to that phase of the development):

- a) Detailed plans, long-sections and cross-sections of the road or pedestrian crossing/underpass structure or other relevant works, and its relationship to the main river channel and corridor, with specific provision for the diversion of Pole Hole Brook, potential realignment of Fiddlers Brook at Fiddlers Bridge and the new pedestrian bridge between Pye Corner and Terlings Park;
- b) A minimum of an 8 metre unobstructed buffer zone is maintained around main rivers for access and biodiversity, except adjacent to structures (as shown on the approved plans in Condition 2). Any reduction must demonstrate how any impacts on flood risk, water quality or biodiversity are to be mitigated or compensated for, taking into account the Water Framework Directive and be agreed in writing with the Local Planning Authority.

The development shall be fully implemented and subsequently maintained, in accordance with the details approved or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure compliance with the Water Framework Directive and the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 174 and 180 of the NPPF 2021 and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan 2018, and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

10. Details of Stort Navigation (canal) crossing and related structures (in respect of management of the navigable water way and its amenities):

Prior to the commencement of any phase or sub-phase of the development (save for Enabling Works) related to the Stort Navigation canal road bridge (as defined in plans and documents approved pursuant to Condition 5), full details of the following shall be submitted to and approved in writing by the local planning authority;

- a) Details of materials and finishes to be used in the construction of the canal road bridge abutments, beams, deck and parapets;
- b) Details of vehicle and pedestrian restraint systems;
- c) A lighting strategy for the towpath tunnel which demonstrates how a balance can be achieved between ensuring safety for vehicles, pedestrians, cyclists and users of the highway whilst also ensuring that the proposals would not cause an unacceptable impact on amenity, biodiversity or landscape and visual effects;
- d) A maintenance strategy in relation to the above.

The canal road bridge shall thereafter be implemented in accordance with the approved details prior to its first use.

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Reason: To ensure the proposals have no adverse impact on highway safety, amenity or the character, appearance and biodiversity of the Stort Navigation (canal) or the use of its towpath and in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', NE3 'Species and Habitats', EQ3 'Light Pollution', CFLR3 'Public Rights of Way', CFLR4 'Water Based Recreation' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE1 'Strategic Green Infrastructure', WE3 'General Strategy for Biodiversity and Geodiversity', PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', PL1 'Design Principles for Development', PL2 'Amenity Principles for Development', PL8 'Green Infrastructure and Landscaping', PL9 'Biodiversity and Geodiversity Assets', PL10 'Pollution and Contamination', and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

## 11. Lighting Strategy:

Prior to the commencement of construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Lighting Strategy for that phase or sub-phase shall have regard to inclusive design, the safety and needs of diverse and / or vulnerable users of the Pedestrian and Cycle routes, including under bridges as applicable, and shall be submitted to and approved in writing by the Local Planning Authority.

The Strategy shall include the following details as a minimum:

- Details of the proposed location(s) of all lighting to be installed.
- Details of the make and model of the proposed lighting.
- A LUX plan demonstrating the light spill from the proposed lighting.
- A timetable for provision.
- An operation and maintenance plan.

The strategy shall demonstrate how a balance can be achieved between ensuring safety for pedestrians, cyclists and users of the highway whilst also ensuring that the lighting proposals would not cause an unacceptable impact on amenity, biodiversity or landscape and visual effects.

The strategy shall demonstrate how consideration has been given to new and alternative technologies and innovative approaches to securing appropriate levels of light and reduction of energy consumption.

The approved lighting strategy shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of highway safety, the river environment, its users and its biodiversity and in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', NE3 'Species and Habitats', EQ3 'Light Pollution', CFLR3 'Public Rights of Way', CFLR4 'Water Based Recreation' CC2 'Climate Change Mitigation', CC3 'Renewable and Low Carbon Energy' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE1 'Strategic Green Infrastructure', WE3 'General Strategy for Biodiversity and Geodiversity', PL11 'Water

Quality, Water Management, Flooding and Sustainable Drainage Systems', PL1 'Design Principles for Development', PL2 'Amenity Principles for Development', 'PL3 Sustainable Design, Construction and Energy Usage', PL8 'Green Infrastructure and Landscaping', PL9 'Biodiversity and Geodiversity Assets', PL10 'Pollution and Contamination' and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

12. Terlings Park and Stort Valley Noise Mitigation - East Herts Council only:

Prior to the commencement of construction works (save for Enabling Works) on Road 1 of the development (as defined in plans and documents approved pursuant to Condition 5), full details of the following shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority:

- a) For Road 1, a detailed noise attenuation scheme based on Drawings HNP495-GRA-X-XX- DR-L-5122 Rev 11 (Eastern Stort Crossing (Western Spur) Planting Plan 2/3); and HNP495-GRA-X-XX- DR-L-5309 Rev 04 (Eastern Stort Crossing Planting Section), but including low noise road surfacing;
- b) For Road 3, demonstration that the proposed vehicle restraint barrier and/ or low noise road surfacing will be of a specification suitable for achieving noise attenuation within the Stort Valley;
- c) A programme of regular noise monitoring of sensitive receptors including a methodology and a timetable of monitoring and submission of reports to the Local Planning Authority.

The approved scheme noise attenuation scheme shall thereafter be implemented in accordance with the approved scheme prior to first public use of the relevant phase of the development.

Reason: To protect residential amenities in this location in accordance with policy EQ2 'Noise Pollution' of the East Herts District Plan (2018) and PL10 'Pollution and Contamination' of the Harlow local Development Plan (2020).

13. Construction Environment Management (CEMP)

Prior to the commencement of construction works (save for Enabling Works, but excluding site clearance, demolition and tree removal) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a detailed Construction Environmental Management Plan (CEMP) for that phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

CEMPs shall include the following as a minimum:

- a) Updated Code of Construction Practice;
- b) The construction programme and phasing;
- c) Hours of operation and delivery of materials;
- d) Details of any highway works necessary to enable construction to take place, including access;
- e) Where relevant to the phase or sub-phase of the development that involves the demolition of and construction of the River Way Road Bridge, demonstration that satisfactory alternative pedestrian and vehicular access arrangements are approved and secured;
- f) Parking and loading arrangements;

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- g) Emergency planning response including fire prevention and control and worker welfare;
- h) Bird Hazard Management Plan to mitigate risks to highway and aerodrome safety caused by the hazard from birds attracted to the site during construction;
- i) Details of site compound: location relative to the ESC site, lighting, hoarding, security, parking, material storage areas, and utilities, including measures taken to utilise renewable energy sources and to reduce energy consumption;
- j) Implementation of an Air Quality Dust Management Plan, incorporating measures for the control of dust and dirt on the public highway including siting and details of wheel washing facilities, cleaning of site entrances, site tracks and the adjacent public highway;
- k) Details of consultation and complaint management with local businesses and neighbours including contact details;
- l) Waste management proposals;
- m) Mechanisms to deal with environmental and heritage impacts such as noise and vibration, air quality and dust, light and odour, including pollution incident response processes; and
- n) Surface water management plan during construction;
- o) Demonstrate how the CEMP for that phase has been cognisant of the CEMP(s) for prior phases.

All works shall be carried out in accordance with the approved relevant CEMP thereafter, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** In the interests of amenity and to limit and control environmental impacts in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', DES4, 'Design of Development', EQ2 'Noise Pollution', EQ4 'Air Quality', WAT1 'Flood Risk Management', WAT2 'Source Protection Zones' and WAT3 'Water Quality and the Water Environment' of the adopted East of the East Herts District Plan (2018) and Policies PL2 'Amenity Principles for Development', PL10 'Pollution and Contamination', PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

## 14. Construction Traffic Management Plan (CTMP):

Prior to the commencement of construction works (save for Enabling Works, but excluding site clearance, demolition and tree/ vegetation removal) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Construction Traffic Management Plan (CTMP) for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

CTMPs shall include the following details as a minimum:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements;
- d) Delivery and unloading arrangements;
- e) A construction travel plan to include site operatives and other on-site personnel

- f) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- g) Provision of sufficient on-site/ compound parking prior to commencement of construction activities;
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- i) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- j) Measures to be taken to seek approval from the highway authority that the highway extent has been marked out accurately prior to construction.
- k) Demonstrate how the CTMP for that phase has been cognisant of the CTMP(s) for prior phases.

Thereafter, the construction of the development shall only be carried out in accordance with the approved CTMP, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To protect highway safety and the amenity of users of the public highway and rights of way in accordance with policies TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation', DES4 'Design of Development', EQ2 'Noise Pollution', EQ4 'Air Quality', WAT1 'Flood Risk Management', WAT2 'Source Protection Zones' and WAT3 'Water Quality and the Water Environment' of the adopted East of the East Herts District Plan 2018 and Policies PL1 'Design Principles for Development', PL2 'Amenity Principles for Development', PL10 'Pollution and Contamination', PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' and IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan 2020, as well as relevant Highway Authority policies.

15. Construction Landscape and Ecological Management Plan (CLEMP):

Prior to the commencement of any construction works (save for Enabling Works, but excluding site clearance, demolition and tree/vegetation removal) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Construction Landscape and Ecological Management Plan (CLEMP) for that phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

CLEMPs shall include the following details as a minimum:

- a) Measures taken to minimise impacts on the landscape and landscape character during construction
- b) Description and evaluation of features to be managed, including bat commuting routes and other ecologically sensitive areas or species, trees, hedgerows, woodlands, watercourses and other existing environmental features on-site and off-site
- c) Measures to be taken to protect and manage the features identified above during the construction process, including pre-construction checks, construction methodology, and watching briefs/Ecological Clerk of Works
- d) Details of the body or organisation responsible for implementation of the CLEMP and timetables for implementation
- e) Details of ongoing monitoring (including timetables) and details of how and when any remedial action will be identified, agreed and implemented
- f) Demonstrate how the CLEMP for that phase has been cognisant of the CLEMP(s) for prior phases.

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Thereafter, the construction of the development shall only be carried out in accordance with the approved CLEMP, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To secure the protection of existing landscape features and habitats of ecological interest and protected species in accordance with Policies NE1 'International, National and Locally Designated Nature Conservation Sites', and NE3 'Species and Habitats' of the East Herts District Plan (2018) and Policies WE3 'General Strategy for Biodiversity and PL9 'Biodiversity and Geodiversity Assets', of the Harlow Local Development Plan (2020).

16. **Implementation of Floodplain Compensation Measures:**

The development hereby permitted shall be carried out in complete accordance with the submitted Highways Drainage Strategy and Drawing VD17516-EC-STR-045 P02 and the following measures they detail:

a) Compensatory storage shall be provided by lowering the existing ground below the footprint of the Eastern Crossing culverts in accordance with drawing VD17516-EC-STR-045 P02 and the Highways Drainage Strategy Technical Note (Chapter 8, bullet point 5). A compensation area of 1,455m<sup>3</sup> will be provided. These measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy WAT1 'Flood Risk Management' of the East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

17. **Water Framework Directive Mitigation and Enhancement Strategy:**

No phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), shall take place until a Water Framework Directive Mitigation and Enhancement Strategy for that phase or sub-phase has been submitted to, and approved in writing by, the Local Planning Authority.

The strategy for that phase or sub-phase shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements as relevant to that phase or sub-phase:

a) Evidence that the development will cause no deterioration of waterbody status, nor prevent future improvement to the waterbody, nor contribute to cumulative deterioration of the River Stort and Stort Navigation, Fiddlers' Brook and their associated tributaries (e.g. Pole Hole Brook) using up to date Water Framework Directive classification data;  
b) Long-term objectives, management responsibilities and maintenance schedules;

- c) Update the existing scour assessment in the current Water Framework Directive assessment to confirm impacts and mitigation requirements (if additional mitigation needed) for the final design;
- d) Details of any proposed enhancements to watercourses and their corridors to support improving overall Water Framework Directive status (with reference to the approved Species and Habitat Protection and Enhancement Plan);
- e) Consider the options and feasibility of modifications to the existing Fiddlers Brook culvert under Eastwick Road at Pye Corner, and the potential to increase its diameter for environmental benefit, taking into account flood risk impacts, other environmental constraints, as well as the cost implication and engineering constraints.

Reason: To ensure compliance with the Water Framework Directive and the protection and enhancement of biodiversity in accordance with Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

18. Risk Assessment & Method Statement:

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development that involves works adjacent to the Stort Navigation (canal) (as defined in plans and documents approved Pursuant to Condition 5), a risk assessment and method statement outlining all works to be carried out adjacent to or affecting (directly or indirectly) the Stort Navigation (canal) in that phase or sub-phase must be submitted to, and approved in writing, by the Local Planning Authority.

The submitted details will include an assessment of any works to the banks of the River Stort Navigation and any works that may increase loading on the canal infrastructure.

Development shall thereafter be carried out in accordance with the approved risk assessment and method statements relevant to that phase or sub-phase.

Reason: To ensure that the works have no adverse impact on the structural integrity of the river walls and towpath. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial demolition and construction phases. In the interests of users of the Stort Navigation and the water environment in accordance with WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', of the Harlow Local Development Plan (2020).

19. Land, Air & Water Contamination Investigation & Remediation:

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), an Investigation and Remediation Strategy to deal with the risks associated with the contamination of land, air and water relevant to that phase or sub-phase shall be submitted to, and approved in writing by, the Local Planning Authority.

The investigation and remediation strategy shall include the following elements:

- a) A site investigation scheme, based on the preliminary risk assessment/desk studies, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

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- b) The results of the site investigation and the detailed risk assessment referred to in a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken;
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The Remediation Strategies shall thereafter be implemented in complete accordance with the approved details.

**Reason:** To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of land, air or water pollution in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

**20. Land, Air & Water Contamination Verification Report:**

Prior to the completion of each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Verification Report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase or sub-phase shall be submitted to, and approved in writing, by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason:** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved investigation and remediation strategy and its remediation criteria have been met and that remediation of the site is complete in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

**21. Contamination Monitoring and Maintenance Plan:**

Prior to the commencement of any construction works (save for Enabling Works) for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Monitoring and Maintenance plan for that phase or sub-phase in respect of land, air and water contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority has been submitted to and approved in writing by, the Local Planning Authority.

The Monitoring and Maintenance Plan shall cover the period of construction of that phase or sub-phase plus a period of six months, and shall be cognisant of prior phases or sub-phases.

The Monitoring and Maintenance Plan shall thereafter be fully implemented and complied with in accordance with the approved details.

**REASON:** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved monitoring and maintenance plan have been met in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

**22. Unsuspected Contamination:**

If, during site investigation works and/or development, contamination not previously identified is found to be present at the site then all works in that phase or sub-phase must immediately cease and no further development shall be carried out in that phase or sub-phase until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority without delay.

The remediation strategy shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of land or water pollution from previously unidentified contamination sources at the development site. No site investigation can fully characterise a site. This approach is in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

**23. Site Waste Management Plan:**

Prior to the commencement of any demolition or construction works (save for Enabling Works, but excluding demolition), for each phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a Site Waste Management Plan (SWMP) for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

The Site Waste Management Plan shall set out the following:

- a) Details of waste arising during both the site preparation, demolition and construction phases- type and estimated volume;
- b) Confirmation that opportunities to reuse waste generated by the site are maximised;
- c) where residual waste is to be disposed from the site, details shall be provided as to the volumes, type and timing of waste disposal from the site;
- d) Where waste is being transported to, together with details of the waste carrier;

Demolition and construction shall take place in accordance with the relevant approved Site Waste Management Plan for that phase or sub-phase.

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Reason: In order to minimise waste and ensure most sustainable disposal in accordance with Policy CC2 'Climate Change Mitigation' of the East Herts District Plan (2018) and Policy PL3 'Sustainable Design, Construction and Energy Usage' of the Harlow Local Development Plan (2020).

24. **Infiltration Drainage:**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: This condition relates to where contamination is present and may be mobilised due to the infiltration of surface water or where contaminated surface water may result in an input of contaminants to groundwater. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This approach is in accordance with Policies EQ1 'Contaminated Land and Land Instability' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

25. **Piling/Deep Foundations Method Statement:**

No piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall be undertaken until a Piling/ Deep Foundation Method Statement has first been submitted to and approved in writing by the Local Planning Authority in consultation with potentially affected parties responsible for sub-surface infrastructure.

The Statement shall include an assessment of impacts on noise, vibration, land stability, ground water levels, underground pipes and other infrastructure as well as details of the measures to be taken to mitigate any adverse effects.

The groundworks shall thereafter be carried out in accordance with the approved details.

**REASON:** To ensure that the proposed Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) do not harm groundwater resources, damage essential infrastructure and do not have an adverse impact on the local amenity in accordance with Policies EQ1 'Contaminated Land and Land Instability', EQ2 'Noise Pollution' and WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

26. **Scheme for Managing Borehole Investigation:**

Prior to commencement of any phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), that involves the installation of, or use of, existing boreholes, a scheme for managing any borehole installed for the investigation of

soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the operational use of each phase or sub-phase of development and no boreholes should be decommissioned until it has been agreed in writing that they are no longer required.

Reason: To ensure that a sufficient monitoring network is maintained to allow for the completion of any monitoring required and to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policies PL10 'Pollution and Contamination' and PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

27. **Implementation of Drainage Strategy:**

The development hereby approved shall be carried out in accordance with the principles of the approved Drainage Strategy (Reference number: EHUK-VEC-1XX-XX—TN-D-9001 B) and shall include and follow the mitigation details identified for each drainage catchment including:

- a) Specification to demonstrate and follow an appropriate Sustainable Drainage System (SuDS) management and treatment train.
- b) Prioritise on-surface conveyance features.
- c) Provision of biodiversity enhancement within SuDS provision.
- d) Provision of drainage catchments as per the agreed characteristic below - or such discharge rates and storage volumes agreed with the Local Planning Authority following detailed design:
  - o Catchment E1 - limiting the surface water runoff generated by the critical storm events to the maximum of 11.5 l/s for the 1 in 30 year event providing a minimum of 610m<sup>3</sup> of storage.
  - o Catchment E2 - limiting the surface water runoff generated by the critical storm events to the maximum of 7.9 l/s for the 1 in 30 year event providing a minimum of 416m<sup>3</sup> of storage.
  - o Catchment E3 - limiting the surface water runoff generated by the critical storm events to the maximum of 10.6 l/s for the 1 in 30 year event providing a minimum of 556m<sup>3</sup> of storage.
  - o Catchment E4 - limiting the surface water runoff generated by the critical storm events to the maximum of 8.7 l/s for the 1 in 30 year event providing a minimum of 412m<sup>3</sup> of storage.
  - o Catchment E5 - limiting the surface water runoff generated by the critical storm events to the maximum of 5 l/s for the 1 in 30 year event providing a minimum of 230m<sup>3</sup> of storage.
  - o Catchment Road 2 - limiting the surface water runoff generated by the critical storm events to the maximum of 14.2 l/s for the 1 in 30 year event providing a minimum of 749m<sup>3</sup> of storage.

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- o Catchment Eastwick Road - limiting the surface water runoff generated by the critical storm events to the maximum of 5 l/s for the 1 in 30 year event providing a minimum of 25m<sup>3</sup> of storage.

The mitigation measures shall be fully implemented prior to operational use of the development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure the development appropriately addresses climate change and the risk of flooding, to ensure satisfactory storage of and disposal of surface water from the entire strategic drainage network, to improve and protect water quality and to protect natural habitats in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

**28. Detailed Surface Water Drainage Scheme:**

Prior to the commencement of each phase or sub-phase of the development (save for Enabling Works) (as defined in plans and documents approved pursuant to Condition 5), a Detailed Surface Water Drainage Scheme for that phase or sub-phase, or for the whole affected catchment based on the approved Drainage Strategy and sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council/ Essex County Council as Lead Local Flood Authorities.

The Scheme shall accord with the approved SuDS principles and shall include the following details as relevant to that phase or sub-phase:

- Demonstration of an appropriate, final and detailed SuDS management and treatment train for each outfall.
- Information on ground conditions, including desk-based assessment, exploratory hole logs, in-situ test data, including infiltration tests undertaken in accordance with the BRE 365 testing procedure and, records of groundwater level monitoring, undertaken for a minimum period of 6 months over the autumn/winter period.
- Verification of the suitability of infiltration of surface water for the development.
- Any existing drainage network within the extents of the planning application boundary, into which new highway runoff is being discharged, shall be checked to be functional/operational and the highway authority to be advised of existing blockages which need maintenance to repair. Additional attenuation storage shall be provided if identified as required, to reflect any net increases in runoff quantities being discharged into the existing networks, to avoid downstream flooding.
- Detailed plan showing the finalised drainage catchment areas.
- Full, detailed modelling for the strategic network to demonstrate how the system operates during up to and including the 1 in 1 year, the 1 in 30 year and the 1 in 100 year rainfall event including 40% allowance for climate change. Primarily surface water storage to be provided for up to and including the 1 in 30 year rainfall event.
- Full detailed engineering drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and

any inlet and outlet features. This should be supported by a clearly labelled, detailed drainage layout plan showing any SuDS and pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes. Total storage volumes provided within each catchment should be identified.

- h) Identification of opportunities to address existing surface water flooding in the immediate vicinity of the development site, within the extents of the red line planning application boundary.
- i) Detailed topographical surveys of the site and any existing watercourses.
- j) A Catchment Walkover of receiving watercourses shall be undertaken including topographical survey, details of water levels, and the location of existing structures that may constrain flows along watercourses receiving surface water runoff from the development, to ensure that there is sufficient capacity to accommodate future changes in flows.
- k) Full condition survey of all existing structures on all watercourse networks impacted by the proposed development or located within the development site.
- l) Full details of connection points to ordinary watercourses and main rivers, including cross sections and long sections drawings of any new proposed structures.
- m) Details of final exceedance routes above the designed 1 in 30 year return period, also including those for an event which exceeds to 1:100 rainfall event including climate change event.
- n) A management and maintenance plan including maintenance and operational activities. This should include land ownership plans with identified operators responsible for any future maintenance for the lifetime of the development.
- o) Phasing plan for the provision of SuDS and drainage infrastructure within each drainage catchment.
- p) Final, detailed planting plans for all proposed SuDS features and its surrounding area.
- q) Assessment of all works impacting on any existing ordinary watercourses and identification with acknowledgement of any needed ordinary watercourse consents.
- r) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 year plus 40% climate change critical storm event.
- s) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753 and Highways England Water Risk Assessment Tool (HEWRAT).
- t) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage network shall be designed and fully implemented in accordance with the details and phasing plan thus approved.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased risk and pollution hazard from the site. This is in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

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Within three months of completion of SuDS works for each phase or sub-phase (as defined in plans and documents approved pursuant to Condition 5), or for a defined catchment relevant to the development, a final Completion and Verification Report for that phase or sub-phase or catchment shall be submitted to, and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council/ Essex County Council as Lead Local Flood Authorities.

The Completion and Verification Report shall include the following details:

- a) Provision of a Completion and Verification Report appended with substantiating evidence demonstrating the approved construction details and specifications for the SuDS features and drainage network have been implemented in accordance with the surface water drainage scheme. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure, during construction and final make up, and the control mechanism.
- b) Provision of a complete set of as built drawings for site drainage.
- c) Post-construction surveys including a CCTV survey for any underground features and piped networks.
- d) A management and maintenance plan for the SuDS features and drainage network, which should include details of the maintenance activities/ frequencies for each feature.
- e) Final arrangements for adoption with identified operators responsible for future maintenance and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure approved drainage measures are fully implemented and appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is incomplete and / or not properly maintained and may increase flood risk or pollution hazard from the site. This is in accordance with Policy WAT3 'Water Quality and Water Environment' of East Herts District Plan (2018) and Policy PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' of the Harlow Local Development Plan (2020).

30. **Tree and Hedge Removal:**

Until the end of five years following completion of each phase of the development (as defined in plans and documents approved pursuant to Condition 5), all existing trees and hedges which are shown on the approved drawings as being retained, shall be retained and shall not be damaged, cut down, uprooted or destroyed without the prior consent of the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 'Landscaping' of the East Herts District Plan (2018) and Policy PL7 'Trees and Hedgerows' of the Harlow Local Development Plan (2020).

31. **Tree and Hedge Protection Measures:**

No phase or sub-phase of development (as defined in plans and documents approved pursuant to Condition 5) shall commence until full details of the tree and hedge protection

measures in respect of that phase or sub-phase have been submitted to, and approved in writing by, the Local Planning Authority and until the approved protection has been erected on site.

Protection measures shall be in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction, and be in place for the duration of the works on site. In the event that trees or hedging die, become damaged or otherwise defective within five years of completion of development within that phase or sub-phase, the Local Planning Authority shall be notified as soon as reasonably practicable, and remedial action agreed and implemented. The agreed remediation strategy and associated planting shall be undertaken during the first available planting season.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 'Landscaping' of the East Herts District Plan (2018) and Policy PL7 'Trees and Hedgerows' of the Harlow Local Development Plan (2020).

32. **Landscaping Strategy and Management and Maintenance Plan:**  
Prior to the first public use of any phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), a detailed hard and soft Landscaping Strategy for that phase or sub-phase shall be submitted to and approved by the Local Planning Authority, in consultation with the Highway Authority.

The Landscaping Strategy shall include as a minimum the following details:

- a) Planting schedule to show species, sizes, number and densities;
- b) Planting plans to show the location of proposed planting, based on the approved landscaping drawings but informed by a consideration of the screening properties of the proposed planting;
- c) Written specifications to demonstrate cultivation and other operations associated with the establishment of grassland and planting;
- d) Details of hard landscaping proposals including surface treatment of SuDS maintenance access routes, fencing, gates, benches, lighting, bins and other structures;
- e) Details of signage and wayfinding;
- f) Details of any proposed Public Art;
- g) Implementation timetables;
- h) Landscape Management and Maintenance Plan;
- i) Demonstration how the Landscape Strategy for that phase or sub-phase has been cognisant of the Landscape Strategies for prior phases.

The development shall be carried out in accordance with the approved Landscaping Scheme and the approved timetable and Landscape Management and Maintenance Plan.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, in consultation with the Highway Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation

Reason: In order to provide green infrastructure and landscaping in accordance with Policies NE4 'Green Infrastructure' and DES3 'Landscaping' of the East Herts District Plan (2018); and Policy SIR 2 'Enhancing Key Gateway locations' and Policy 'PL8 Green Infrastructure and Landscaping' of the Harlow Local Development Plan (2020).

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33. Legally Protected Species and Habitat Protection and Enhancement Plan: No phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) shall commence (save for Enabling Works, but excluding site clearance, demolition and tree/ vegetation removal), until a Species and Habitat Protection and Enhancement Plan for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority.

The Species and Habitat Protection and Enhancement Plan shall detail measures to mitigate and/or compensate damages to protected and notable species (under The Wildlife and Countryside Act 1981) and their associated habitat.

The Species and Habitat Protection and Enhancement Plan must be based on up-to-date surveys and consider the whole duration of that phase or sub-phase of the development, from the construction phase through to completion.

The plan shall include the following (as far as is relevant to that phase or sub-phase):

- a) Up-to-date ecological surveys conducted by a suitably qualified ecologist, at the appropriate time of year;
- b) Details and drawings of the road crossings and culverts, including how they will interact with the watercourses (e.g. abutments, buffer zones, shading, lighting);
- c) Details of how the development will mitigate and compensate for any impacts it may have on protected species and their associated habitats and habitat corridors including floodplain restoration and how it will enhance habitats and corridors;
- d) Details of improvements to watercourse riparian corridors and river channels;
- e) Measures to be taken to ensure the safe movement of terrestrial mammals through/beneath the structures;
- f) Measures to be taken to provide bird and bat nesting and roosting sites on or around elevated structures;
- g) Measures to be taken to avoid disturbance to landscaping and habitats adjacent to pedestrian/cycle routes;
- h) Demonstration of how the above measures contribute towards biodiversity gain based on an up to date biodiversity net gain metric or alternative methodology as agreed by the Local Planning Authority;
- i) Description and evaluation of any features to be managed;
- j) Any specific ecological trends and constraints on the site that might influence management;
- k) Aims, objectives, actions and methods to ensure effective management;
- l) Preparation of a works schedule including an annual work plan capable of being rolled forward every 5 years;
- m) Details of ongoing management, maintenance, monitoring and remedial measures;
- n) A programme for implementation;
- o) Details of the body or organisation responsible for implementation and management of the plan;
- p) A scheme for the long-term funding and management mechanisms by which implementation, long term management and protection of these species and habitats will be secured.

The development shall be carried out in accordance with the approved details and the plan shall be implemented and the site managed in accordance with the approved details.

Reason: In order to provide an up to date baseline of biodiversity information and to ensure biodiversity is protected as far as possible and habitats are created and enhanced in accordance with Policies NE3 'Species and Habitats' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE3 'General Strategy for Biodiversity and Geodiversity' PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems', and PL9 'Biodiversity and Geodiversity Assets' of the Harlow Local Development Plan (2020).

34. **Habitat Compensation Ecological Management Plan - On-Site:**

Prior to the commencement of any phase of the development (as defined in plans and documents approved pursuant to Condition 5) that results in the loss of habitat in the Fiddlers' Brook Marsh/Hollingson Meads Local Wildlife Site, and the Hollingson Meads area, a Habitat Compensation Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority setting out how 0.82 Ha of compensatory habitat will be provided within the area of land identified on Drawing HNP495-GRA-SK-0010 Rev 01 - ESC Ecological Compensation or such other area of land agreed with the Local Planning Authority.

The Plan shall include the following:

- a) Details of how the development will mitigate and compensate for any impacts it may have on protected species and their associated habitats and habitat corridors including floodplain restoration and how it will enhance habitats and corridors;
- b) Demonstration of how the above measures contribute towards achieving a biodiversity net gain based on an up to date biodiversity metric or alternative methodology as agreed by the Local Planning Authority;
- c) Description and evaluation of any features to be managed;
- d) Any specific ecological trends and constraints on the site that might influence management;
- e) Aims, objectives, actions and methods to ensure effective management;
- f) Preparation of a works schedule including an annual work plan capable of being rolled forward every 5 years;
- g) Details of ongoing management, maintenance, monitoring and remedial measures;
- h) A programme for implementation;
- i) Details of the body or organisation responsible for implementation and management of the plan;
- j) A scheme for the long-term funding and management mechanisms by which implementation, long term management and protection of these species and habitats will be secured.

Thereafter, the Plan shall be implemented in accordance with the approved details and programme.

Reason: To ensure that the development compensates for the loss of designated sites of nature conservation interest in accordance with Policy NE1 and NE3 of the East Herts District Plan (2018) and Policy PL8 and PL9 of the Harlow Local Development Plan (2020).

35. **Habitat Compensation Ecological Management Plan - Off-Site:**

Prior to the commencement of any phase of the development (as defined in plans and documents approved pursuant to Condition 5) that results in the loss of habitat in the

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Hollingson Meads area, a Habitat Compensation Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority setting out how 4.11Ha of compensatory habitat will be provided within the area of land identified on Drawing HNP495-GRA-SK-0011 Rev 03 - CSC Ecological Compensation.

The Plan must include the following:

- a) Details of how the development will mitigate and compensate for any impacts it may have on protected species and their associated habitats and habitat corridors including floodplain restoration and how it will enhance habitats and corridors;
- b) Demonstration of how the above measures contribute towards achieving a biodiversity net gain based on an up to date biodiversity metric or alternative methodology as agreed by the Local Planning Authority;
- c) Description and evaluation of any features to be managed;
- d) Any specific ecological trends and constraints on the site that might influence management;
- e) Aims, objectives, actions and methods to ensure effective management;
- f) Preparation of a works schedule including an annual work plan capable of being rolled forward every 5 years;
- g) Details of ongoing management, maintenance, monitoring and remedial measures;
- h) A programme for implementation;
- i) Details of the body or organisation responsible for implementation and management of the plan;
- j) A scheme for the long-term funding and management mechanisms by which implementation, long term management and protection of these species and habitats will be secured.

Thereafter, the Plan shall be implemented in accordance with the approved details and programme.

**Reason:** To ensure that the development compensates for the loss of designated sites of nature conservation interest in accordance with Policy NE1 and NE3 of the East Herts District Plan (2018) and Policy PL8 and PL9 of the Harlow Local Development Plan (2020).

## 36. Biodiversity Monitoring and Verification Plan:

Five years following completion of the development hereby approved (plus every five years thereafter for a period of 30 years) a Biodiversity Monitoring and Verification Report and Action Plan shall be submitted to the Local Planning Authority for approval.

The Report shall confirm the effectiveness or otherwise of the Landscape Management and Maintenance Plan (Condition 32), Species and Habitat Protection and Enhancement Plan (Condition 33), Habitat Compensation Ecological Management Plan On-Site (Condition 34) and Habitat Compensation Ecological Management Plan - Off-site (Condition 35). The submission must be made by a suitably qualified professional.

As a minimum the report shall include a suite of quantitative and qualitative indicators using methods such as annual site walkovers, surveys and fixed-point photography, to monitor the implementation and effectiveness of mitigation/ management measures. The report shall include any remediation works required in order to address where measures may not

be functioning and/or meeting net gain targets expected. The details of all survey findings shall be shared with Herts Ecological Record database.

Any remediation works identified shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development maintains, enhances and contributes appropriately to biodiversity in accordance with Policies NE3 'Species and Habitats' and WAT3 'Water Quality and the Water Environment' of the East Herts District Plan (2018) and Policies WE3 'General Strategy for Biodiversity and Geodiversity', PL11 'Water Quality, Water Management, Flooding and Sustainable Drainage Systems' and PL9 'Biodiversity and Geodiversity Assets' of the Harlow Local Development Plan 2020.

37. Archaeological Written Scheme of Investigation:

No demolition shall be carried out nor shall any development commence (save for Enabling Works) in any phase or sub-phase of the site (as defined in plans and documents approved pursuant to Condition 5), until an Archaeological Written Scheme of Investigation covering that phase or sub-phase of the site has been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include an assessment of archaeological significance and research questions; and details of:

- a) The programme and methodology of site investigation and recording as suggested by the evaluation;
- b) The programme for post investigation assessment;
- c) Provision to be made for analysis of the site investigation and recording;
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) Provision to be made for archive deposition of the analysis and records of the site investigation;
- f) Nomination of a competent person or person/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure the appropriate investigation for presence / recording of heritage assets in accordance with Policy HA3 'Archaeology' of the East Herts District Plan (2018) and Policy PL12 'Heritage Assets and their Settings' of the Harlow Local Development Plan (2020).

38. Implementation of Archaeological Investigation:

No development shall take place in any phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5) other than in complete accordance with the programme of archaeological investigation and works set out in the Written Scheme of Investigation for that phase approved pursuant to Condition 37.

Reason: to ensure the appropriate investigation for presence / recording of heritage assets and to comply with the requirements of Policy GA1 of the East Herts District Plan 2018, Policy PL12 of the Harlow Local Development Plan and paragraph 211 of the NPPF 2021.

39. Post Archaeological investigation Assessment:

No phase or sub-phase of the development (as defined in plans and documents approved pursuant to Condition 5), shall be brought into use until the site investigation and post investigation assessment has been completed for that phase or sub-phase in accordance

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with the programme set out in the Written Scheme of Investigation approved pursuant to Condition 37 and the provision made for analysis and publication where appropriate.

**Reason:** To ensure the appropriate investigation for presence / recording of heritage assets in accordance with Policy HA3 'Archaeology' of the East Herts District Plan (2018) and Policy PL12 'Heritage Assets and their Settings' of the Harlow Local Development Plan (2020).

**40. Land Restoration:**

In the event that outline planning permission has not been granted for planning application EHDC Ref 3/19/1045/OUT within 18 months of the date of this permission and Enabling Works have been undertaken:

(1) a Land Restoration Scheme of Work to restore any land that has been subject to and/or impacted by the Enabling Works shall be submitted to and approved by the Local Planning Authority within 21 months of the date of this permission; and

(2) any works carried out in connection with the development hereby permitted (e.g. as Enabling Works) shall be removed and the land restored to its former condition in accordance with the Scheme of Work and programme approved by the local planning authority.

The Land Restoration Scheme of Work to be submitted shall include a programme, detailed specifications and/or plans for remedial and restoration works, full details of replacement tree planting and landscaping along with a maintenance plan to the effect that should any part of replacement planting fail within a period of five years after planting these will be replaced.

The restoration works shall be carried out and completed in complete accordance with the approved details of the Land Restoration Scheme and evidence shall be provided to the satisfaction of the Local Planning Authority of the completion of the restoration works to be confirmed in writing.

If at any period within 21 months of the date of this permission any Enabling Works have been carried out and planning permission has not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Work.

**Reason:** Permitting "Enabling Works" enables the realisation of public benefits and helps to meet local plan requirements. If the crossing permission is unable to be implemented prior to expiry (on account of condition 4 not being satisfied) than any works to or harm caused to the crossing site is to be rectified so to reverse the effects of the "Enabling Works". In order to ensure the satisfactory replacement of landscaping features which are of amenity and/or biodiversity value, in accordance with Policies NE4 'Green Infrastructure', DES3 'Landscaping', DES4 (III) 'Design of Development' and TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation of the East Herts District Plan (2018) and Policy 'PL8 Green Infrastructure and Landscaping' of the Harlow Local Development Plan (2020).

41. Details and Delivery of Junction Improvements A414 Edinburgh Way/River Way and River Way Bus Stops:

Prior to the first operational use of Road 3:

- a) Detailed drawings shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority comprising proposed junction improvements to the A414 Edinburgh Way/River Way junction and for new bus stop(s) to River Way;
- b) The Applicant shall enter into a legal agreement under section 278 of the Highways Act 1980 to undertake the works in complete accordance with the approved details;
- c) The agreed works shall be practically complete to the satisfaction of the Highway Authority, demonstration of which shall be provided to the Local Planning Authority.

Reason: To ensure that off-site improvement works occur in a timely fashion in accordance with Policy TRA1 'Sustainable Transport' and Policy TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation' of the East Herts District Plan (2018), and Policy SIR2 'Enhancing Key Gateway Locations', Policy IN1 Development and Sustainable Modes of Travel' and Policy IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

42. Employment and Training Strategy:

Prior to the commencement of construction works on any part of the development hereby approved (save for Enabling Works), an Employment and Training Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out the details of how employment and training opportunities will be provided to the local population during the construction phase of the development.

The Employment and Training Strategy shall provide details of the following:

- a) A schedule of new employment opportunities to be created through the proposed development, including (but not limited to) long-term job creation, short term/temporary job creation, apprenticeships, work placements, work experience and pre-employment training scheme placements;
- b) The process by which jobs will be advertised to local people;
- c) The method in which the provision of jobs for local residents will be monitored;
- d) Details of training programmes and opportunities, including through local education and further education establishments such as (but not limited to) Hertfordshire University, Herts Regional College, Harlow College and Job Centre Plus.

Once approved, the Employment and Training Strategy shall be implemented (including by all sub-contractors) in accordance with the approved details (or any subsequent revision thereof approved in writing by the Local Planning Authority).

Reason: To ensure opportunities are created for local residents to access employment and/or training during the construction of the development, in accordance with Policy GA1 (r) 'The Gilston Area' and ED6 'Lifelong Learning' of the East Herts District Plan (2018) and Policy PR4 'Improving Job Access and Training' of the Harlow Local Development Plan (2020).

43. Pye Corner Public Realm Improvements:

Within 6 months of the first operational use of Road 1 and Road 2 and in any event prior to commencement of Road 3, a Public Realm Enhancement Strategy for Pye Corner (which shall be located on land within the adopted highway boundary) together with a programme

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for the delivery of the improvement works to Fiddlers' Brook Footbridge shall be submitted to and approved in writing by the LPA in consultation with the Highway Authority.

The Strategy shall detail the proposed enhancements and the programme and arrangements for delivering the details agreed which shall also include a programme for the delivery of the improvement works approved pursuant to Listed Building Consent 3/19/1049/LBC.

The approved details shall be delivered in accordance with the approved programme contained in the Strategy.

Prior to the first operational use of Road 3, the improvements approved including those to Fiddlers' Brook Footbridge pursuant to the Listed Building Consent 3/19/1049/LBC must have been carried out to the satisfaction of the Local Planning Authority.

Reason: To provide enhancements to the public realm of Pye Corner and Fiddlers' Brook Footbridge in the interests of amenity and place making following the closure of the road as a through-route to motorised vehicles, in line with the provisions of Policy GA1 'The Gilston Area', Policy GA2 'The River Stort Crossings', Policy HA1 'Designated Heritage Assets', Policy DES2 'Landscape Character', Policy DES3 'Landscaping', Policy DES4 'Design of Development', Policy TRA1 (Sustainable Transport', Policy TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation, and Policy CFLR9 'Health and Wellbeing' of the East Herts District Plan (2020).

## 44. Stort Navigation Footbridge Enhancements:

Within 12 months of the first operational use of Road 3, details of the proposed Scheme of Works to the decks and parapets of the two Stort Navigation Footbridges (identified on Drawing VD17516/EC-101-GA P04) shall be submitted to and approved in writing by the LPA in consultation with the Highway Authority.

The Scheme of Works shall demonstrate that the design facilitates the safe movement of pedestrians and cycles being walked across the bridges, the programme and arrangements for delivering the Works agreed.

The approved details shall be delivered in accordance with a programme contained in the Scheme of Works.

Reason: To provide enhancements to the public realm of the Stort Navigation in the interests of amenity and place making, following the closure of the road as a through-route to motorised vehicles, in line with the provisions of Policy GA1 'The Gilston Area', Policy GA2 'The River Stort Crossings', Policy TRA1 'Sustainable Transport', Policy TRA2 'Safe and Suitable Highway Access Arrangements and Mitigation' of the East Herts District Plan (2018), and Policy IN1 'Development and Sustainable Modes of Travel' and Policy IN2 'Impact of Development on the Highways Network including Access and Servicing' of the Harlow Local Development Plan (2020).

## Informatics:

1. A) 'Enabling Works' comprises "site clearance and demolition; tree/vegetation removal (in accordance with the approved plans in Condition 2); soil investigations (including soakage testing, window sampling, boreholes, CBR's and gas monitoring); ecology surveys; archaeology surveys (including geo physical surveys, window samples and trenching); slip trenches to investigate existing services; drainage surveys (such as CCTV and jetting); river modelling; and topographical surveys"
2. B) 'Local Planning Authority' means either East Herts Council and/or Harlow District Council. Both Councils will consult the other when providing agreement in writing on applications to discharge conditions.
3. C) 'Highway Authority' means either Essex County Council and/or Hertfordshire County Council. The Local Planning Authorities will consult with the Highway Authorities when providing agreement in writing on applications to discharge conditions.
4. D) The permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Highways Act, Building Regulations or under any other form of law, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency etc. Neither does this permission negate or override any private covenants which may affect the land.
5. E) The permission is for construction of new public highway infrastructure. As a result the permission cannot be implemented without the prior approval of the local highway authorities (Hertfordshire County Council and Essex County Council). Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and meet their requirements. In order to implement this permission it will be necessary for the developer of the site to enter into agreements with the County Councils as Highway Authorities under Section 278 and Section 38 of the Highways Act to ensure satisfactory completion of the road improvements. The construction must be undertaken to the Highway Authorities' detailed design / specification and to their satisfaction. Construction must be undertaken by a contractor who is authorised to work in the public highway.
6. F) Implementation also requires:
  - I. that necessary property rights for use and access to all land required for the extended / enlarged and new highways (including drainage features and drainage rights and connections to existing water courses) have been legally secured in the public interest.
  - II. that the agreements under Section 38 of Highways Act for the highways authorities to adopt the newly constructed public highway (and any related features that are required for its operation) on its satisfactory completion include financial provision for future maintenance. Highways Development Management teams should be consulted on any drainage features that are proposed for adoption by Hertfordshire County Council/ Essex County Council. Any drainage features to be adopted shall be designed and built to accommodate the Highway Authorities adoption requirements and an appropriate commuted sum, based on the approved feature maintenance plan must be agreed.
7. G) The highway authorities also advise that, to ensure any works as part of this development are carried out in accordance with other the provisions of the Highways Act 1980 and other relevant processes, the following advice is considered:

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## I. Public Rights of Way:

Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works. Safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to the relevant County Council for such an order. Further information should be sought in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

## II. Obstruction of public highway land:

It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

## III. Storage of materials:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

## IV. Road Deposits:

It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

- H) Other legal procedures providing wider public and private interest safeguards must be satisfied before implementation. These include:
  - Procedural Orders for any changes to existing public highway that affect public and / or private interests.
  - Procedural Orders for bridging the navigable waterway.
  - Land drainage procedures, rights and legal requirements taking account of Environment Agency and Lead Local Flood Authority (LLFA) requirements and advice. All works to

ordinary watercourses, including widening of the channel to include additional storage will require ordinary watercourse consent from the LLFAs. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will also require the prior written consent from the LLFA under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of planning permission. The LLFAs have a duty to maintain an asset register and records of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage (SuDS) features which may form part of the future register, details of and location of the SuDS assets created or modified through the development should be provided in a GIS layer on completion of the development.

9. I) Additional regulatory consideration may be required on some of specialist matters relevant to this permission as follows:
  - I. Archaeological requirements (Hertfordshire and Essex County Councils)
  - II. Local Land and Property Gazetteer Custodian requirements (District Councils); the development may involve the naming of new streets and numbering of properties)
  - III. Sewer protection requirements; the site has public sewers running across or close to it which may be affected by the proposed building works. It may be necessary to divert the sewer and water course and carry out other works to protect it and the proposed building works before any site works are commenced (Thames Water Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ Telephone: 01923 898072)
  - IV. Ground water pollution risk; parts of the site are located within the groundwater protection zone of Sawbridgeworth Pumping Station. The construction works and operation of the proposed development should be in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the pollution risk. Construction works may exacerbate any existing pollution. Please refer to CIRIA Publication C532 'Control of water pollution from construction- guidance for consultants and contractors'
  - V. Protected species including bats / reptiles / great crested newts; if found during development, works must stop immediately and professional ecological advice must be sought on how to proceed. A licence may be required from Natural England who can be contacted on 01206 796666. Nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September.

**This Decision Relates to Plan Numbers:**

VD17516-EC-100-GA (1 of 3) General Arrangement (1 of 3) P05 (Layout)  
VD17516-EC-100.1 GA (2 of 3) General Arrangement (2 of 3) P05 (Layout)  
VD17516-EC-101-GA (3 of 3) General Arrangement (3 of 3) P04 (Layout)  
VD17516-EC-102-LS Road 1 Longitudinal Section (Sheet 1 of 3) P03 (Section Details)  
VD17516-EC-103-LS Road 2 Longitudinal Section (Sheet 2 of 3) P02 (Section Details)  
VD17516-EC-104-LS Road 3 Longitudinal Section (Sheet 3 of 3) P03 (Section Details)  
VD17516/EC-104.1- LS River Way Longitudinal Section P01 (Section Details)

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- VD17516-EC-108- RL Red Line Boundary P03 (Site plan)
- VD17516-EC-110-XS Eastern Stort Crossing Typical Cross Sections Sheet 1 of 2 P02 (Section Details)
- VD17516-EC-111-XS Eastern Stort Crossing Typical Cross Sections Sheet 2 of 2 P03 (Section Details)
- VD17516-EC-112-TR Village 1 / Terlings Park Access Swept Path Analysis Max Articulated/Refuse P01 (Road Plan/Layout)
- VD17516-EC-113-TR ESC/Pye Corner Junction Swept Path Analysis Max Articulated/10m Rigid Goods P03 (Road Plan/Layout)
- VD17516-EC-114-TR Village 2 Access Swept Path Analysis Max Articulated Goods Vehicle P02 (Road Plan/Layout)
- VD17516-EC-115-TR Village 2 Access Swept Path Analysis 10m Rigid Goods Vehicle P02 (Road Plan/Layout)
- VD17516-EC-119-TR River Way Roundabout Swept Path Analysis 10m Rigid Goods/Lights Goods Vehicle P02 (Road Plan/Layout)
- VD17516-EC-116-TR Central Roundabout Swept Path Analysis Max Articulated Goods Vehicles P02 (Road Plan/Layout)
- VD17516-EC-117-TR Central Roundabout Swept Path Analysis 10m Rigid Goods Vehicle P02 (Road Plan/Layout)
- VD17516-EC-118-TR River Way Roundabout Swept Path Analysis Max Articulated Goods Vehicle P02 (Road Plan/Layout)
- VD17516-EC-120.1-VS Road 1 Village 1 Resi Access Proposed Design Visibility P01 (Proposed Access Visibility Splays)
- VD17516-EC-119.1-TR River Way Roundabout Swept Path Analysis 10m Rigid Goods Vehicle/Private Car P02 (Road Plan/Layout)
- VD17516-EC-120-VS Road 1 - Fiddlers' Brook Junction Proposed Design Visibility P03 (Proposed Access Visibility Splays)
- VD17516-EC-121- VS Road 2 - Eastwick Road Proposed Design Visibility P02 (Proposed Access Visibility Splays)
- VD17516-EC-122-VS Road 1, 2, 3 - Central Roundabout Proposed Design Visibility P02 (Proposed Access Visibility Splays)
- VD17516-EC-123-VS Road 3 - River Way Roundabout Proposed Design Visibility P02 (Proposed Access Visibility Splays)
- VD17516-EC-123.1- VS River Way Roundabout Vertical Visibility (Proposed Access Visibility Splays)
- VD17516-EC-109- EX P02 Existing Layout Plan P02 (Existing Site Plan)
- VD17516-EC-133-TR 01 Burnt Mill Lane - Ghost Island Junction Vehicle Swept Path P01 (Road Plan/Layout)
- VD17516-EC-140 P03 Proposed Speed Strategy Plan P03 (Other)
- VD17516-EC-D141 P01 Existing Speed Limit Plan P01 (Other)
- VD17516-EC-142- SURF Proposed vs Existing Levels P02 (Land Levels)
- VD17516-EC-151- GEO Roundabout Geometry River Way Roundabout P02 (Road Plan/Layout)
- VD17516-EC-150-GEO Roundabout Geometry Road 1, 2, 3 Central Roundabout P02 (Road Plan/Layout)
- VD17516-EC-155- DfS Road 1 Proposed Departure from Standard P02 (Other)
- VD17516-RW-RBT-120-DfS River Way Roundabout Proposed Departure from Standard P06 (Other)
- VD17516-EC-170-AP Preliminary Adoption Plan Sheet 1 of 3 P02 (Other)

VD17516-EC-171-AP Preliminary Adoption Plan Sheet 2 of 3 P02 (Other)  
VD17516-EC-172-AP Preliminary Adoption Plan Sheet 3 of 3 P02 (Other)  
VD17516-EC-180-ST Structures Location Plan P03 (Road Plan/Layout)  
VD17516-EC-400- VRS Proposed Vehicle Restraint Systems P02 (Road Plan/Layout)  
VD17516-EC-401-VRS Proposed Vehicle Restraint Systems P03 (Road Plan/Layout)  
VD17516-V2i-100- GA Village 2 Interim Phase General Arrangement P01 (Road Plan/Layout)  
VD17516-EC-STR-030 Fiddlers Brook Bridge - Preliminary Design GA Drawings P03 (Road Plan/Layout)  
VD17516-EC-STR- 040 Stort Valley Flood Crossing - Preliminary Design GA drawings - Sheet 1 of 2 P02 (Road Plan/Layout)  
VD17516-EC-STR- 041 Stort Valley Flood Crossing - Preliminary Design GA drawings - Sheet 2 of 2 P01 (Road Plan/Layout)  
18303-FB-6-008 Fiddlers Bridge - Proposed Structural Repairs Rev A (Plans - Proposed)  
VD17516-EC-STR-045 Eastern Crossing Road 3 Proposed Structure Stort Valley - Sheet 1 of 2 P02 (Road Plan/Layout)  
VD17516-EC-STR-046 Eastern Crossing Road 3 Proposed Structure Stort Valley - Sheet 2 o P01 (Road Plan/Layout)  
VD17516-RW-STR-060 River Way Bridge Preliminary Design General Arrangements P02 (Plans - Proposed)  
1774-01-CIVIC-S-SK01 Fiddlers Bridge Gilston Proposed Balustrade P04 (Plans - Proposed)  
200928-3.6-GPA-EC-TPP-MM Tree Protection Plan Eastern Stort Crossing (Other)  
HNP495-GRA-X-XX-DR-L-5111 Eastern Stort Crossing Planting Plan 1/5 Rev 08 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5112 Eastern Stort Crossing Planting Plan 2/5 Rev 08 (Landscaping)  
HNP495-GRA-X-XX- DR-L-5113 Eastern Stort Crossing Planting Plan 3/5 Rev 08 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5114 Eastern Stort Crossing Planting Plan 4/5 Rev 10 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5115 Eastern Stort Crossing Planting Plan 5/5 Rev 03 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5121 Eastern Stort Crossing (Western Spur) Planting Plan 1/3 Rev 07 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5122 Eastern Stort Crossing (Western Spur) Planting Plan 2/3 Rev 11 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5123 Eastern Stort Crossing Western Spur) Planting Plan 3/3 Rev 09 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5221 Eastern Stort Crossing (Western Spur) Detailed Planting Plan Rev 06 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5309 Eastern Stort Crossing Planting Section Rev 04 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5310 Eastern Stort Crossing Planting Elevation 1/2 Rev 03 (Landscaping)  
HNP495-GRA-X-XX-DR-L-5311 Eastern Stort Crossing Planting Elevation 2/2 Rev 03 (Landscaping)  
HNP495-GRA-SC-001 Gilston River Crossings and Village Development Accesses Planting Schedule Rev 02 (Landscaping)  
HNP495-GRA-SK-0010 ESC Ecological Compensation Rev 02 (Landscaping)  
HNP495-GRA-SK-0011 CSC Ecological Compensation Rev 03 (Landscaping)  
Drainage Strategy: EHUK-VEC-1XX-XX-TN-D-9001 B (Other)

**Notes:**

1. Your proposed works may require building control approval. Please contact Hertfordshire Building Control Ltd who will help you through the process. Please contact them on 0208 207 7456 or email [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk).
2. East Herts District Council would like to know what you think about our Planning Service process. We would be very grateful if you could complete the survey, by using this link <https://www.surveymonkey.co.uk/r/FQMRJR9>. There are only four questions to answer, so

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it will take no time at all. We want to improve our customer experience, so please take the time to let us know what you think.

Dated: 18th March 2022

On Behalf Of Development Management

A handwritten signature in black ink.

Signed:

Jenny Pierce

**SEE ATTACHED NOTES**

**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.\*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.\*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

**Appeals under the Control of Advertisement Regulations**

The same provision relating to rights of appeal against the Local Planning Authority's decision applies to advertisements with the following differences:

- Notice of appeal must be given in writing to the Secretary of State within 8 weeks from the date of this notice.
- The notice of appeal must be accompanied by a copy of the following documents:
  - (a) The application forms
  - (b) All relevant plans and particulars
  - (c) This notice of decision
  - (d) All other relevant correspondence with the Authority

The Secretary of State may require a statement of additional matters from either the applicant or the Local Planning Authority, and may with the agreement of both the applicant and the authority determine the appeal without affording an opportunity to appear before an Inspector.

**Purchase Notices**

- If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its

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existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 169 and related provisions of the Town and Country Planning Act 1971.

Please note you will no longer be receiving a hard copy of this communication.;

## **Appendix C – Mitigation Route Map**

ES Addendum, Chapter 22 Assessment Summary and Mitigation Implementation

## **CHAPTER 22: ASSESSMENT SUMMARY AND MITIGATION IMPLEMENTATION**

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22.1.1 Tables 22.1 and 22.2 provide a summary of the predicted residual effects following mitigation implementation and a summary of the proposed mitigation.

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

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**Table 22.1: Assessment Summary**

### Socio Economics and Community Effects

| Environmental Effect                                     | Sensitivity of Receptor   | Nature of Impact | Impact Magnitude | Significance    | Additional Mitigation   | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|--|---|------------------|------------------|-----------------|-------------------------|---------------------------|---------------------------------|------------------|
| <b>Construction Effects</b>                              |   |                  |                  |                 |                         |                           |                                 |                  |
| Employment   | Low   | Beneficial       | Minor            | Not significant | Not required            | Medium                    | Minor                           | High             |
| <b>Operation Effects</b>                                 |   |                  |                  |                 |                         |                           |                                 |                  |
| Housing  | Low   | Beneficial       | Major            | Significant     | Not required            | Major                     | Significant                     | High             |
| Operational Employment                                   | Low   | Beneficial       | Minor            | Not significant | Not required            | Minor                     | Not significant                 | Moderate         |
| Early Years and Primary Education                        | Low   | Beneficial       | Moderate         | Not significant | Not required            | Moderate                  | Not significant                 | Moderate         |
| Secondary Education                                      | High  | Adverse          | Major            | Significant     | Financial Contributions | Major (beneficial)        | Significant                     | Moderate         |
| Primary Healthcare                                       | Low   | Adverse          | Moderate         | Not significant | Financial Contributions | Moderate (beneficial)     | Not significant                 | High             |
| Open Space and Play Space                                | Low   | Beneficial       | Moderate         | Not significant | Not required            | Moderate                  | Not significant                 | Moderate         |
| Gypsy, Traveller and Travelling Showpeople Accommodation | High  | Beneficial       | Major            | Significant     | Not required            | Major                     | Significant                     | High             |
| <b>Cumulative Effects</b>                                |   |                  |                  |                 |                         |                           |                                 |                  |
| <b>Project and V1-6</b>                                  |   |                  |                  |                 |                         |                           |                                 |                  |
| Effect   | Description   |                  |                  | Mitigation      |                         | Significance              | Confidence Level                |                  |
| <b>Construction Effects</b>                              |   |                  |                  |                 |                         |                           |                                 |                  |
| Employment   | Construction of the Project and V1-6 are anticipated to generate additional construction employment and would support construction firms operating in East Herts, the region and wider England economy. |                  |                  |                 | Not required            |                           | Moderate Beneficial             | High             |
| <b>Operation Effects</b>                                 |   |                  |                  |                 |                         |                           |                                 |                  |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 432

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| Housing  | Provision of new homes is anticipated to have a high impact in the context of the housing need within East Herts.  | Not required                                 | Major Beneficial  | High             |
|--|--|--|---|------------------|
| Education  | Provisions of early years, primary and secondary education in V1-7 is anticipated to be sufficient to cater for needs of the new residents.  | Not required                                 | Moderate Beneficial for early years and primary education; Major Beneficial for secondary education | Moderate         |
| Primary Healthcare                                       | GP services will be provided centrally within Villages 1-6, catering for the population living in Villages 1-7.  | Not required                                 | Moderate Beneficial   | High             |
| Open Space and Play Space                                | The Project's and V1-7 contributions to the green network is anticipated to benefit the new residents as well as the existing East Herts and Harlow residents, wider East of England population and tourism. | Not required                                 | Moderate Beneficial   | Moderate         |
| Employment   | The Project and V1-6 are anticipated to generate additional employment.  | Not required                                 | Moderate Beneficial   | Moderate         |
| Gypsy, Traveller and Travelling Showpeople Accommodation | In addition to the 8 pitches safeguarded for Gypsies and Travellers for Village 7, up to 1ha has been safeguarded to provide 15 pitches for Gypsies, Travellers and Travelling Showpeople in Villages 1-6.   | Not required                                 | Major Beneficial  | High             |
| <b>Project, V1-6 and Committed Development</b>           |  |  |   |                  |
| Effect   | Description  | Description                                  | Significance  | Confidence Level |
| <b>Construction Effects</b>                              |  |  |   |                  |
| Employment   | Construction of the Project, V1-6 committed development are anticipated to generate additional construction employment and would support construction firms operating the region and wider England economy.  | Not required                                 | Minor Beneficial  | High             |
| <b>Operation Effects</b>                                 |  |  |   |                  |
| Housing  | The cumulative developments are anticipated to provide new housing which impact is considered to be high in the context of the housing need within East Herts and Harlow.                                    | Not required                                 | Major Beneficial  | High             |
| Social Infrastructure                                    | While Villages 1-7 are designed to be self-sufficient, the cumulative developments are anticipated to generate additional pressures on the local social infrastructure.                                      | Onsite provisions or financial contributions | Negligible  | Moderate         |
| Employment   | The cumulative developments would support jobs creation in the area.   | Not required                                 | Beneficial  | High             |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

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### Human Health

| Environmental Effect      | Description  | Sensitivity of Receptor                             | Nature of Impact | Mitigation   | Residual Significance of Effect | Confidence Level |
|---------------------------|--|---|------------------|--|---------------------------------|------------------|
| Construction Effects      | Effect on human health arising from construction activities such as noise and dust.                    | Dependant on age and general health of individuals. | Adverse          | CoCP, CTMP   | Not significant                 | High             |
| Operation Effects         | Effect on human health arising from housing and neighbourhood design.                                  | Dependant on age and general health of individuals. | Positive         | Onsite provision of social infrastructure (healthcare and secondary school facilities), housing, employment, sustainable transport strategy. | Significant                     | High             |
| <b>Cumulative Effects</b> |  |   |                  |  |                                 |                  |
| Effect                    | Description  | Sensitivity of Receptor                             | Nature of Impact | Mitigation   | Residual Significance of Effect | Confidence Level |
| Construction Effects      | Effect on human health arising from cumulative schemes construction activities such as noise and dust. | Dependant on age and general health of individuals. | Adverse          | CoCP, CTMP   | Not significant                 | Medium           |
| Operation Effects         | Effect on human health arising from development.   | Dependant on age and general health of individuals. | Positive         | Onsite, offsite or financial contribution towards provision of social infrastructure (healthcare and secondary school facilities).           | Significant                     | Medium           |

### Transport and Access

| Environmental Effect | Sensitivity of Receptor | Nature of Impact    | Impact Magnitude | Significance    | Additional Mitigation                | Residual Effect                       |
|----------------------|-------------------------|---------------------|------------------|-----------------|--------------------------------------|---------------------------------------|
| <b>Construction</b>  |                         |                     |                  |                 |                                      |                                       |
| Severance            | Low                     | Temporary, district | Major            | Slight/moderate | Construction Traffic Management Plan | Temporary (long term) Slight/moderate |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 434

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|                              |     |                     |            |                   |   |  |
|------------------------------|-----|---------------------|------------|-------------------|---|--|
| Pedestrian & Cyclist Delay   | Low | Temporary, district | Minor      | Slight/moderate   | Construction Traffic Management Plan        | Temporary (long term)<br>Slight/moderate |
| Pedestrian & Cyclist Amenity | Low | Temporary, district | Minor      | Neutral/ slight   | Construction Traffic Management Plan        | Temporary (long term)<br>Neutral/ slight |
| Driver Delay                 | Low | Temporary, district | Minor      | Slight/moderate   | Construction Traffic Management Plan        | Temporary (long term)<br>Slight/moderate |
| Collisions & Safety          | Low | Temporary, district | Negligible | Neutral           | Construction Traffic Management Plan        | Temporary (long term)<br>Neutral         |
| Public Transport             | Low | Temporary, district | Moderate   | Slight/beneficial | Construction Traffic Management Plan        | Slight/beneficial                        |
| <b>Operational (2033)</b>    |     |                     |            |                   |   |  |
| Severance                    | Low | Permanent           | Major      | Slight/moderate   | Travel Plan and Sustainable Travel Measures | Slight/moderate                          |
| Pedestrian & Cyclist Delay   | Low | Permanent           | Moderate   | Neutral/ slight   | Travel Plan and Sustainable Travel Measures | Neutral/ slight                          |
| Pedestrian & Cyclist Amenity | Low | Permanent           | Major      | Slight/moderate   | Travel Plan and Sustainable Travel Measures | Slight/moderate                          |
| Driver Delay                 | Low | Permanent           | Minor      | Neutral/ slight   | Travel Plan and Sustainable Travel Measures | Neutral/ slight                          |
| Collisions & Safety          | Low | Permanent           | Negligible | Neutral           | Travel Plan and Sustainable Travel Measures | Neutral                                  |
| Public Transport             | Low | Permanent           | Moderate   | Beneficial        | Travel Plan and Sustainable Travel Measures | Beneficial                               |
| <b>Operational (2040)</b>    |     |                     |            |                   |   |  |
| Severance                    | Low | Permanent           | Major      | Slight/moderate   | Travel Plan and Sustainable Travel Measures | Slight/moderate                          |
| Pedestrian & Cyclist Delay   | Low | Permanent           | Moderate   | Neutral/ slight   | Travel Plan and                             | Neutral/ slight                          |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

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|                              |     |           |            |                 |   |                 |
|------------------------------|-----|-----------|------------|-----------------|---|-----------------|
|                              |     |           |            |                 | Sustainable Travel Measures                 |                 |
| Pedestrian & Cyclist Amenity | Low | Permanent | Major      | Slight/moderate | Travel Plan and Sustainable Travel Measures | Slight/moderate |
| Driver Delay                 | Low | Permanent | Minor      | Neutral/slight  | Travel Plan and Sustainable Travel Measures | Neutral/slight  |
| Collisions & Safety          | Low | Permanent | Negligible | Neutral         | Travel Plan and Sustainable Travel Measures | Neutral         |
| Public Transport             | Low | Permanent | Moderate   | Beneficial      | Travel Plan and Sustainable Travel Measures | Beneficial      |

### Air Quality

| Environmental Effect              | Sensitivity of Receptor* | Nature of Impact | Impact Magnitude | Significance | Additional Mitigation                  | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|-----------------------------------|--------------------------|------------------|------------------|--------------|--|---------------------------|---------------------------------|------------------|
| Construction Effects              |                          |                  |                  |              |  |                           |                                 |                  |
| Dust Soiling - Existing Receptors | Low                      | Short-Term       | Large            | Low          | See Error! Reference source not found. | None                      | Not significant                 | High             |
| Dust Soiling - Proposed Receptors | High                     | Short-Term       | Large            | High         | See Error! Reference source not found. | None                      | Not significant                 | High             |
| Human Health - Existing Receptors | Low                      | Short Term       | Large            | Low          | See Error! Reference source not found. | None                      | Not significant                 | High             |
| Human Health - Proposed Receptors | Low                      | Short-Term       | Large            | Low          | See Error! Reference source not found. | None                      | Not significant                 | High             |

| Operation Effects                            |   |           |            |  |      |                 |                 |                  |
|--|---|-----------|------------|--|------|-----------------|-----------------|------------------|
| Impacts of the Project on existing receptors | Medium to High  | Long Term | Negligible | Negligible                             | None | None            | Not Significant | High             |
| Onsite air quality concentrations            | Low   | Long Term | Negligible | Negligible                             | None | None            | Not Significant | High             |
| Cumulative Effects                           |   |           |            |  |      |                 |                 |                  |
| Effect                                       | Description   |           |            | Mitigation                             |      | Significance    |                 | Confidence Level |
| Off-site Construction                        | Dust generation at off-site existing receptors  |           |            | See Error! Reference source not found. |      | Not significant |                 | Medium           |
| On-site Construction                         | Dust generation at on-site proposed receptors   |           |            | See Error! Reference source not found. |      | Not significant |                 | High             |
| Off-site Operational                         | NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> from road traffic generated by the Project at existing off-site receptors. |           |            | None                                   |      | Not significant |                 | High             |
| On-site Operational                          | NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> from nearby road traffic at proposed on-site receptors.                    |           |            | None                                   |      | Not significant |                 | High             |

### Noise and Vibration

| Environmental Effect | Sensitivity of Receptor | Nature of Impact | Impact Magnitude | Significance | Additional Mitigation   | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|----------------------|-------------------------|------------------|------------------|--------------|---|---------------------------|---------------------------------|------------------|
| Construction Effects |                         |                  |                  |              |   |                           |                                 |                  |
| Construction noise   | Medium-High             | Temporary, local | Neutral-Major    | Adverse      | Best practicable means to be employed.<br><br>The need to do so can be secured by a reasonably worded planning condition. | Minor                     | Adverse                         | High.            |
| Construction         | Medium-High             | Temporary, local | Minor            | Adverse      | None  | Minor                     | Adverse                         | High.            |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7



|                           |               |                  |                 |  |  |                          |                      |       |
|---------------------------|---------------|------------------|-----------------|--|--|--------------------------|----------------------|-------|
| vibration                 |               |                  |                 |  |  |                          |                      |       |
| Construction traffic      | Medium-High   | Temporary, local | Minor           | Adverse  | None   | Minor                    | Adverse              | High. |
| Operation Effects         |               |                  |                 |  |  |                          |                      |       |
| Site suitability          | -             | -                | -               | Most areas fall below the thresholds for LOAEL. Some limited areas fall between LOAEL and SOAEL. | Greenway design to be finalised to provide noise reduction from the A414 - secured by planning condition. Further consideration of detailed building layouts to locate gardens away from noisier areas, in order to achieve suitable external amenity noise levels, consider setting back of dwellings closest to Church Lane and Village 6 link road. | Suitable for development | -                    | High  |
| Operational road traffic  | Medium - High | Permanent, local | Neutral - Minor | Beneficial - Adverse   | None   | Neutral - Minor          | Beneficial - Adverse | High  |
| Noise from sports pitches | High          | Permanent, local | Neutral - Minor | Adverse  | Detailed design to consider distance between sports pitches and residential dwellings, consider screening and noise management plan to control noise   | Neutral - Minor          | Adverse              | High  |
| Plant noise               | Medium - High | Permanent, local | Minor           | Adverse  | Full plant noise assessment to identify specific   | Minor                    | Adverse              | High  |

|  |   |                  |       |         | measures required at detailed planning stage and secured by planning condition.  |  |                  |      |
|--|---|------------------|-------|---------|--|--|------------------|------|
| Noise from commercial activity                 | Medium - High   | Permanent, local | Minor | Adverse | Full plant noise assessment to identify specific measures required at detailed planning stage and secured by planning condition. | Minor                                  | Adverse          | High |
| <b>Cumulative Effects</b>                      |   |                  |       |         |  |  |                  |      |
| Effect   | Description   |                  |       |         | Mitigation   | Significance                           | Confidence Level |      |
| Construction noise and vibration               | The only cumulative scheme that is considered to have a potential effect is Villages 1-6. There are a number of common receptors that have been assessed within both applications. The assessment for Villages 1-6 concluded that construction noise would result in a 'neutral' effect, it is not considered to affect the assessment presented within this chapter. The residual effect within this assessment is predicted to be minor adverse, which is not considered to be significant. |                  |       |         | No further mitigation is required to address cumulative effects.   | Minor adverse                          | High             |      |
| Operational road traffic                       | An assessment of operational road traffic noise was undertaken taking into account traffic flows due to cumulative schemes within the Local Plan and complete Villages 1-6 development. The assessment resulted in a minor effect of beneficial to adverse significance depending upon the receptor. No significant effects were identified.  |                  |       |         | None   | Minor adverse to minor beneficial      | High             |      |
| Plant noise and noise from commercial activity | Plant noise, and commercial activity noise, will be controlled to limiting noise levels at the closest noise sensitive receptors. Surrounding schemes will be required to do the same. The nearest cumulative scheme (Villages 1-6) and the Project do not share common 'closest' receptors, and therefore would not be expected to lead to any significant effects   |                  |       |         | No further mitigation is required to address cumulative effects.   | Minor adverse at the closest receptor. | High             |      |

### Built Heritage

| Receptor | Environmental Effect | Nature of Impact | Magnitude of Change (impact of the project) | Sensitivity of Receptor (heritage significance) | Inherent Design Mitigation | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|----------|----------------------|------------------|---|---|----------------------------|---------------------------|---------------------------------|------------------|
|          |                      |                  |   |   |                            |                           |                                 |                  |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

| Operation impacts and effects                           |                             |   |        |           |  |            |                    |        |
|---|-----------------------------|---|--------|-----------|--|------------|--------------------|--------|
| Hunsdon Brook Fishponds                                 | Visual                      | Change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (southeast of the asset).  | Small  | Very high | Substantial minimum 20m buffer zone to existing woodland (see parameter plans showing buffers and development zones)<br>Protected by SDA designation   | Negligible | Minor (neutral)    | Medium |
| Moated site south of Eastwick Farm                      | Visual                      | Change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (southwest of the asset).  | Small  | Very high | Buffer zone and associated landscaping treatments  | Negligible | Minor (neutral)    | Medium |
| Hunsdon House   | Visual                      | Change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (south of the asset).  | Small  | Very high | Substantial green buffer zone (see parameter plans showing buffers and development zones)  | Moderate   | Minor (adverse)    | Medium |
| Parish Church of St Dunstan                             | Visual                      | Change to the rural setting and therefore the character of the asset with the introduction of residential built form into the wider environs (south of the asset).  | Small  | Very high | Landscaped buffer built into outline application (parameter plans showing buffers and development zones)   | Moderate   | Minor (adverse)    | Medium |
| Brickhouse Farm House                                   | Visual                      | Change to the surrounding agricultural land and therefore the character and setting of the asset with the introduction of built form and residential nature of the Village 7 development.                                   | Medium | High      | Adjacent trees and southern walled garden to maintain group value and historic character with the barn, stable and cattleshed<br>Protected by SDA designation  | Moderate   | Moderate (adverse) | Medium |
| Brickhouse Farm barn and attached stable and cattleshed | Visual<br>Material/physical | Change to the surrounding agricultural land and therefore setting of the asset with the introduction of built form and residential nature of the Village 7 development. Material change to the historic barn and cattleshed | Medium | High      | The asset will be appropriately restored and the surrounding new development would be appropriately sited, scaled and detailed to ensure positive relationship with receptor<br>Protected by SDA designation | Negligible | Moderate (adverse) | Medium |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 440

savills

|  |                                   | which will be restored as landmarks within the new development.   |            |  |   |            |  |                  |
|--|-----------------------------------|---|------------|--|---|------------|--|------------------|
| Briggsens Park and associated buildings            | Visual                            | Change to the rural setting north of the A414 which may change longer distance views looking north and north east from within the Park. | Negligible | High   | Extensive landscaping and sympathetic built form to minimise potential visibility | Negligible | Negligible (neutral)                         | Medium           |
| Hunsdon Mill House and associated buildings        | Visual                            | Change to the rural setting north of the A414 which may change longer distance views.   | Negligible | High   | Filtered views to and from the receptors utilising landscape buffer               | Negligible | Negligible (neutral)                         | Medium           |
| <b>Cumulative Effects</b>                          |                                   |   |            |  |   |            |  |                  |
| Receptor   | Environmental Effect (cumulative) | Description   |            | Inherent Design Mitigation   |   |            | Residual Significance of Effect (cumulative) | Confidence Level |
| Hunsdon Brook Fishponds                            | Visual                            | Cumulative change (impact) to value of receptor through minor to negligible alteration to its setting                                   |            | Setting of the heritage asset primarily understood in the context of their immediate setting, (the stream and Hunsdon House)   |   |            | Minor (adverse)                              | Medium           |
| Moated site south of Eastwick Farm                 | Visual                            | Cumulative change (impact) to value of receptor through minor to negligible alteration to its setting                                   |            | Immediate setting of monument to be sustained, landscaping and a sympathetic built form to mitigate the longer distance views from the north.  |   |            | Moderate (adverse)                           | Medium           |
| Hunsdon House                                      | Visual                            | Cumulative change (impact) to value of receptor through moderate to minor alteration to its setting                                     |            | Restricting building height and consideration of visibility from any status rooms within Hunsdon House in Village 1-6  |   |            | Moderate (adverse)                           | Medium           |
| Parish Church of St Dunstan                        | Visual                            | Cumulative change (impact) to value of receptor through moderate to minor alteration to its setting                                     |            | Restricting building height and consideration of visibility from any status rooms within Hunsdon House in Village 1-6  |   |            | Moderate (adverse)                           | Medium           |
| Brickhouse Farm and attached stable and cattleshed | Visual                            | No cumulative change (Project + Villages 1-6) due to the Projects immediate alteration to its setting                                   |            | Village 1-6 would not change the residual impact and effect of the Project. Village 7 will surround the Brickhouse Farm house and associated buildings, with no cumulative permanent, long-term effect. Only residual effects come from Village 7. |   |            | Moderate (adverse)                           | Medium           |
| Briggsens Park and associated buildings            | Visual                            | Small change to value of receptor through moderate to minor alteration to its setting.  |            | Landscaping and a sympathetic built form to mitigate the longer distance views looking north and north east towards the Villages 1-6   |   |            | Moderate (adverse)                           | Medium           |
| Hunsdon Mill House and associated                  | Visual                            | Small change to value of receptor through minor alteration to its setting.  |            | Topography, vegetation, and reduced inter-visibility between the assets and the development areas  |   |            | Minor (adverse)                              | Medium           |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| buildings |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|

### Landscape and Visual

| Environmental Effect                 | Sensitivity of Receptor  | Nature of Impact      | Impact Magnitude             | Significance            | Additional Mitigation | Residual Impact Magnitude    | Residual Significance of Effect | Confidence Level |
|--------------------------------------|--|-----------------------|------------------------------|-------------------------|-----------------------|------------------------------|---------------------------------|------------------|
| Construction Effects                 |  |                       |                              |                         |                       |                              |                                 |                  |
| Hunsdon Footpath 1 (visual effect)   | Medium   | Direct/ permanent     | Large to medium negative     | Major/ moderate adverse | None                  | Large to medium negative     | Major/ moderate adverse         | High             |
| Operation Effects                    |  |                       |                              |                         |                       |                              |                                 |                  |
| The Site (landscape effect)          | Medium   | Direct and short-term | Medium negative              | Major/moderate adverse  | None <sup>1</sup>     | Large to medium negative     | Major/ Moderate adverse         | High             |
| Hunsdon Footpath 1 (visual effect)   | Medium   | Direct/ permanent     | Large to medium negative     | Major/moderate adverse  | None <sup>1</sup>     | Large to medium negative     | Major/moderate adverse          | High             |
| Church Lane (visual effect)          | Medium to Low  | Direct/ permanent     | Very large to large negative | Major/moderate adverse  | None                  | Very large to large negative | Major/moderate adverse          | High             |
| Cumulative Effects                   |  |                       |                              |                         |                       |                              |                                 |                  |
| Effect                               | Description  |                       |                              |                         | Mitigation            | Significance                 | Confidence Level                |                  |
| The Site                             | Cumulative landscape effect with V1-6 at operation             |                       |                              |                         | None <sup>1</sup>     | Major/moderate adverse       | High                            |                  |
| 81. Pishiobury to Stansted Parklands | Cumulative visual effect with V1-6 project during construction |                       |                              |                         | None                  | Major/moderate adverse       | High                            |                  |
| Harcamlow Way                        | Cumulative visual effect with V1-6 project during construction |                       |                              |                         | None                  | Major/moderate adverse       | High                            |                  |

<sup>1</sup> Mitigation-by-design is important and already taken into account. The long-term effect following the completion of the construction phase, however, would not remain significant once the landscape proposals inherent in the design mature and landscape and visual effects reduce.

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 442



|  |   |      |                        |      |
|--|---|------|------------------------|------|
| Towing Path, Three Forests Way, Stort Valley Way, River Stort (Navigation)                                     | Cumulative visual effect with V1-6 project during construction and at operation | None | Major/moderate adverse | High |
| Local footpaths and areas of access land on the valley floor and north-facing valley slopes of the River Stort | Cumulative visual effect with V1-6 project during construction                  | None | Major/moderate adverse | High |
| PROWs to the north and west of Eastwick  | Cumulative visual effect with V1-6 project during construction and at operation | None | Major/moderate adverse | High |
| A414   | Cumulative visual effect with V1-6 project during construction                  | None | Major/moderate adverse | High |
| Church Lane  | Cumulative visual effect with V1-6 project during operation                     | None | Major/moderate adverse | High |

### Biodiversity

| Ecological Feature | Conservation Importance | Potential Effect   | Nature of Effect | Inherent Design Mitigation | Significance Prior to Mitigation                | Additional Mitigation  | Residual Effects |
|--------------------|-------------------------|--|------------------|----------------------------|---|--|------------------|
| Construction Phase |                         |  |                  |                            |   |  |                  |
| Hunsdon Mead SSSI  | National                | Damage to vegetation, contamination and changes in the quantity, flow and quality of water | Permanent        | None                       | Significant negative effect at the County level | Implementation of measures detailed within a CEMP to include use of protective fencing to prevent access by vehicles, incorporating a suitable buffer zone to exclude any storage of potentially polluting materials and a drainage strategy | Not significant  |
| Eastwick Mead LWS  | County                  | Damage to vegetation, contamination  | Permanent        |                            | Significant negative effect at the County level | Implementation of measures detailed within a CEMP to include use of  | Not significant  |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

|                                    |        |  |           |      |   |  |                 |
|------------------------------------|--------|--|-----------|------|---|--|-----------------|
|                                    |        | and changes in the quantity, flow and quality of water                                     |           | None | level   | protective fencing to prevent access by vehicles, incorporating a suitable buffer zone to exclude any storage of potentially polluting materials and a drainage strategy   |                 |
| Lord's Wood LWS (Ancient Woodland) | County | Damage to vegetation, contamination and changes in the quantity, flow and quality of water | Permanent | None | Significant negative effect at the County level | Implementation of measures detailed within a CEMP to include use of protective fencing to prevent access by vehicles, incorporating a suitable buffer zone to exclude any storage of potentially polluting materials and a drainage strategy | Not significant |
| Eastwick and Parndon Mead LWS      | County | Damage to vegetation, contamination and changes in the quantity, flow and quality of water | Permanent | None | Significant negative effect at the County level | Implementation of measures detailed within a CEMP to include use of protective fencing to prevent access by vehicles, incorporating a suitable buffer zone to exclude any storage of potentially polluting materials and a drainage strategy | Not significant |
| Stone Basin Spring                 | County | Damage to vegetation, contamination and changes in the quantity, flow and quality of water | Permanent | None | Significant negative effect at the County level | Implementation of measures detailed within a CEMP to include use of protective fencing to prevent access by vehicles, incorporating a suitable buffer zone to exclude any storage of potentially polluting materials and a drainage strategy | Not significant |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 444



|                             |                                      |       |  |           |      |  |   | strategy        |  |
|-----------------------------|--------------------------------------|-------|--|-----------|------|--|---|-----------------|--|
| Woodland (Parcels 1A and 4) |                                      | Local | Damage to vegetation                       | Permanent | None | Significant negative effect at the Local level | Implementation of CEMP to include incorporation of suitable buffer zone and fencing of retained and sensitive habitats                                      | Not significant |  |
| Hedgerows                   |                                      | Local | Damage to vegetation                       | Permanent | None | Significant negative effect at the Local level | Implementation of CEMP to include incorporation of suitable buffer zone and fencing of retained and sensitive habitats                                      | Not significant |  |
|                             |                                      |       | Loss of habitat                            | Permanent | N/A  | Insignificant effect                           |   | Not significant |  |
| Bats                        | Bat Assemblage excluding Barbastelle | Local | Harm or death to individuals               | Permanent | None | Legal consequences                             | Undertake work to buildings supporting confirmed bat roosts under a Method Statement (as part of an EPSL) to avoid such effects                             | Not significant |  |
|                             |                                      |       | Loss of potential and confirmed bat roosts | Permanent | None | Significant negative effect at the Local level | Install bat boxes on mature trees in woodland to provide alternative roosting sites as compensation, as detailed in a Method Statement (as part of an EPSL) | Not significant |  |
|                             |                                      |       | Loss of foraging habitat                   | Permanent | None | Significant negative effect at the Local level | Compensation through habitat creation within open space areas   | Not significant |  |
|                             |                                      |       | Habitat fragmentation                      | Permanent | None | Significant negative effect at the Local level | Enhancement of retained vegetation and strategic planting to maintain permeability  | Not significant |  |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

|             |  |  |  |           |      |  |  |                 |
|-------------|--|--|--|-----------|------|--|--|-----------------|
|             |  |  | Disturbance                                | Temporary | None | Not significant                                | Implementation of CEMP to include fencing of retained and sensitive habitats and avoidance of lighting shining on sensitive habitats | Not significant |
| Barbastelle | National   |  | Disturbance                                | Temporary | None | Not significant                                | Implementation of measures detailed within a CEMP  | Not significant |
|             |  |  | Harm or death to individuals               | Permanent | None | Not significant                                | None   | Not significant |
|             |  |  | Loss of potential and confirmed bat roosts | Permanent | None | Not significant                                | None   | Not significant |
|             |  |  | Loss of foraging habitat                   | Permanent | None | Not significant                                | None   | Not significant |
|             |  |  | Habitat fragmentation                      | Permanent | None | Significant negative effect at the Local level | Enhancement of retained vegetation and strategic planting to maintain permeability   | Not significant |
| Badger      | Within the Zone of Influence (brought forward due to legal consequences) |  | Sett removal                               | Permanent | None | Legal consequences                             | Pre-construction survey to be undertaken to update baseline information and determine need for mitigation                            | Not significant |
|             |  |  | Sett damage or obstruction                 | Permanent | None | Legal consequences                             | Implementation of CEMP to include incorporation of suitable buffer zone and fencing of retained and sensitive habitats               | Not significant |

|          |                |  |                              |           |      |  |   |                 |
|----------|----------------|--|------------------------------|-----------|------|--|---|-----------------|
|          |                |  | Harm or death to individuals | Permanent | None | Legal consequences                             | Implementation of CEMP to include timing and lighting considerations  | Not significant |
|          |                |  | Sett disturbance             | Temporary | None | Legal consequences                             | Implementation of CEMP to include incorporation of suitable buffer zone and fencing of retained and sensitive habitats.   | Not significant |
| Otter    |                | District   | Disturbance                  | Temporary | None | Significant negative effect at the Local level | Impact avoided through implementation of CEMP to include timing and lighting considerations   | Not significant |
|          |                |  | Pollution and Siltation      | Temporary | None | Significant negative effect at the Local level | Implementation of measures detailed within a CEMP to include incorporating a suitable buffer zone to exclude any storage of potentially polluting materials   | Not significant |
| Reptiles |                | Within the Zone of Influence (brought forward due to legal consequences) | Harm or death to individuals | Permanent | None | Legal consequences                             | Undertake phased vegetation clearance and destructive search of the necessary areas of the Site, to be detailed in a Reptile Mitigation Strategy and implemented through a CEMP to avoid such effects | Not significant |
| Birds    | Breeding Birds | Local  | Harm or death to individuals | Permanent | None | Legal consequences                             | Impact avoided through implementation of CEMP to include timing of work to avoid bird nesting season or supervision by suitably qualified ecologist   | Not significant |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

|                                 |               |                 |           |  |   |  |   |
|---------------------------------|---------------|-----------------|-----------|--|---|--|---|
| Wintering Birds                 | District      | Loss of habitat | Permanent | None   | Significant negative effect at the Local level    | Compensation through habitat enhancement and creation within open space areas  | Not significant   |
|                                 |               | Disturbance     | Temporary | None   | Not Significant                                   | Implementation of CEMP to include fencing of retained and sensitive habitats and avoidance of lighting shining on sensitive habitats | Not significant   |
|                                 |               | Loss of habitat | Permanent | None   | Significant negative effect at the District level | Habitat enhancement and creation within open space areas will not fully compensated for the loss of arable habitat                   | Significant residual negative effect at the Local level |
|                                 |               | Disturbance     | Temporary | None   | Not significant                                   | Implementation of CEMP to include fencing of retained and sensitive habitats and avoidance of lighting shining on sensitive habitats | Not significant   |
| Occupation Phase                |               |                 |           |  |   |  |   |
| Lee Valley SPA and Ramsar       | International | Recreation      | Permanent | Impact avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation | Not significant                                   | None   | Not significant   |
|                                 |               | Pollution       | Permanent | None   | Not significant                                   | None   | Not significant   |
| Wormley-Hoddesdonpark Woods SAC | International | Recreation      | Permanent | Impact avoided through provision of public open space to provide new residents with an alternative to the designated site                | Not significant                                   | None   | Not significant   |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 448



|                                       |               |                          |           |   |   |  |                 |
|---------------------------------------|---------------|--------------------------|-----------|---|---|--|-----------------|
|                                       |               |                          |           | for recreation  |   |  |                 |
|                                       |               | Pollution                | Permanent | None  | Not significant                                 | None   | Not significant |
| Epping Forest SAC                     | International | Recreation               | Permanent | Impact avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation            | Not significant                                 | None   | Not significant |
|                                       |               | Pollution                | Permanent | None  | Not significant                                 | None   | Not significant |
| Amwell Quarry SSSI                    | National      | Pollution                | Permanent | None  | Not significant                                 | None   | Not significant |
| Rye Meads SSSI                        | National      | Pollution                | Permanent | None  | Not significant                                 | None   | Not significant |
| Wormley-Hoddesdonpark Wood North SSSI | National      | Pollution                | Permanent | None  | Not significant                                 | None   | Not significant |
| Epping Forest SSSI                    | National      | Pollution                | Permanent | None  | Not significant                                 | None   | Not significant |
| Hatfield Forest SSSI                  | National      | Recreation               | Permanent | Impact avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation            | Not significant                                 | None   | Not significant |
|                                       |               | Pollution                | Permanent | None  | Not significant                                 | None   | Not significant |
| Hunsdon Mead SSSI                     | National      | Recreation               | Permanent | Impact partially avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation. | Significant negative effect at the County level | Appropriate design and management of open space through the OEMP | Not significant |
|                                       |               | Hydrological changes and | Permanent | None  | Significant at the County level                 | Implementation of a drainage strategy to                         | Not significant |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

|                                    |        | water quality                          |           |   |   | include a SuDS  |                 |
|------------------------------------|--------|--|-----------|---|---|---|-----------------|
| Eastwick Mead LWS                  | County | Recreation                             | Permanent | Impact avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation            | Not significant                                 | None  | Not significant |
|                                    |        | Hydrological changes and water quality | Permanent | None  | Significant negative effect at the County level | Implementation of a drainage strategy to include a SuDS                         | Not significant |
| Lord's Wood LWS (Ancient Woodland) | County | Recreation                             | Permanent | Impact partially avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation. | Significant negative effect at the County level | Appropriate design and management of open space through the OEMP                | Not significant |
|                                    |        | Hydrological changes and water quality | Permanent | None  |   | Implementation of a drainage strategy to include a SuDS will avoid such effects | Not significant |
| Eastwick and Parndon Mead LWS      | County | Recreation                             | Permanent | Impact partially avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation  | Significant negative effect at the County level | Appropriate design and management of open space through the OEMP                | Not significant |
|                                    |        | Hydrological changes and water quality | Permanent | None  | Not significant                                 | Implementation of a drainage strategy to include a SuDS will avoid such effects | Not significant |
| Stone Basin Spring                 | County | Hydrological changes and water quality | Permanent | None  | Not significant                                 | Implementation of a drainage strategy to include a SuDS will avoid such effects | Not significant |

|                             |                                      |          |  |           |   |  |   |                 |
|-----------------------------|--------------------------------------|----------|--|-----------|---|--|---|-----------------|
| Woodland (Parcels 1A and 4) |                                      | Local    | Damage to vegetation                       | Permanent | Impact partially avoided through provision of public open space to provide new residents with an alternative to the designated site for recreation. | Significant negative effect at the Zone of Influence level | Appropriate design and management of open space through the OEMP  | Not significant |
| Bats                        | Bat Assemblage excluding Barbastelle | Local    | Artificial lighting                        | Permanent | None  | Significant negative effect at the Local level             | Development of an appropriate lighting strategy to minimise impact of direct and ambient lighting on important features for bats will avoid such effects  | Not significant |
|                             |                                      |          | Noise and disturbance                      | Permanent | Non   | Significant negative effect at the Local level             | Implementation of access and traffic management measures will avoid such effects  | Not significant |
|                             |                                      |          | Increased mortality due to road collisions | Permanent | None  | Significant negative effect at the Local level             | Implementation of traffic management measures, enhancement of retained vegetation and strategic planting to maintain permeability will avoid such effects | Not significant |
|                             |                                      |          | Predation                                  | Permanent | None  | Not significant  | None  | Not significant |
| Barbastelle                 | Barbastelle                          | National | Artificial lighting                        | Permanent | None  | Significant negative effect at the Local level             | Development of an appropriate lighting strategy to minimise impact of direct and ambient lighting on important features for bats will avoid such effects  | Not significant |
|                             |                                      |          | Noise and disturbance                      | Permanent | None  | Significant negative effect at the Local                   | Implementation of access and traffic management measures will avoid such  | Not significant |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

|          |                |  |  |           |  | level  | effects   |                 |  |
|----------|----------------|--|--|-----------|--|--|---|-----------------|--|
|          |                |  | Increased mortality due to road collisions | Permanent | None   | Significant negative effect at the Local level                 | Implementation of traffic management measures, enhancement of retained vegetation and strategic planting to maintain permeability will avoid such effects | Not significant |  |
|          |                |  | Predation                                  | Permanent | None   | Not significant  | None  | Not significant |  |
| Badger   |                | Within the Zone of Influence (brought forward due to legal consequences) | Damage to or interference of setts         | Permanent | Strategic planting to create screening buffers will avoid such effects | Not significant  | None  | Not significant |  |
| Otter    |                | District   | Hydrological changes and water quality     | Permanent | None   | Significant affect at the Local level                          | Implementation of a drainage strategy to include a SuDS will avoid such effects   | Not significant |  |
|          |                |  | Disturbance and damage to habitats         | Permanent | None   | Significant negative affect at the Local level                 | Appropriate design and management of open space through the OEMP  | Not significant |  |
| Reptiles |                | Within the Zone of Influence (brought forward due to legal consequences) | Harm or death to individuals               | Permanent | None   | Legal consequence  | Appropriate design and management of open space through the OEMP  | Not significant |  |
| Birds    | Breeding Birds | Local  | Disturbance                                | Permanent | None   | Significant negative effect Within the Zone of Influence level | Appropriate design and management of open space through the OEMP  | Not significant |  |

|                 |          |             |           |           |  |  |   |   |
|-----------------|----------|-------------|-----------|-----------|--|--|---|---|
|                 |          |             | Predation | Permanent | None   | Significant negative effect Within the Zone of Influence level   | Habitat enhancement and creation within open space areas will not fully mitigate or compensate for the loss of individual birds through predation | Significant residual negative effect Within the Zone of Influence level |
| Wintering Birds | District | Disturbance | Permanent | None      | Significant negative effect Within the Zone of Influence level | Appropriate design and management of open space through the OEMP | Not significant   |   |

### Agriculture and Soils

| Environmental Effect                 | Sensitivity of Receptor                           | Nature of Impact                    | Impact Magnitude | Significance                         | Additional Mitigation   | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|--------------------------------------|---|-------------------------------------|------------------|--------------------------------------|---|---------------------------|---------------------------------|------------------|
| Construction Effects                 |   |                                     |                  |                                      |   |                           |                                 |                  |
| Grade 2 agricultural land            | Very High   | National<br>Short term<br>Permanent | Very High        | Major adverse - significant          | No mitigation possible<br>(permanent change of use)                   | High                      | Major adverse - significant     | High             |
| Subgrade 3a agricultural land        | High  | National<br>Short term<br>Permanent | Very High        | Major/moderate adverse - significant | No mitigation possible<br>(permanent change of use)                   | High                      | Major adverse - significant     | High             |
| Subgrade 3b agricultural land        | Medium  | National<br>Short term<br>Permanent | High             | Major/moderate adverse - significant | No mitigation possible<br>(permanent change of use)                   | Medium                    | Moderate adverse - significant  | High             |
| Soil resources (topsoil and subsoil) | High (heavy clay loam and clay); Low (sandy loam) | Local<br>Short term<br>Temporary    | High             | Major/moderate adverse - significant | Follow DEFRA Construction Code of Practice for the Sustainable Use of | High                      | Minor adverse – Not significant | High             |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7



|                               |   |                                  |      |   | Soil on Construction Sites (2009)   |                                 |                                |      |
|-------------------------------|---|----------------------------------|------|---|---|---------------------------------|--------------------------------|------|
| Agricultural tenant           | Low   | Local<br>Short term<br>Permanent | High | Moderate adverse - significant  | No mitigation possible (agricultural tenancies would be extinguished in their current form) | High                            | Moderate adverse - significant | High |
| <b>Operation Effects</b>      |   |                                  |      |   |   |                                 |                                |      |
| None Predicted                |   |                                  |      |   |   |                                 |                                |      |
| <b>Cumulative Effects</b>     |   |                                  |      |   |   |                                 |                                |      |
| Effect                        | <b>Description</b>  |                                  |      | <b>Mitigation</b>   |   | <b>Significance</b>             | <b>Confidence Level</b>        |      |
| Grade 2 agricultural land     | 395.2 ha of Grade 2 agricultural land is required for constructing Gilston Area Villages 1-6 and the Central and Eastern Stort Crossings. In combination with the Project (involving 52.8 ha of Grade 2), this will result in a cumulative impact on 448.0 ha of Grade 2. |                                  |      | None possible   |   | Major adverse - significant     | High                           |      |
| Subgrade 3a agricultural land | 69.9 ha of Subgrade 3a agricultural land is required for constructing Villages 1-6 and the Central and Eastern Stort Crossings. In combination with the Project (involving 29.6 ha of Subgrade 3a), this will result in a cumulative impact on 99.5 ha of Subgrade 3a.    |                                  |      | None possible   |   | Major adverse-significant       | High                           |      |
| Subgrade 3b agricultural land | 22.5 ha of Subgrade 3b agricultural land is required for constructing Villages 1-6 and the Central and Eastern Stort Crossings. In combination with the Project (involving 7.5 ha of Subgrade 3a), this will result in a cumulative impact on 30.0 ha of Subgrade 3b.     |                                  |      | None possible   |   | Moderate adverse -significant   | High                           |      |
| Soil Resources                | The construction of the Gilston Area Villages 1-6 and Central and Eastern Stort Crossings has the potential to damage soil resources available for reuse on-site. Likewise, the Project also has the potential to damage soil resources available for reuse on-site.      |                                  |      | Follow DEFRA Construction Code of Practice for the Sustainable Use of Soil on Construction Sites (2009) |   | Minor adverse – not significant | High                           |      |
| Agricultural Holdings         | The Gilston Area Village 1-6 application and Central and Eastern Stort Crossings will involve the extinguishment of a number of agricultural tenancies. The Project will result in the extinguishment of one agricultural tenancy.  |                                  |      | No mitigation possible (agricultural tenancies would be extinguished in their current form)             |   | Moderate adverse - significant  | High                           |      |

**Ground Conditions**

| Environmental Effect   | Sensitivity of Receptor | Nature of Impact  | Impact Magnitude   | Significance          | Additional Mitigation  | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|--|-------------------------|---|--------------------|-----------------------|--|---------------------------|---------------------------------|------------------|
| <b>Construction Effects</b>  |                         |   |                    |                       |  |                           |                                 |                  |
| Impacts on Construction Workers to exposure to contamination within underlying soils | High                    | Human Health – Construction Workers – Exposure to potentially contaminated soils                          | Medium (locally)   | Moderate Adverse      | Implementation of safe working practices as part of best practice to be detailed in the Construction Phase Plan (CPP) and Construction Environment Management Plan (CEMP). | Negligible                | Neutral                         | High             |
| Impacts to Future Site Residents during construction phase                           | Very High               | Human Health – Residents present during construction phase – potential exposure to contaminated soil dust | Very Low (locally) | Moderate Adverse      | Implementation of best practice mitigation to be detailed in the CPP and CEMP.   | Negligible                | Neutral                         | High             |
| Impacts on Surface Waters  | Medium                  | Leaching/migration of contamination within soils to surface waters  | Very Low           | Minor Adverse         | None required however controls will form part construction best practice and be detailed in the CPP and CEMP   | Very Low                  | Minor Adverse                   | High             |
| Contamination impacts to shallow groundwater   | Low                     | Leaching/ migration of contamination within shallow soils to shallow groundwater                          | Very Low           | Minor-Neutral Adverse | None required  | Very Low                  | Minor Adverse                   | High             |
| Contamination impacts to deep  | High                    | Leaching/ migration of  | Very Low           | Minor Adverse         | None required however a Piling   | Very Low                  | Minor Adverse                   | High             |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

| Environmental Effect                                | Sensitivity of Receptor      | Nature of Impact   | Impact Magnitude | Significance   | Additional Mitigation  | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|---|------------------------------|--|------------------|----------------|--|---------------------------|---------------------------------|------------------|
| groundwater   |                              | contamination within shallow soils to deep groundwater during piling             |                  |                | Risk Assessment will be required should piling in design in specific potentially contaminated areas be identified to penetrate protective London Clay geology overlying the sensitive Chalk Aquifer which will need to be approved by Regulatory Authorities |                           |                                 |                  |
| Soil Quality  | Very high (future residents) | Human Health – Residents through mismanagement of soils for landscaping purposes | Low              | Moderate       | Management of topsoil and contaminated soils will be detailed in the CPP and CEMP and in the Remediation Strategy which will be secured by Planning Condition  | Negligible                | Neutral                         | High             |
| Land Stability                                      | Very Low                     | Land stability issues caused during the construction phase                       | Negligible       | Neutral        | None required  | Negligible                | Neutral                         | High             |
| <b>Operation Effects</b>                            |                              |  |                  |                |  |                           |                                 |                  |
| Impacts on Future Construction/ Maintenance Workers | High                         | Potential exposure to contamination within shallow soils                         | Negligible       | Neutral        | None required  | Negligible                | Neutral                         | High             |
| Future Site Users - Residential                     | Very High                    | Potential exposure to  | Medium           | Major Negative | Assessment and design of   | Negligible                | Neutral                         | High             |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 456



| Environmental Effect                         | Sensitivity of Receptor | Nature of Impact  | Impact Magnitude | Significance | Additional Mitigation   | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|--|-------------------------|---|------------------|--------------|---|---------------------------|---------------------------------|------------------|
|  |                         | ground gas in the south eastern portion of the Site   |                  |              | mitigation will be secured by Planning Condition to confirm the ground gas regime beneath the site. |                           |                                 |                  |
| Impacts on Surface Waters                    | Medium                  | Leaching/migration of contamination within soils to surface waters                          | Negligible       | Neutral      | None required   | Negligible                | Neutral                         | High             |
| Contamination impacts to shallow groundwater | Low                     | Leaching/ migration of contamination within shallow soils to shallow groundwater            | Negligible       | Neutral      | None required   | Negligible                | Neutral                         | High             |
| Contamination impacts to deep groundwater    | High                    | Leaching/ migration of contamination within shallow soils to deep groundwater during piling | Negligible       | Neutral      | None required   | Negligible                | Neutral                         | High             |
| <b>Cumulative Effects</b>                    |                         |   |                  |              |   |                           |                                 |                  |
| Effect                                       | Description             |   |                  | Mitigation   |   | Significance              | Confidence Level                |                  |
| None Identified                              | -                       |   |                  | -            |   | -                         | High                            |                  |

## Water Resources and Flood Risk

| Environmental Effect | Sensitivity of Receptor | Nature of Impact | Impact Magnitude | Significance | Additional Mitigation | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|----------------------|-------------------------|------------------|------------------|--------------|-----------------------|---------------------------|---------------------------------|------------------|
|                      |                         |                  |                  |              |                       |                           |                                 |                  |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

| Construction Effects                  |        |   |            |                |                             |            |                |      |
|---------------------------------------|--------|---|------------|----------------|-----------------------------|------------|----------------|------|
| Waterbodies and Surface Water         | Medium | Water Quality from construction works to existing features                      | Low        | Minor Negative | CEMP and CPP to be provided | Low        | Minor Negative | High |
|                                       | Medium | Capacity of watercourses due to changes to existing runoff                      | Low        | Minor Negative | CEMP and CPP to be provided | Negligible | Neutral        | High |
| Human Health - Flood Risk             | Medium | Increase in flood risk from surface water flooding                              | Low        | Minor Negative | CEMP and CPP to be provided | Negligible | Neutral        | High |
| Surface Water and Groundwater Quality | Medium | Leaching/Migration from stockpiled soils<br>Contamination from excavation works | Low        | Minor Negative | CEMP and CPP to be provided | Low        | Minor Negative | High |
|                                       | High   | Contamination to groundwater and local drainage                                 | Low        | Minor Negative | CEMP and CPP to be provided | Low        | Minor Negative | High |
| Foul Water                            | Medium | Increase in foul water flows  | Low        | Minor Negative | CEMP and CPP to be provided | Low        | Minor Negative | High |
| Operation Effects                     |        |   |            |                |                             |            |                |      |
| Waterbodies and Surface Water         | Medium | Water Quality from proposed surface water drainage features                     | Low        | Minor Negative | None Required               | Low        | Minor Negative | High |
|                                       | Low    | Capacity of watercourses due to changes to existing runoff                      | Negligible | Neutral        | None Required               | Negligible | Neutral        | High |
| Human Health - Flood Risk             | Low    | Increase in flood risk from surface water flooding                              | Negligible | Neutral        | None Required               | Negligible | Neutral        | High |
| Surface Water and Groundwater Quality | High   | Contamination to groundwater  | Low        | Minor Negative | None Required               | Low        | Minor Negative | High |

|                           |             | and local drainage           |     |                |               |     |                  |      |
|---------------------------|-------------|------------------------------|-----|----------------|---------------|-----|------------------|------|
| Foul Water                | Medium      | Increase in foul water flows | Low | Minor Negative | None Required | Low | Minor Negative   | High |
| <b>Cumulative Effects</b> |             |                              |     |                |               |     |                  |      |
| Effect                    | Description |                              |     | Mitigation     | Significance  |     | Confidence Level |      |
| N/A                       |             |                              |     |                |               |     |                  |      |

## Services and Utilities

| Environmental Effect                            | Sensitivity of Receptor | Nature of Impact | Impact Magnitude | Significance     | Additional Mitigation | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|---|-------------------------|------------------|------------------|------------------|-----------------------|---------------------------|---------------------------------|------------------|
| Construction effects                            |                         |                  |                  |                  |                       |                           |                                 |                  |
| Damage to electricity network                   | High                    | Short term       | High             | Moderate adverse | Refer to Section 17.7 | Negligible                | Not significant                 | High             |
| Damage to gas network                           | High                    | Short term       | High             | Moderate adverse | Refer to Section 17.7 | Negligible                | Not significant                 | High             |
| Damage to water network                         | High                    | Short term       | High             | Moderate adverse | Refer to Section 17.7 | Negligible                | Not significant                 | High             |
| Damage to Communications network                | High                    | Short term       | Low              | Moderate adverse | Refer to Section 17.7 | Negligible                | Not significant                 | High             |
| Operation Effects                               |                         |                  |                  |                  |                       |                           |                                 |                  |
| Increased demand on electricity infrastructure. | High                    | Long term        | High             | Moderate adverse | Refer to Section 17.7 | Negligible                | Moderate beneficial             | High             |
| Gas network damage, leakage and ignition.       | High                    | Short term       | High             | Moderate adverse | Refer to Section 17.7 | Negligible                | Moderate beneficial             | High             |
| Water network leakage and bursts                | High                    | Long term        | High             | Moderate adverse | Refer to Section 17.7 | Negligible                | Moderate beneficial             | High             |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

during exploration.

### Light

| Environmental Effect   | Sensitivity of Receptor            | Nature of Impact | Impact Magnitude | Significance | Additional Mitigation               | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|--|------------------------------------|------------------|------------------|--------------|-------------------------------------|---------------------------|---------------------------------|------------------|
| Construction Effects   |                                    |                  |                  |              |                                     |                           |                                 |                  |
| Poorly aimed construction lighting at night  | High (residential)                 | Light Pollution  | High             | Neutral      | Measures contained within CoCP/CEMP | Negligible                | Neutral                         | High             |
| Poorly aimed construction lighting at night  | High (Sky)                         | Light Pollution  | High             | Neutral      | Measures contained within CoCP/CEMP | Negligible                | Neutral                         | High             |
| Operation Effects  |                                    |                  |                  |              |                                     |                           |                                 |                  |
| Poorly positioned, aimed and controlled lighting at night                                  | High (residential)                 | Light Pollution  | Moderate/Adverse | Neutral      | Embedded and Secondary              | Negligible                | Neutral                         | High             |
| Poorly positioned, aimed and controlled lighting at night                                  | High (Sky)                         | Light Pollution  | Moderate/Adverse | Neutral      | Embedded and Secondary              | Negligible                | Neutral                         | High             |
| Poorly positioned, aimed and controlled sports pitch lighting at night to future receptors | High (residential)                 | Light Pollution  | Moderate/Adverse | Neutral      | Embedded and Secondary              | Negligible                | Neutral                         | High             |
| Cumulative Effects   |                                    |                  |                  |              |                                     |                           |                                 |                  |
| Effect   | Description                        |                  |                  |              | Mitigation                          | Significance              | Confidence Level                |                  |
| Construction   | Construction lighting for site use |                  |                  |              | Embedded and Secondary              | Neutral                   | High                            |                  |

|             |  |                        |         |      |
|-------------|--|------------------------|---------|------|
| Operational | Operational light for roads, thoroughfares and sports facilities | Embedded and Secondary | Neutral | High |
|-------------|--|------------------------|---------|------|

### Climate Change

| Environmental Effect                                   | Sensitivity of Receptor | Nature of Impact                               | Impact Magnitude | Significance | Additional Mitigation   | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|--|-------------------------|--|------------------|--------------|---|---------------------------|---------------------------------|------------------|
| <b>Construction Effects</b>                            |                         |  |                  |              |   |                           |                                 |                  |
| Fuel use in construction plant & associated facilities | High                    | Increase in carbon emissions in the atmosphere | Very low         | Minor        | - Main contractor to set targets and monitor energy, water and waste data during the construction stage, etc.   | Very low                  | Negligible                      | Medium           |
| <b>Operation Effects</b>                               |                         |  |                  |              |   |                           |                                 |                  |
| Regulated carbon emissions from buildings              | High                    | Increase in carbon emissions in the atmosphere | Very low         | Minor        | - Installation of smart meters and/or sub-meters to monitor operational consumption more accurately;<br>- Selection of 100% renewable electricity contracts, where possible, etc. | Very low                  | Negligible                      | Medium-High      |
| Unregulated carbon emissions from buildings            | High                    | Increase in carbon emissions in the atmosphere | Very low         | Minor        | - Energy efficient equipment to be procured and supplied throughout the Project lifecycle including Energy Star rated products for all small power, plug-in equipment.            | Very low                  | Negligible                      | Medium-High      |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7



|   |      |  |          |       |  |          |            |             |
|---|------|--|----------|-------|--|----------|------------|-------------|
| Carbon emissions from operational traffic | High | Increase in carbon emissions in the atmosphere | Very low | Minor | - Introduction of a car sharing scheme or equivalent on site to reduce private car use | Very low | Negligible | Medium-High |
|---|------|--|----------|-------|--|----------|------------|-------------|

### Archaeology

| Environmental Effect  | Asset Sensitivity  | Nature of Impact        | Impact Magnitude | Significance of Effects | Mitigation         | Residual Impact Magnitude | Residual Significance of Effect | Confidence Level |
|---|--|-------------------------|------------------|-------------------------|--------------------|---------------------------|---------------------------------|------------------|
| Construction Effects  |  |                         |                  |                         |                    |                           |                                 |                  |
| LP1 - Later Prehistoric activity, NE of Brickhouse Farm Cottages, Hunsdon | Medium - Area of likely IA-RB activity comprising linear field boundaries, a possible ring ditch (roundhouse?) and trackway. Large curvilinear enclosure and linear ditch to west, maybe Bronze Age in date. | Residential Development | Major change     | Moderate/Large          | Strip, Map, Record | Moderate Change           | Moderate                        | High             |
| LP2 - Late Iron Age ditches E of Brickhouse Farm, Eastwick                | Medium - Possible curvilinear enclosure, extent of activity as yet   | Residential Development | Major change     | Moderate/Large          | Strip, Map, Record | Moderate Change           | Moderate                        | High             |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 462



|  |   |             |                 |                 |  |                 |                |        |
|--|---|-------------|-----------------|-----------------|--|-----------------|----------------|--------|
|  | undefined.  |             |                 |                 |  |                 |                |        |
| LP3 - Soilmark of a possible barrow, Eastwick                      | Low - A macula is noted in extensively ploughed field. If feature is a barrow it is likely to be a pond barrow as is formed of a circular depression. | Open Space  | Moderate change | Neutral/Slight  | Geophysical survey to inform on further works.     | Negligible      | Neutral/Slight | Medium |
| LP4 - Cropmarks of cut features, SW Brickhouse Farm, Hunsdon       | Low - Not identified during initial trial trenching within the area.  | Residential | Major Change    | Slight/Moderate | Additional trial trenching to inform further works | Moderate Change | Slight         | Medium |
| LP5 - Immediate landscape associated with Brickhouse Farm, Hunsdon | Low - GII LB with likely 17th century origins. HLC suggests that the immediate landscape is 18th century in origin.                                   | Mixed Use   | Moderate Change | Neutral/Slight  | None   | Minor Change    | Neutral/Slight | High   |
| LP6 - Late Bronze Age activity north of Brickhouse Farm,           | Medium - Features broadly dated to Late Bronze Age, one sherd of Late   | Residential | Major Change    | Moderate/Large  | Strip, Map, Record                                 | Moderate Change | Moderate       | High   |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7



|   |   |             |              |                 |   |                   |                |        |
|---|---|-------------|--------------|-----------------|---|-------------------|----------------|--------|
| Hunsdon   | Iron Age pottery recovered from subsoil.  |             |              |                 |   |                   |                |        |
| LP7 - Later Prehistoric curvilinear ditches and (post) medieval ridge and furrow, west of Church Lane       | Medium - Possibly same features as identified at LP9 and contiguous with LP6&8?                                     | Residential | Major Change | Moderate/Large  | Strip, Map, Record                            | Moderate Change   | Moderate       | High   |
| LP8 - Late Bronze Age ditches north of A414   | Medium - Dated from pottery fragments.  | Residential | Major Change | Moderate/Large  | Strip, Map, Record                            | Moderate Change   | Moderate       | High   |
| LP9 - cropmarks of possible curvilinear ditched enclosures and area of pits and ditches, NE Brickhouse Farm | Medium - It is possible, based on the description that these features are the same as, or in the same group as LP7. | Open Space  | Minor Change | Slight          | Geophysical survey to inform on further works | Negligible Change | Neutral/Slight | Medium |
| LP10 - Late Bronze Age ditch west of Church Lane  | Low - May be associated with LP8.   | Residential | Major Change | Slight/Moderate | Geophysical survey to inform on further works | Moderate Change   | Slight         | Medium |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

Page 464



|   |   |           |           |         |   |           |         |      |
|---|---|-----------|-----------|---------|---|-----------|---------|------|
| LP11 - Hunsdon Fishponds                  | High - Features visible as earthworks, potential for preserved palaeoenvironmental remains. Recently Scheduled. | No Change | No Change | Neutral | Coring, WSI, SM Consent, Conservation Management Plan | No Change | Neutral | High |
| LP12 - Briggens Estate                    | High - Registered park and garden.  | No Change | No Change | Neutral | None  | No Change | Neutral | High |
| LP13 - Cropmarks west of Pogden's Wood    | Low - Not visible on recent photography not AP assessment   | No Change | No Change | Neutral | None  | No Change | Neutral | High |
| LP14 - Hunsdon Medieval Village.          | Moderate/low - Identified from possible earthworks and documentary evidence.                                    | No Change | No Change | Neutral | None  | No Change | Neutral | High |
| LP15 - Bronze Age activity E of Village 7 | Moderate - Areas of Bronze Age activity beyond the western side of the boundary                                 | No Change | No Change | Neutral | None  | No Change | Neutral | High |

## Environmental Statement Chapter 22: Assessment Summary

### Gilston Area, Village 7



|                         |   |           |           |         |      |           |         |      |
|-------------------------|---|-----------|-----------|---------|------|-----------|---------|------|
| LP16 – Eastwick Village | Moderate/low - Activity dating from at least the Medieval period.                                     | No Change | No Change | Neutral | None | No Change | Neutral | High |
| LP17 – Eastwick Moats   | High - Earthwork of two moated manor houses. Associated as yet undefined earthworks also present.     | No Change | No Change | Neutral | None | No Change | Neutral | High |
| LP18 – Hunsdon Airfield | High - Remains of WWII airfield including perimeter defences and structures associated with the base. | No Change | No Change | Neutral | None | No Change | Neutral | High |

**Table 8.2: Mitigation Implementation**

**Socio Economics and Community Effects**

| Mitigation Measure     | Implementing Agent(s) | Legal Instrument | Compliance Target                     | Implementation Timescale |
|------------------------|-----------------------|------------------|---------------------------------------|--------------------------|
| Financial Contribution | Local Authorities     | S106             | Secondary school places.              | TBC                      |
| Financial Contribution | Local Authorities     | S106             | Healthcare provision for Villages 1-7 | TBC                      |

**Human Health**

| Mitigation Measure  | Implementing Agent(s) | Legal Instrument   | Compliance Target                       | Implementation Timescale |
|---|-----------------------|--|---|--------------------------|
| CoCP, CTMP  | Developer             | Planning Condition, S.106  | Monitored by the Council                | Construction phase       |
| Onsite, offsite or financial contribution towards provision of social infrastructure (healthcare and secondary school facilities) | Developer/Council     | Planning Condition, S.106  | Monitored by the Council                | Operational phase        |
| Travel Plans and Sustainable Travel Measures  | Developer             | Planning condition requiring Travel Plans to be submitted and approved, S106 | Submission of Travel Plans for approval | Prior to occupation      |

**Transport and Access**

| Mitigation Measure                            | Implementing Agent(s) | Legal Instrument   | Compliance Target                       | Implementation Timescale              |
|---|-----------------------|--|---|---------------------------------------|
| Construction Traffic Management Plans (CTMPs) | Contractor            | Planning condition requiring a CTMP to be submitted and approved, S106       | Submission of CEMP for approval         | Prior to commencement of construction |
| Travel Plans and Sustainable Travel Measures  | Developer             | Planning condition requiring Travel Plans to be submitted and approved, S106 | Submission of Travel Plans for approval | Prior to occupation                   |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7



### Air Quality

| Mitigation Measure  | Implementing Agent(s) | Legal Instrument   | Compliance Target                                    | Implementation Timescale |
|---|-----------------------|--------------------|--|--------------------------|
| Construction dust mitigation measures to be included in a dust management plan. | Principal Contractor  | Planning Condition | Visual inspections, dust monitoring and site logging | Construction Phase       |

### Noise and Vibration

| Mitigation Measure  | Implementing Agent(s)                                      | Legal Instrument  | Compliance Target  | Implementation Timescale                                     |
|---|--|---|--|--|
| Construction: Best practicable means  | Council, Contractor  | Planning condition requiring a CEMP to be submitted and approved,<br>Entering into a S.61 CoPA agreement. | Submission of CEMP for approval.   | Prior to commencement of construction                        |
| Site suitability: Further consideration of detailed layouts to minimise external noise in outdoor areas | Developer  | Planning condition requiring further details to be submitted for approval at the detailed design stage.   | Submission of a supplementary report with details for approval.  | Prior to commencement of construction                        |
| Plant noise   | Developer / Contractor                                     | Planning condition requiring a full assessment at detailed design.  | Submission of a supplementary report with details for approval.<br><br>The condition could potentially include the need for a post-installation acoustic survey to demonstrate that noise levels are being achieved. | Prior to occupation, on a plot by plot basis where necessary |
| Commercial noise  | Developer / Contractor (depending upon procurement method) | Planning condition requiring a full assessment at detailed design.  | Submission of a supplementary report with details for approval.<br><br>The condition could potentially include the need for a post-installation acoustic survey to   | Prior to occupation, on a plot by plot basis where necessary |

|  |  |  |   |  |
|--|--|--|---|--|
|  |  |  | demonstrate that noise levels are being achieved. |  |
|--|--|--|---|--|

## Built Heritage

| Mitigation Measure | Implementing Agent(s) | Legal Instrument | Compliance Target | Implementation Timescale |
|--------------------|-----------------------|------------------|-------------------|--------------------------|
| None identified    |                       |                  |                   |                          |

## Landscape and Visual

| Mitigation Measure   | Implementing Agent(s)  | Legal Instrument | Compliance Target | Implementation Timescale |
|--|--|------------------|-------------------|--------------------------|
| Mitigation-by-design (see Section 12.5)  | Delivered through adherence to Parameter Plans and also through detail of Project at reserved matters/discharge-of-conditions stage. | Various          |                   | Short-to-long-term       |
| Further recommendations for mitigation (see Section 12.9 <b>Error! Reference source not found.</b> ) | Delivered through detail of Project at reserved matters/discharge-of-conditions stage  | Various          |                   | Short-to-long-term       |

## Biodiversity

| Mitigation Measure  | Implementing Agent(s)          | Legal Instrument  | Compliance Target                              | Implementation Timescale |
|---|--------------------------------|---|--|--------------------------|
| Production of CEMP  | Developer/Contractor           | Planning Condition S.106  | Supervised by a suitably experienced ecologist | Construction phase       |
| Reptile mitigation strategy (to be incorporated and implemented under the CEMP) | Developer/Contractor/Ecologist | Countryside and Wildlife Act 1981 (as amended) and Planning Condition S.106 | Supervised by a suitably experienced ecologist | Construction phase       |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7



|  |                                |   |  |                    |
|--|--------------------------------|---|--|--------------------|
| Lighting strategy for nocturnal wildlife including bats  | Developer/Contractor/Ecologist | Planning Condition S.106  | Informed by a suitably experienced ecologist   | Construction phase |
| Bat EPSL   | Developer/Contractor           | Countryside and Wildlife Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended) | Supervised by a suitably experienced ecologist | Construction phase |
| Installation of compensatory bat boxes (as part of EPSL)   | Developer/Contractor/Ecologist | Countryside and Wildlife Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended) | Supervised by a suitably experienced ecologist | Construction phase |
| Strategic planting including compensatory/enhancement planting for hedgerow loss and habitat loss/fragmentation for species including bats, reptiles, birds and Badger | Developer/Contractor           | Planning Condition S.106  | Supervised by a suitably experienced ecologist | Construction phase |
| Pre-construction survey for Badger   | Ecologist                      | Planning Condition S.106  | N/A  | Construction phase |

### Agriculture and Soils

| Mitigation Measure  | Implementing Agent(s) | Legal Instrument         | Compliance Target   | Implementation Timescale |
|---|-----------------------|--------------------------|---|--------------------------|
| Soil resources on the Site proposed for built development will be safeguarded for re-use in residential gardens, landscaping and amenity areas in accordance with a Construction Code of Practice (CoCP) any subsequent Construction Environmental Management Plans (CEMP). | Contractor            | Planning Condition S.106 | British Standards: BS 3882:2015 'Specification for Topsoil and BS 8601:2013 'Specification for subsoil and requirements for use.' | Construction phase       |

## Ground Conditions

| Mitigation Measure  | Implementing Agent(s) | Legal Instrument   | Compliance Target                                   | Implementation Timescale  |
|---|-----------------------|--|---|---|
| CEMP/CPP incorporating soils and materials management protections and piling risk assessment, if applicable.        | Contractor            | Planning Condition and to adhere to the Code of Construction Practice. | By Council during works.                            | Construction Phase  |
| Surface Water Drainage Strategy   | Developer             | Planning Condition   | By Council and Adopting authority during the works. | Inherent Design. Completed during the construction phase and prior to occupation.             |
| Phase 2 Ground Investigation and Remediation Strategy, including ground gas mitigation design criteria, if required | Developer             | Planning Condition   | By Council  | Post Outline Planning approval as part of Reserved Matters application and Construction Phase |

## Water Resources and Flood Risk

| Mitigation Measure                          | Implementing Agent(s)       | Legal Instrument   | Compliance Target                                   | Implementation Timescale  |
|---|-----------------------------|--|---|---|
| CEMP  | Contractor                  | Planning Condition and to adhere to the Code of Construction Practice. | By Council during works.                            | Construction Phase  |
| Sustainable Surface Water Drainage Strategy | Developer                   | Planning Condition   | By Council and Adopting authority during the works. | Inherent Design. Completed during the construction phase and prior to occupation. |
| Foul Water Drainage Strategy                | Thames Water with Developer | Planning Condition/S106  | By Thames Water.                                    | Inherent Design. Completed during the construction phase and prior to occupation. |

# Environmental Statement Chapter 22: Assessment Summary

## Gilston Area, Village 7

savills

### Services and Utilities

| Mitigation Measure  | Implementing Agent(s) | Legal Instrument                    | Compliance Target   | Implementation Timescale       |
|---|-----------------------|-------------------------------------|---|--------------------------------|
| Compliance with NJUG/Utility Company guidelines for installation of new utilities | Developer/Contractor  | New Roads and Street Works Act 1991 | Design of plans with NJUG requirements followed by review and approval. Post construction review and approval by utility company. | Design and Construction phases |
| Acquisition of utility asset records from utility companies/councils              | Developer/Contractor  | None                                | Review of latest asset plans of the area.   | Design and Construction phases |

### Light

| Mitigation Measure   | Implementing Agent(s) | Legal Instrument                               | Compliance Target  | Implementation Timescale |
|--|-----------------------|--|--|--------------------------|
| Siting and use of appropriate artificial light during defined construction periods         | Contractor            | CoCP/CEMP                                      | On site monitoring by appropriate, authorised individuals over construction period                         | Construction             |
| Siting and use of appropriate artificial light with clear pre and post curfew switch times | Developer             | Clean Neighbourhood and Environmental Act 2005 | On site monitoring by appropriate, authorised individuals over timescale to be agreed with local authority | Operational Phase        |
| Natural screening around the proposed sports pitches                                       | Developer             | Planning Condition                             | Local Planning Authority   | Operational Phase        |

### Climate Change

| Mitigation Measure | Implementing Agent(s) | Legal Instrument | Compliance Target | Implementation Timescale |
|--------------------|-----------------------|------------------|-------------------|--------------------------|
| None identified    |                       |                  |                   |                          |

Archaeology

| Mitigation Measure  | Implementing Agent(s) | Legal Instrument  | Compliance Target   | Implementation Timescale       |
|---|-----------------------|---|---|--------------------------------|
| LP1 – Strip, Map, Record and preservation by record       | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP2 - Strip, Map, Record and preservation by record       | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 3 – Geophysical Survey to inform further works         | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 4 – Trial Trench Evaluation                            | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 6 – Strip, Map, Record and preservation by record      | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 7 – Strip, Map, Record and preservation by record      | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 8 – Strip, Map, Record and preservation by record      | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 9 – Geophysical Survey to inform further works         | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 10 – Geophysical Survey to inform further works        | HCC                   | EH District Plan Policy HA3   | WSI   | Prior to Construction          |
| LP 11 – Coring followed by a Conservation Management Plan | HE                    | EH District Plan Policy HA1 and Ancient Monuments and Archaeological Areas Act 1979 | WSI, SM Consent, Conservation Management Plan, agreed frequency of inspection | Prior to Detailed design stage |

## **Appendix D – Cumulative Schemes**

ES Addendum, Volume II, Appendix 5.4 Schedule of Committed Schemes

Gilston V7 EIA - Schedule of Committed Schemes

| No. | Ref. No.                                       | Site Address (Site Allocation)   | Postcode | Units | Proposals   | Status/ Date                |
|-----|--|--|----------|-------|---|-----------------------------|
| 1   | N/A  | Harlow East (SP 5.3)   | CM17 0NG | 750   | Land in Epping Forest District allocated for circa 750 new homes under the Draft Epping Forest Local Plan.  | N/A                         |
| 2   | N/A  | Riddings Lane Garden Centre (Site L)   | CM18 7HT | 50    | Land in Epping Forest District on the fringe of Harlow and allocated for circa 50 new homes under the Draft Epping Forest Local Plan.   | N/A                         |
| 3   | N/A  | Land west of Katherines (SP 5.2)   | CM19 5DR | 1,100 | Land in Epping Forest District on the fringe of Harlow and allocated for circa 1,100 new Land in Epping Forest District is located on the fringe of Harlow and allocated for circa 1,000 new homes. Homes under the Draft Epping Forest Local Plan.   | N/A                         |
| 4   | APP/N1540/W/16/3146636                         | YWCA Hostel - The Angle, Fourth Avenue, Harlow, CM20 1DN   | CM20 1DS | 69    | Demolition of all Existing Buildings and Construction of 69 New Residential Dwellings, Including Flats and Houses, Ranging from 3 to 13 Storeys, With Associated Car Parking and Landscaping  | Appeal allowed 28/09/16     |
| 5   | HW/PL/11/000 55; as amended by HW/PL/15/001 42 | Land to north of Gilden Way  | CM17 0NA | 1,200 | Erection of 1,200 Dwellings, New Primary School, Community Buildings and Retail/Business/Live Work Units together with Associated Uses Comprising Allotments and Public Open Space, Plus Associated Infrastructure and Engineering Works, with Vehicular Access from Gilden Way.            | Approved 21/05/15           |
| 5   | HW/PL/15/000 06                                | Land to north of Gilden Way  | CM17 0NA | 1,200 | Approval of All Reserved Matters for Strategic Infrastructure and Phase 1 (Approximately 716 Dwellings and Associated Community Building, Commercial Units, Open Space and Facilities), In Accordance with Condition 1 of HW/PL/15/00142.   | Phase 1 granted 08/09/2015  |
| 5   | HW/REM/15/0 0389                               | Land to north of Gilden Way  | CM17 0NA | 1,200 | Approval of All Reserved Matters for Phase 2 (Approximately 195 Dwellings and Associated Open Space Including Sports Pavilion, Sports Pitches and Allotments), In Accordance with Condition 1 of HW/PL/15/00142, and the Revised Phasing Plan (Submitted Under Application HW/PL/15/00007). | Phase 2 granted 15/12/2015. |
| 6   | HW/COUOR/17/00096                              | Terminus House Terminus Street Harlow Essex CM20 1XA   | CM20 1XA | 222   | Notification for Prior Approval for a Proposed Change of Use from Class B1(a) (Offices) to Class C3 (Dwelling Houses) Comprising 222 Dwellings (194 Studios, 28 x 2 Bedroom Units).   | Notification 05/05/17       |
| 6   | HW/COUOR/17/00443                              | Terminus House Terminus Street Harlow Essex CM20 1XA   | CM20 1XA | 222   | Change of Use from offices to house comprising a total of 222 dwellings (198 No. Studio Flats and 24 No. 2 Bedroom Flats)   | 08/12/17                    |
| 7   | N/A  | Education Centre, Hodings Road, Harlow (HDC SHLAA Site Ref. 13)  | CM20 1NW | 24    | N/A   | 2021-31                     |
| 8   | N/A  | Purford Green School, Harlow, CM18 6HP (HDC SHLAA Site Ref. 14)  | CM18 6HP | 30    | N/A   | 2021-31                     |
| 9   | N/A  | East of the Downs School (HDC SHLAA Site Ref. SA 16)   | CM20 3RB | 25    | N/A   | 2021-31                     |
| 10  | N/A  | Playing field south of Gilden Way (HDC SHLAA Site Ref. 22)   | CM17 0GY | 67    | N/A   | 2021-31                     |
| 11  | N/A  | Former Scout Hut, Elderfield (HDC SHLAA Site Ref. 23)  | CM17 0EF | 6     | N/A   | 2014-21                     |
| 12  | N/A  | Playing field and land east of Radburn Close south of Clifton Hatch (HDC SHLAA Site Ref. 30 (29Ref 017)) | CM18 7EB | 69    | N/A   | 2021-31                     |
| 13  | N/A  | South of Hawthorns west of Riddings Lane (HDC SHLAA Site Ref. 31)  | CM18 7HT | 35    | N/A   | 2021-31                     |
| 14  | N/A  | Land and garages between Bushey Croft and Rushes Mead (HDC SHLAA Site Ref. 33 (40Ref 022))               | CM18 6RJ | 13    | N/A   | 2021-31                     |
| 15  | N/A  | Garage blocks adjacent to Nicholls Tower (HDC SHLAA Site Ref. 36)  | CM18 6EF | 11    | N/A   | 2021-31                     |
| 16  | N/A  | Elm Hatch and Public House (HDC SHLAA Site Ref. 38 (45Ref 3))  | CM18 6BH | 10    | N/A   | 2014-21                     |
| 17  | N/A  | Stewards Farm (HDC SHLAA Site Ref. 39 (46Ref 035))   | CM18 7HZ | 10    | N/A   | 2021-31                     |
| 18  | N/A  | Land between Barn Mead and Five Acres (HDC SHLAA Site Ref. 40)   | CM18 6UZ | 10    | N/A   | 2021-31                     |
| 19  | N/A  | Kingsmoor House and gardens (HDC SHLAA Site Ref. 44 (51Ref 014))   | CM19 4QX | 9     | N/A   | 2014-21                     |

|    |                                   |  |          |       |   |  |
|----|-----------------------------------|--|----------|-------|---|--|
| 20 | N/A                               | Pollard Hatch plus garages and adjacent land (HDC SHLAA Site Ref. 45)  | CM19 4JT | 20    | N/A   | 2014-21                                |
| 21 | N/A                               | Katherines Hatch (HDC SHLAA Site Ref. 46 (56Ref 013))  | CM19 5NP | 10    | N/A   | 2014-21                                |
| 22 | N/A                               | Service bays rear of the Stow (HDC SHLAA Site Ref. 48 (57Ref 037)) [Application submitted for 88 units (HW/FUL/19/00257) pending decision]   | CM20 3AB | 8     | N/A   | 2014-21                                |
| 23 | N/A                               | Garages east of 99-102 Greenhills (HDC SHLAA Site Ref. 52 (62Ref 01))  | CM20 3SZ | 16    | N/A   | 2021-31                                |
| 24 | N/A                               | Slacksbury Hatch and associated garages (HDC SHLAA Site Ref. 68 (78Ref 053))   | CM19 4ET | 10    | N/A   | 2014-21                                |
| 25 | N/A                               | Garage blocks between 1 and 36 Arkwrights (HDC SHLAA Site Ref. 70 (80Ref 055))   | CM20 3LT | 7     | N/A   | 2014-21                                |
| 26 | N/A                               | Lister House, Staple Tye Mews, Staple Tye Depot and the Gateway Nursery (HW/FUL/18/00298; as amended by HW/NMA/19/00343)   | CM18 7NW | 46    | N/A   | 2014-21                                |
| 27 | N/A                               | Kingsmoor Recreation Centre (HDC SHLAA Site Ref. 73)   | CM19 4QT | 35    | N/A   | 2021-31                                |
| 28 | N/A                               | Open Space to the south of Berecroft (HDC SHLAA Site Ref. 78 (88Ref 063))  | CM19 4HB | 294   | N/A   | 2021-31                                |
| 29 | N/A                               | Wissants and adjacent playground (HDC SHLAA Site Ref. 83 (93Ref 068))  | CM19 4QW | 6     | N/A   | 2014-21                                |
| 30 | N/A                               | Land and Buildings at Wych Elm inc. bus garage and fire station (HDC SHLAA Site Ref. 88). Part delivery of HDC SHLAA Site Ref. 88 for 122 units and 763 sqm of ground floor commercial floorspace consented on 06/02/20. | CM20 1QR | 500   | N/A   | 2021-31 and beyond plan period         |
| 31 | N/A                               | Land Adjacent to Katherines School HDC SHLAA Site Ref. 96 (107Ref 079)   | CM19 5PN | 27    | N/A   | 2014-21                                |
| 32 | N/A                               | Fishers Hatch HDC SHLAA Site Ref. 98   | CM20 3PP | 10    | N/A   | 2021-31                                |
| 33 | N/A                               | Colt Hatch community centre and adjacent land HDC SHLAA Site Ref. 101  | CM20 1SX | 11    | N/A   | 2021-31                                |
| 34 | N/A                               | Land between Second Avenue and St Andrews Meadow HDC SHLAA Site Ref. 142   | CM18 6BL | 16    | N/A   | 2014-21                                |
| 35 | N/A                               | Northbrooks Playing Fields HDC SHLAA Site Ref. 161   | CM19 4DS | 70    | N/A   | 2021-31                                |
| 36 | N/A                               | Playing field west of Deer Park HDC SHLAA Site Ref. 171 (OthCan184)  | CM19 4LD | 69    | N/A   | 2021-31                                |
| 37 | N/A                               | Land northwest of Kingsland HDC SHLAA Site Ref. 241  | CM18 6XW | 41    | N/A   | 2014-21                                |
| 38 | N/A                               | Playground & land between Little Pynchons and Pear Tree Mead HDC SHLAA Site Ref. 245   | CM18 7DF | 12    | N/A   | 2021-31                                |
| 39 | N/A                               | Playground west of 93-100 Jocelyns HDC SHLAA Site Ref. 251   | CM17 0BX | 12    | N/A   | 2021-31                                |
| 40 | N/A                               | Sherards House and adjacent land HDC SHLAA Site Ref. 266 (PrCn45)  | CM19 4HN | 15    | N/A   | 2021-31                                |
| 41 | HW/PL/04/003 02 (as amended)      | Phase 2 New Hall Farm and Hubbards Hall Farm (Whole Site), London Road Harlow  | CM17 9LU | 2,300 | Outline Planning Permission Is Sought for The Erection of 2,300 Dwellings Including Parkland and Recreation, Employment and the Development of the Local Centre into a Full Neighbourhood Centre.   | Outline permission granted 26/06/2012. |
| 41 | HW/PL/13/000 98 & HW/PL/13/001 00 | Phase 2 New Hall Farm and Hubbards Hall Farm (Whole Site), London Road Harlow  | CM17 9LU |       | The approval of reserved matters in relation to Parcel 1 of outline planning permission for Newhall Phase 2 (outline planning permission ref. HW/PL/04/00302)/ Phase 1 is being submitted as two linked applications, Area A and Area B, comprising in total 328 units. | Both RMAs granted approval 13/06/2013  |
| 42 | N/A                               | 1 & 1a Walfords Close (HDC SHLAA Site Ref. 284 PrCn71)   | CM17 0DG | 12    | N/A   | 2014-21                                |
| 43 | N/A                               | Westgate House and MS carpark (HDC SHLAA Site Ref. 287 PrCn74)   | CM20 1DG | 170   | N/A   | 2014-21                                |
| 44 | N/A                               | Coppice Hatch and garages (HDC SHLAA Site Ref. 301 UCS23)  | CM18 6SL | 16    | N/A   | 2021-31                                |

|    |  |  |          |       |   |  |
|----|--|--|----------|-------|---|--|
| 45 | N/A  | Pypers Hatch (HDC SHLAA Site Ref. 314 UCS45)   | CM20 3NG | 10    | N/A   | 2021-31                                |
| 46 | N/A  | Garage block south-east of Fesants Croft (HDC SHLAA Site Ref. 327 UCS68)                                 | CM20 2JS | 7     | N/A   | 2014-21                                |
| 47 | N/A  | Garage block south of 84-97 Barn Mead (HDC SHLAA Site Ref. 336 UCS80)                                    | CM18 6SW | 6     | N/A   | 2021-31                                |
| 48 | N/A  | Land east of 144-154 Fennells (HDC SHLAA Site Ref. 343 UCS90)  | CM19 4RR | 23    | N/A   | 2021-31                                |
| 49 | N/A  | Land associated with Hester House and Hester Mews (HDC SHLAA Site Ref. 347 UCS99)                        | CM18 6SW | 15    | N/A   | 2021-31                                |
| 50 | N/A  | Maunds Hatch and Hall (HDC SHLAA Site Ref. 352 UCS109)   | CM18 7RG | 10    | N/A   | 2021-31                                |
| 51 | N/A  | Summers Hatch (HDC SHLAA Site Ref. 361)  | CM19 5RD | 19    | N/A   | 2021-31                                |
| 52 | HW/FUL/15/00 229 (as amended by HW/REMVAR/R/17/00577; and HW/NMA/18/00471) | Aylets Field; the briars; Copshall Close; - known as Priority Estates                                    | CM18 7FQ | 343   | Outline Planning application for the Estate Regeneration: Demolish 218 Bungalows and Related Infrastructure, erect 343 One, Two, Three and Four-Storey, Detached, Semi-Detached and Terraced Houses and Flats (200 Affordable Dwellings and 143 Market Homes) and a Community Centre, Lay Out Estate Roads, Footpaths, Parking Spaces, Public and Private Amenity Areas, Drainage Infrastructure, and Landscaping   | Granted permission 07/01/16            |
| 53 | N/A  | Green Belt North East Harlow   | CM17 0PF | 2,600 | Will come forward when Local Plan is finalised. Based on work in Harlow Strategic Sites Assessment.   | N/A                                    |
| 54 | HW/COUOR/16/00119  | Greenway House Parkway Harlow Essex CM19 5QD   | CM19 5QD | 78    | Change of Use from Office Use (Class B1) to 78 Dwellinghouses (Class C3)  | Prior approval not required 03/06/2016 |
| 55 | HW/COUOR/16/00027  | Templefields House, River Way Harlow, CM20 2EA   | CM20 2EA | 154   | Change of Use from Class B1(a) (Offices) to Class C3 (Dwellinghouses) Comprising 154 Units (83 Studios, 68 x 2 Bedrooms)  | Prior Approval not required 03/03/16   |
| 56 | HW/FUL/17/00 097   | Proposed Redevelopment of Land at Harvey Centre, West Gate, Market Square, Broad Walk, West Gate, Harlow | CM20 1XR | 468   | Demolition of the existing buildings and comprehensive re-development of the site to provide a mixed-use development (including 4 new buildings ranging from 3 to 16 storeys) comprising 468 residential units, circa 2,900 m <sup>2</sup> of flexible retail floorspace, communal amenity space, a new pedestrian boulevard, car parking,  | Granted 06/10/17                       |
| 56 | HW/FUL/17/00 098   | Proposed Redevelopment of Land at Harvey Centre, West Gate, Market Square, Broad Walk, West Gate, Harlow | CM20 1XR |       | cycle parking, with associated hard and soft landscaping, revised access and servicing arrangements.  | Granted 06/10/18                       |
| 57 | HW/COUOR/16/00569  | Pearson Education, Edinburgh Gate, Harlow, CM20 2JE  | CM20 2JE | 202   | Conversion of Existing Six Storey Office (B1) to 202 Residential Apartments (C3)  | Prior Approval Not Required: 28/02/17  |
| 58 | HW/OUTAM/17/00246  | Third Avenue, Harlow, CM19 5AW   | CM19 5AW | N/A   | Redevelopment of The Former GSK South Site To erect Up To 46,916m <sup>2</sup> (GIA) of Class B8 Floorspace, Including Demolition of Buildings, Construction of New Paved Surfaces, Boundary Treatment and Landscaping, Parking and Associated Works.   | Granted 22/12/17                       |
| 59 | HW/FUL/17/00 563   | 1-7 Burnt Mill Harlow CM20 2HT   | CM20 2HT | 172   | Demolition of Existing Motor Dealership Buildings and Replacement with a Development Comprising 172 Residential Units, 1,155m <sup>2</sup> of Office Floorspace (within Class B1) and 159 Car Parking Spaces.   | Granted 04/06/18                       |
| 60 | N/A  | Land to the North of West Road (SAWB2)   | CM20 2DB | 125   | Land to the north of West Road is allocated as a residential development site, to accommodate approximately 125 homes by 2022.  | N/A                                    |
| 61 | N/A  | Land to the South of West Road (SAWB3)   | CM20 2LS | 175   | Land to the south of West Road is allocated as a residential development site, to accommodate approximately 175 homes by 2022.  | N/A                                    |
| 62 | N/A  | Land to the North of Sawbridgeworth (SAWB4)  | CM21 0DE | 200   | Land to the north of Sawbridgeworth is allocated as a residential development site, to accommodate approximately 200 homes by 2027.   | N/A                                    |
| 63 | N/A  | Land North and East of Ware (WARE2)  | SG12 7PZ | 1,000 | Land to the North and East of Ware is allocated as a mixed-use development site, to accommodate approximately 1,000 new homes by 2033.<br>II. In the longer term, and in the event that suitable mitigation measures to identified constraints on both the local and wider strategic road networks can be identified and agreed by HCC, a further 500 dwellings will also be delivered in this location.  | N/A                                    |
| 64 | HW/CR3B/17/4 0003 (ECC ref: CC/EPF/08/17)                                  | Junction 7a on M11, Gilden Way, Harlow Essex   | CM17 9DS | N/A   | Construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8, to be located approximately 6km north of existing Junction 7, to the north of Moor Hall Road/Matching Road crossing and to the south of Sheering Village and the proposed construction of a new link road and roundabout to link the proposed Junction 7a to Gilden Way (B183) and Sheering Lower Road, to the north-east of Harlow Town in the district of Epping Forest. Proposed widening and road improvements to Sheering Road and Gilden Way (B183) from the proposed new Sheering Road roundabout to the London Road Roundabout, located within the district of Harlow. | Granted by ECC: December 2016.         |

|    |  |  |          |                                    |   |   |
|----|--|--|----------|------------------------------------|---|---|
| 65 | HW/LDCP/16/0 0488                                | A414 - A1184 Carriageway Duaing Scheme, Edinburgh Way, Harlow            | CM20 2AB | N/A                                | Localised Highway Improvements to The A414, Including Road Widening To Dual Carriageway Along Edinburgh Way Between The Roman Roundabout and The Harlow Mill Roundabout, Improvements To The Harlow Mill Roundabout and Roundabout Approaches from Station Approach and Cambridge Road. Improvements to Include Provision for Pedestrians and Cyclists.   | Granted 06/10/17                          |
| 66 | HW/FUL/17/00130 (as amended by HW/NMA/17/0 0324) | A414 Link Road, London Road, Harlow                                      | CM20 2QT | N/A                                | Second Primary Access and Associated Highway Works to Serve Newhall Phase II.   | Granted by HDC: 06/07/17                  |
| 67 | HW/CCREG4/1 7/00207 (ECC ref: CC/HLW/21/17       | New access on A1184, Cambridge Road, Harlow                              | CM20 2EQ | N/A                                | Planning Permission to Provide A New Access from the A1184 (Cambridge Road) to The Templefields Enterprise Zone on River Way, Harlow. Scheme Includes Off Site Mitigation Works and Other Ancillary Works.  | Granted by ECC: 28/07/2017                |
| 68 | 3/19/1045/OUT                                    | Land North of the Stort Valley and the A414 (Gilston Area, Villages 1-6) | CM20 2SF | 8,500                              | Outline planning application with all matters reserved apart from vehicular access for the redevelopment of the site through the demolition of existing buildings and erection of a residential led mixed use development comprising up to 8,500 residential homes including market and affordable homes; retirement homes and extra care facilities; a range of community uses including primary and secondary schools, health centres and nursery facilities; retail and related uses; leisure facilities; business and commercial uses; open space and public realm; sustainable urban drainage systems; utility and energy facilities and infrastructure; waste management facilities; vehicular bridge links; creation of new vehicular and pedestrian accesses into the site; and creation of a new vehicular, pedestrian and cycle network within the site; improvements to the existing highway and local road network; undergrounning and diversion of power lines; lighting; engineering works, imfrastucture and associated facilities; together with temporary works or structures required by development. | Awaiting decision. Validated 12 June 2019 |
| 69 | HW/FUL/18/00144                                  | Edinburgh House Car Park, Edinburgh Gate, Harlow, Essex                  | CM20 2LQ | 361                                | Redevelopment of existing car park associated with former Pearson House. Erection of two blocks of between 2-11 storeys in height comprising 361 dwellings including ground and first floor car parking together with associated development including podium and ground floor amenity space, landscaping, surface car parking, new pedestrian links, cycle and refuse stores   | Permission granted 12/09/19               |
| 70 | HW/OUTAM/17/00372                                | New Frontiers Science Park, Coldharbour Road, Harlow                     | CM19 5AD | 115,200 sqm of Class B1 floorspace | Outline Application for up to 115,200 sqm (GIA) of Offices, Research, and Development Laboratories (Class B1), Ancillary Facilities, New Accesses, Landscaping, Parking and Ancillary Works.  | Permission granted 23/10/18               |

**Gilston Area Section 106 Agreement - Heads of Terms for Village 7 Planning**  
**Application Reference: 3/19/2124/OUT<sup>1</sup>**

**1 General<sup>2</sup>**

| Topic             | Obligation Detail (justification, assumption)  | Trigger                                     |
|-------------------|--|---|
| <b>Indexation</b> | All contributions to be indexed (unless stated otherwise) from a date to be identified and agreed in each case (including the specific index for relevant contributions)   | N/A   |
| Monitoring Scheme | To submit Monitoring Information (in an agreed form) to verify the key housing information in the preceding calendar year including the number of Occupations for each housing product and the mix and size of all Dwellings, including affordable. To provide updates tracking the S106 obligations that have been performed or discharged to date and those which remain to be performed | Annually, by 31 March each year bi-annually |
| Monitoring Costs  | To pay the Council's and HCC's costs in connection with monitoring compliance of the S106. Payable in instalments  | At agreed triggers                          |

**2 District Council and HCC covenants – Not necessary for Heads of Terms**

**3 Housing**

| Topic                       | Land Bound | Obligations   | Triggers (if any)  |
|-----------------------------|------------|---|--|
| Level of Affordable Housing | V7         | No less than 23% of all Dwellings in Village 7 to be affordable [but the level can increase as a result of a Viability Review]. The affordable housing tenure is to be 60% Affordable Rent and 40% Intermediate products, unless agreed otherwise with EHDC.<br><br>No more than 40% of the Dwellings in Village 7 to be affordable housing to ensure balanced and mixed community.<br><br>Affordable Housing will be distributed within Village 7 (both in terms of location and timing of when delivered) and be designed to be tenure blind. | The triggers for delivery of the affordable housing shall be set out in the Residential Reserved Matters Area Affordable Housing Scheme. |
| Viability Reviews           | V7         | The Review(s) will have the potential to increase the level of affordable housing in Village 7 above the agreed minimum of 23% (capped at 40%).<br><br>The Review/s will encompass the entirety of Village 7 with a minimum of 23% as an upward review only.<br><br>Details of review(s) to be agreed.  | Assumptions and mechanics for Review to be agreed through detailed S106 Scheduling.  |

<sup>1</sup> This Heads of Terms document relates to the V7 application and the obligations required in respect of V7 in determining that planning application. For ease, it adopts the same format as (and should be read in conjunction with) the Heads of Terms document that was considered by Members in respect of the V1-6 application on 28 February 2023. Where necessary and relevant the document also includes expected obligations for V1-6 for information purposes where it is thought helpful to assist with demonstrating comprehensive development. It is the preference of the LPA that there will be a single section 106 agreement in respect of both applications for the Gilston Area as a whole (if both applications receive a resolution to grant in a timely manner). However, it is acknowledged that it is technically possible to have separate agreements with mirror provisions (including occupation caps linked to delivery of infrastructure serving the Gilston Area as a whole and proportionate contributions) provided such agreements secure comprehensive delivery of infrastructure (for example in the event of delay in respect of the V7 application). The detail of this will be addressed as part of the section 106 agreement. It is also noted that a phasing planning condition is to be included in respect of Village 7 preventing development (save preliminary works) starting before the expiration of 6 months following the commencement of initial enabling works at Village 1 of the Gilston Area and the submission and approval of the phasing V7 and V1 phasing scheme.

<sup>2</sup> Not intended to be an exhaustive reference to proposed boilerplate provisions

| Topic  | Land Bound | Obligations  | Triggers (if any)   |
|--|------------|--|---|
| Custom/Self-Build <sup>3</sup>               | V7         | Plots equivalent to not less than 1% of the total number of Dwellings shall be made available for sale to those identified on the Council's Self-Build and Custom Build Register (Policy HOU8) ( <b>Self-Builders</b> ). Any plots not taken up by Self-Builders after marketing for 2 years shall be released and made available for Dwellings.   |   |
| Assisted Living Housing / Extra Care Housing | V7         | <p>Not less than 20 of the total number of Dwellings across Village 7 to be restricted to use by Older Person's (55+) in the form of Extra care Housing and/ or Assisted Living Units (C3 Residential). Detailed arrangements to be agreed as part of the section 106 agreement.</p> <p>Not less than 130 of the total number of Dwellings across the Gilston Area to be restricted to use by[ Older Person's (55+) or for adults of any age known by the County Council to have learning disabilities who are entitled to be provided Extra Care Housing. The LPA's preference is for this to be within and provided in two (2) facilities/locations. Unless provision is made within V7 then the full 130 units to be provided within V1-6. Detailed arrangements to be agreed as part of the section 106.</p>   |   |
| Accessible Dwellings                         | V7         | <p>All houses and all ground floor apartments (where practically possible) shall be built to comply with M4(2) standards (i.e. wheelchair adaptable)</p> <p>15% of all affordable units (inclusive of houses and ground floor flats) shall be built to comply with M4(3) standards</p> <p>1% of all market houses and 1% of all market ground floor apartments shall be built to comply with M4(3) standards.</p>  |   |
| Housing Plans                                | V7         | <p>The Owner shall submit for Council Approval a Village specific Housing Scheme that identifies for Village 7:</p> <ul style="list-style-type: none"> <li>(a) the location of the Reserved Matters Areas and total number of Dwellings for the Village and in each Reserved Matters Areas.</li> <li>(b) the quantum of any: (i) Extra Care/ Assisted Living Housing; (ii) Self/Custom Build Plots.</li> <li>(c) the minimum levels of affordable in each Reserved Matters Area.</li> <li>(d) the proposed housing mix for the Dwellings (including Affordable Housing Dwellings) within the Village.</li> </ul> <p>The Village Housing Scheme may be updated from time to time.</p> <p>The final tenure mix and house type mix for a Residential Reserved Matters Area (among other things) shall be set out and approved in the Residential Reserved Matters Area Affordable Housing Scheme for the relevant Residential Reserve Matters Area.</p> | <p>Village Housing Scheme shall be submitted alongside each Village Masterplan Submission for Council approval</p> <p>Each Residential Reserved Matters Area Affordable Housing Scheme shall be submitted alongside each Residential Reserved Matters Affordable Housing Area submission for Council approval</p> |

<sup>3</sup> as defined in Sections 1(A1) and 1(A2) of the Self Build & Custom Housebuilding Act 2015 (as amended)

#### 4 Gypsy & Travellers and Travelling Showpeople

| Topic   | Land Bound          | Obligations   | Trigger/Restriction |
|---|---------------------|---|---------------------|
| <b>Safeguarding of land for G&amp;T Pitches and for Travelling Showpeople Plots as required by GA1 and HOU9</b> | V1-6                | <p>Serviced Land for 7 G&amp;T Pitches to meet the identified local accommodation needs of East Herts' travellers to be safeguarded to the north of Village 4 in the location shown with a white star on parameter plan 5. The precise location of the safeguarded land will be defined in the Strategic Landscape Masterplan.</p> <p>Serviced Land for 8 Plots for Travelling Showpeople to meet the identified local accommodation needs of East Herts' travellers to be safeguarded in village 6 in the locations shown with a white star on the parameter plan 5 as part of the Village Masterplan. The precise location of the safeguarded land will be defined in the Village 6 Masterplan.</p> |                     |
|   | V7                  | Serviced Land for 8 G&T Pitches to meet the identified local accommodation needs of East Herts' travellers is to be safeguarded in Village 7 in the location shown on the V7 Site parameter plan 5. The precise location of the safeguarded land will be defined in the Village 7 Masterplan  |                     |
| <b>Calls for Sites</b>  | Villages 4, 6 and 7 | <p>Each area of safeguarded land will be subject to its own Reserved Matters Application and will accord with the relevant Masterplan.</p> <p>S.106 Agreement will define the process for the Council calling for the sites to come forward and the approach to marketing the site to be agreed by the Council.</p> <p>The purpose of this obligation is to ensure that the requirements of Policy GA1 and HOU9 are met through the timely delivery of sites to meet locally identified needs of the travelling communities.</p>  |                     |
| <b>Provision of Sites</b>   | Villages 4, 6 and 7 | As per agreed marketing and delivery strategy in the s106.  |                     |

#### 5 Governance and Stewardship

| Topic  | Land Bound | Obligations  | Trigger/Restriction                  |
|--|------------|--|--------------------------------------|
| <b>Stewardship and Governance arrangements</b> | V1-7       | <p>The stewardship arrangements to be secured in the section 106 agreement shall be for the entire Gilston Area in general accordance with the Gilston Area Stewardship and Governance Strategy (December 2022) which shall be the responsibility of the V1-6 owner unless V7 commence ahead of V1-6 in which case the responsibility to set up the stewardship body will fall to V7 and V1-6 will be required to participate in collaboration with V7. The arrangements for V7 shall include:</p> <ol style="list-style-type: none"> <li>1. a requirement to participate in a community ownership and stewardship body, set up in collaboration with the owner of the V1-6 site, on the basis of timing to be agreed with the Council. The S106 shall define the form and responsibilities of the body(ies), but likely to comprise a single Community Management Trust (CMT) for the entirety of the Gilston Area (V1-6 and V7) and a Community Interest Company (CIC).<sup>1</sup></li> </ol> | timing to be agreed with the Council |

|  |  |  |
|--|--|--|
|  | <p>In all circumstances the parties delivering the CMT will be expected to:</p> <ol style="list-style-type: none"> <li>2. set up a Shadow Advisory Board (SAB) in advance of the CMT – timing, roles, responsibilities and representation to be determined in agreement with the Council</li> <li>3. the SAB and CMT to consult with existing and emerging communities on the care of assets and community development</li> <li>4. prepare, submit and agree a long-term business plan, on timing to be approved by the Council. This plan shall be reviewed and updated from time to time and is to set out how suitable resources (which may include a service charge) will be secured to ensure the CMT is adequately skilled and can carry out its functions in perpetuity;</li> <li>5. a process for engaging with the CMT on assets that the developer intends to offer to the CMT free of charge, in addition to those that it must offer the CMT (e.g. such as a community building and all areas of Strategic Open Space – see the Community section for these). The expectation is that the developer will offer some income generating assets</li> <li>6. a process for disposing of any community assets and infrastructure that the CMT is unwilling to accept a requirement that, prior to any asset transfer, a certification process is undertaken to assess that the asset is fit for purpose, with the costs of this process being underwritten by the owner and with an appropriate mechanism to ensure that assets which fail the verification process will be made fit for purpose</li> <li>7. a requirement that, prior to any asset transfer, a funding proposal will be prepared, submitted to and agreed by the Council setting out the management requirements relating to the asset and establishing that sufficient resources will be available in order to implement these;</li> <li>8. Have regard to emerging stewardship proposals for HGGT and collaborate to seek to maximise opportunities;</li> <li>9. a requirement that all asset disposals shall comprise of freehold transfer with title restrictions to prevent against inappropriate future development or long leases on peppercorn rents; and</li> <li>10. a requirement to pay initial endowment funding of up £112,500 (as the 15% cost contribution for V7 unless agreed otherwise) to support the setting up of the CMT and for other appropriate early activities including community engagement and development, on the basis of timing to be agreed with the Council</li> <li>11. a requirement for a monitoring strategy to enable assessment of the delivery of outcomes against the objectives of the CMT</li> </ol> |  |
|--|--|--|

## 6 Education Contributions

Land is to be reserved as set out at section 7 below and full costs of education delivery to be met by Gilston Area owners to enable education provision to be delivered by agreed triggers. The amount of the V7 education contributions assumes that the early phases of Villages 1-6 (such as Village 1) will start at a similar time as V7 (hence the potential 50/50 split for certain contributions) and that the amount of V1-6 early contributions could increase (up to 100% of the relevant contribution/installment) if the Village 7 development was to be delayed or the actual V7 demand were lower than anticipated. , with V7 expected to pay its proportionate share prior to commencement. The section 106 will include education review provisions and an Education Review Group.

| Topic   | Land Bound | Amount <sup>4</sup>  | Detail (Trigger, justification, assumption)  |
|---|------------|--|--|
| <b>Secondary Education Temporary Facilities Contribution<sup>5</sup> (capped at £4.1m) but subject to DfE Scorecard costs</b> | V7         | Lower of 50% or £2.05 million or as required by application of the appropriately indexed DfE balanced Scorecard for school construction. | Triggers to be agreed. Payments in Equal instalments. The actual amount of the V1-6 and V7 temporary offsite secondary education costs depends on: <ol style="list-style-type: none"> <li>whether the initial extra capacity at the V1 primary school can be utilised for onsite temporary secondary provisions (which would revenue support from the developers up to an agreed capped sum of no more than the alternative offsite costs); and</li> <li>the timing for and rate at which the V1-6 and V7 developments come forward, with each developer expected to pay a fair and reasonable contribution towards the costs of each instalment/contribution based on. their pro-rata share. The initial assumption of 50/50 split is based on the assumption that both developments will be starting at a similar time and that a new temporary facility will need to be constructed prior to first occupation in the Gilston Area to address the temporary needs of both developments.</li> </ol> |
| <b>SEND Education Contribution<sup>6</sup></b>  | V7         | £857,947   | Payment in instalments and triggers to be agreed.  |
| <b>Secondary Education Off Site Transport Contribution<sup>7</sup> (capped at £2.5m)</b>                                      | V7         | Lower of 15% or £375,000   | Triggers to be agreed. Payments in instalments on terms to be agreed.  |
| <b>Village 7 Primary School Contributions</b>   | V7         | Equivalent of 2FE or up to 3FE primary provision   | Financial Contribution: Sum paid by V7 Owner depends on the initial size of the V7 Primary School which would be delivered, equivalent to 2FE or up to 3FE. <p>V7 share of the total contribution shall be proportionate to its actual child yield.</p> <p>The overall V7 contribution will be no less than 2FE and no more than the total 3FE contribution.</p> <p>If initially built to 2FE, then provision of the third FE will be subject to ERG review based on GA wide education need.</p> <p>If it is agreed that there is no need for a third FE then the safeguarded land will be released to Applicant for alternatives uses in accordance with a trigger to be agreed with HCC.</p>   |

<sup>4</sup> Unless stated otherwise, the Contributions are to be calculated by reference to the DfE Scorecard prevalent at the time of payment, subject to changes for indexation or any reasonable updates to the DfE Scorecard

<sup>5</sup> The actual amount of this contribution is to be determined based on a mechanism that reflects actual demand and HCC transport policy

<sup>6</sup> Being 15% of the total of £5,719,676, with the expectation that V1-6 will pay £4,861,700

<sup>7</sup> The actual amount of this contribution is to be determined based on a mechanism that reflects actual demand and HCC transport policy

| Topic   | Land Bound | Amount <sup>4</sup>   | Detail (Trigger, justification, assumption) |
|---|------------|---|---|
| <b>Village 1 Secondary School Phase 1 (capped at 6FE with 8FE core)</b> | V7         | Equivalent of up to 50% of the Phase 1 costs (maximum of 3FE) | Instalments to be agreed.                   |

## 7 Education Direct Delivery

| Topic   | Land Bound | Amount                                     | Detail (Trigger, justification, assumption)   |
|---|------------|--|---|
| <b>On-site Primary School</b>                     | V7         | Land safeguarded for new V7 primary school | <p>Land Provision: Land for up to 3FE of new primary school provision to be safeguarded in Village 7. The safeguarded school site land includes expansion land and phased provision if school initially built as 2FE.</p> <p>The initial FE size (i.e. 2FE or 3FE) and the location for the school shall be identified as part of the Village Masterplan to be approved by EHDC in consultation with HCC.</p>   |
| <b>Calls for School or School Expansions</b>      | V7         | N/A  | <p>Unless agreed otherwise, HCC cannot give a notice calling for a new school site</p> <p>(a) until after the Village Masterplan for the relevant Village (which is to house the School) has been approved</p> <p>The need for a new school or an expansion to an existing school is to be determined by HCC having considered the advice of the Education Review Group</p>   |
| <b>Release of Schools Site and Expansion land</b> | V7         | Released school site or expansion          | Where the V7 primary school is initially built to 2FE, HCC to decide (after consulting with the ERG) if a third FE is needed (i.e. safeguarded land to be released) in Village 7 on timing to be agreed.  |
| <b>Education Reviews &amp; ERG</b>                | V1-7       | N/A  | <p>The V1-6 and V7 Owners are to each have representatives on the ERG and the ERG will operate in accordance with the agreed terms of reference (as may be agreed).</p> <p>Education reviews are to be carried out by the ERG at agreed Occupation triggers for the Gilston Area (including prior to completion of V7) but no more frequent than once per year at the request of each Owner.</p> <p>The ERG is to make recommendations on who should contribute towards the cost of new schools or a school expansion based on the anticipated child yields from the V1-6 development and V7 development, as well as children into the Gilston Area from outside.</p> |

|                                  |      |     |   |
|----------------------------------|------|-----|---|
| <b>Transfer of Schools Sites</b> | V1-7 | N/A | <p>Each school site or area of expansion land is to be serviced (which shall require a point of access/haul road for construction purposes) prior to transfer (unless agreed otherwise as part of a servicing strategy) with full access provided prior to the opening of each school.</p> <p>School sites are to be restricted to use for educational purposes, with the potential for community use through Community Use Agreements</p> <p>A School constructed by an Owner is to be transferred to HCC as quickly as reasonably practicable post completion</p> |
|----------------------------------|------|-----|---|

## 8 Local Labour

| Topic   | Land Bound | Detail (Trigger, justification, assumption)   | Trigger  |
|---|------------|---|--|
| Site Wide Local Labour, Skills and Business Action Plan | V1-7       | <p>A Site Wide Local Labour, Skills and Business Action Plan in order to maximise local opportunities (eg site wide infrastructure, skills, supply chains, job creation, raise awareness) in connection with the construction of the development. V1-6 expected to submit for the Council's approval with V7 as a party but V7 would have to submit this if V1-6 delayed/not coming forward with the plan being updated as and when applicable. Once Approved the Plan to be implemented. The Plan shall include the following:</p> <ul style="list-style-type: none"> <li>(a) how Local Businesses<sup>8</sup> will be notified and supported with tender opportunities during the Construction Phase;</li> <li>(b) who, on behalf of the V1-6 Owner and V7 Owner, shall be responsible for notifying of job opportunities and making all developers/contractors aware of (i) their employment obligations and (ii) requirement to report on their compliance with such;</li> <li>(c) what steps will be taken to ensure that all developers, contractors and subcontractors on the site are aware of their obligations and actions to be taken if there is default in relation to these</li> <li>(d) how the Owner/developers/contractors, via the appointed coordinator, will work with local employment and training agencies, the Council, Job centre Plus, schools, local colleges (Harlow and Herts Regional), the University of Hertfordshire and any other relevant partners to identify, promote and deliver education and training opportunities; and</li> <li>(e) the information to be submitted to enable the Council and the owner to monitor compliance through the Commercial Delivery and Employment Review Group (CDERG)</li> <li>(f) the information that will be set out in the Village specific action plans</li> </ul> | Early trigger to be agreed to maximise opportunities |

<sup>8</sup> means all business located within EHDC, HDC or EFDC

| Topic   | Land Bound | Detail (Trigger, justification, assumption)   | Trigger                              |
|---|------------|---|--------------------------------------|
| Village Local Labour and Business Action Plan | V7         | <p>To submit and obtain Approval by the Council for a Village Local Labour and Business Action Plan for Village 7</p> <p>The Village plan shall:</p> <ul style="list-style-type: none"> <li>(a) set out the expected scale/ numbers of jobs provided across all employment types (part/ full time, temporary/ permanent/ training/ apprenticeship etc) for Local Residents<sup>9</sup> in connection with the development of Village 7. . It may set out different targets for different components of the development.</li> <li>(b) adopt the requirements set out in the Site Wide Local Labour, Skills and Business Action Plan or seek approval for any changes.</li> </ul> <p>To comply with the relevant Approved Village Action Plan when developing out any Reserved Matters Approval</p> | Prior to Implementation in Village 7 |

## 9 Commercial Floorspace

| Topic   | Land Bound | Obligation   | Trigger   |
|---|------------|--|---|
| Minimum provision                               | V7         | To ensure that no less than 1,745sq.m, (gross external area) of floorspace is provided and made available across the site for commercial uses. Provision of floorspace for Early Years provision is included within this total amount.   | Provision of the agreed amount not later than occupation of an agreed percentage of the residential units for Village 7 |
| Commercial Delivery and Employment Review Group | V1-7       | To establish (with V1-6, or only by V7 if V1-6 delayed/not coming forward to be updated as applicable) a single GA site wide Commercial Delivery and Employment Review Group, Terms of Reference, Representation and Decision Making to be agreed, but the purpose shall be to monitor and review the delivery of employment, local skills and commercial floorspace delivery at the site. | CDERG to be established by commencement of development  |
| Market needs analysis and master planning       | V7         | <p>To use all reasonable endeavours to deliver 5,100 sqm GEA for commercial operations in Village 7.</p> <p>To carry out an employment strategy according to trigger to be agreed.</p> <p>The employment strategy shall inform the preparation of village specific employment marketing plans and the V7 masterplan.</p>   | As appropriate in relation to master planning and the subsequent delivery of development in village 7                   |

<sup>9</sup> means people whose permanent home address is within EHDC, HDC or EFDC

|                                   |       |   |  |
|-----------------------------------|-------|---|--|
| Marketing Plan                    | V7    | <p>To consult with the CDERG and submit for Council approval a marketing plan for the full quantum of commercial floorspace to be either provided or safeguarded in each relevant Village masterplan. The marketing plan will contain as a minimum:</p> <ul style="list-style-type: none"> <li>• Proposals for advertising various plots/units/sizes to suit a range of occupiers as set out in the employment strategy</li> <li>• Proposals for advertising in relevant property publications/websites</li> <li>• Proposed minimum timeframe for marketing</li> <li>• Proposals for approaching businesses as set out by EHDC/HGGT economic teams and the CDERG</li> <li>• Proposal for monitoring and reporting on the marketing activities undertaken and interest in the commercial floorspace</li> </ul> <p>To market the provided and/or safeguarded commercial floorspace in each village in accordance with the approved marketing plan.</p> <p>To use Reasonable Endeavours to enter into an agreement with any third party that has submitted an offer on acceptable commercial terms consistent with the relevant Approved marketing plan</p> <p>To monitor and report every 6 months to the CDERG on any expressions of intent and/or offers received in respect of the potential Commercial Floorspace in each Village during the marketing period and any other information relevant to the delivery of the commercial floorspace</p> |  |
| Release of safeguarded land       | V1-V7 | Any land that has been safeguarded for commercial floorspace (beyond the delivery of the minimum provision which must be provided) and for which a needs assessment exercise undertaken through the CDERG has indicated will not be taken up and which has been subject to appropriate marketing in accordance with the agreed Marketing Plan but which the Owner has been unable to reach an agreement on for its disposal may be released for other purposes on timing to be agreed with EHDC   |  |
| Commercial Early Years Facilities | V7    | <p>To deliver a minimum of 275 sq m and up to 550sqm floorspace, as a location for an Early Years Facility in Village 7. To consult with the CDERG and submit for Council approval a marketing plan for the Early Years Facilities.</p> <p>To market the Early Years Facilities in Village 7 in accordance with the timeframe and requirements of the marketing plan and use reasonable endeavours to enter into an acceptable commercial agreement with an experienced Early Years Facility operator.</p>  |  |

## 10 Transport - Direct Delivery

To note that the below V7 delivery obligations also need to be read alongside V7 specific planning conditions and in particular the delivery of V7 STC sections and the V1-V7 STC Link.

| Works   | Land Bound   | Obligation Detail /Trigger for delivery (unless otherwise agreed) <sup>10</sup>  |
|---|--|--|
| <b>General Covenants</b>  | V7   | <p>Owner to deliver, at its cost, each item of highway infrastructure by the delivery trigger agreed with the Council and/or HCC unless agreed otherwise. On completion the infrastructure shall be adopted as public highway.</p> <p>All roads intended for adoption to be built to adoptable standard.</p>   |
| <b>Estate Roads and Internal STC</b>  | V7   | Internal STCs Primary Roads and Secondary Roads to be dedicated as public highway and maintained by HCC. Estate Roads to be offered for dedication as public highway. If not accepted by highway authorities to be transferred to Community Bodies.  |
| <b>V1 to V7 STC Link</b>  | V1-7<br><br>(V7 Delivery of V1-V7 STC)   | <p>V7 Owner to deliver the V1-V7 STC Link up to the STC access points before the occupation of 350 dwellings.</p> <p>STC to connect between V7 (and any occupied residential properties within it) and either a location within V1 to connect with the STC there (location to be identified and agreed in relation to the stage of development reached in V1 at that point) or through V1 to join the A414/ Eastwick Road at the location of the current Eastwick roundabout, as may have been modified at that time to enable the delivery of the north to centre STC.</p> <p>Subject to agreed terms, V1-6 Owner to offer step-in rights to the V7 Owner allowing the owner of V7 to deliver the STC link across Village 6 and Village 5 to Village 1 (<b>V1 to V6 Link Road Step-in Agreement</b>). V7 owner to use all reasonable endeavours to secure step in rights. General collaboration covenants to support comprehensive delivery including in respect of any necessary studies over appropriate route linking with V7.</p> |
| <b>Edinburgh Way / Howard Way Junction Improvement Works, including IO junction</b> | V1-7<br><br>(V1-6 Delivery/ V7 Occupation and Financial Contribution Obligation equivalent to 15% of actual costs) | Delivery by the Occupation of 1500 Dwellings in Villages 1 to 7. It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106.   |

<sup>10</sup> Triggers to be able to be varied upwards with the agreement of EHDC and (where relevant) in consultation with HCC/ECC. This will require the Owners to submit evidence to justify any variation

|   |  |   |
|---|--|---|
| <b>Central Stort Crossing Works include pedestrian and cycle bridge</b>                       | V1-7<br>(V1-6 Delivery/ V7 Occupation and Financial Contribution Obligation equivalent to 15% of actual costs) | Delivery by the Occupation of 1,500 Dwellings in Villages 1 to 7. It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106                                      |
| <b>Eastern Stort Crossing Works (including Edinburgh Way/River Way Junction Improvements)</b> | V1-7<br>(V1-6 Delivery/ V7 Occupation and Financial Contribution Obligation equivalent to 15% of actual costs) | Delivery by Occupation of 3,250 Dwellings in Villages 1 to 7. It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, place-making, mode share considerations, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106 |
| <b>ESC Ecology Compensation Area</b>  | V1-7<br>(V1-6 Delivery/ V7 Occupation and Financial Contribution Obligation equivalent to 15% of actual costs) | Delivery by Occupation of 1,500 Dwellings in Villages 1 to 7  |
| <b>Pye Corner Public Realm Works</b>  | V1-7<br>(V1-6 Delivery/ V7 Occupation and Financial Contribution Obligation equivalent to 15% of actual costs) | Delivery by Occupation of 3,500 Dwellings in Villages 1 to 7. It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, place-making, mode share considerations, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106 |
| <b>Village 7 Travel Hub</b>   | V7   | Interim hub delivered prior to occupation and full completed travel hub prior to the occupation of 150 dwellings  |

<sup>11</sup> **Travel Hubs/Satellite Hubs:** These are facilities where interchange can take place between sustainable modes eg bus/cycle, bus/e-scooter etc. The exact facilities to be provided will be determined at Reserved Matters Application stage.

|                                     |      |  |
|-------------------------------------|------|--|
| <b>Travel Plans</b>                 |      | <p>A single site wide Gilston Area Travel Plan (GATP) including a Bus Strategy will be prepared and agreed prior to first occupation and implemented by the V1-6 and V7 Owners. V1-6 expected to submit for the Council's approval the GATP with V7 as a party and in consultation with each other but V7 would have to submit this if V1-6 delayed/not coming forward. Updates will be submitted as the scheme starts to be occupied and it will set out the interim mode share targets for each of the Villages.</p> <p>Travel Plans will also be prepared for village 7 and non-residential land uses including schools and key employers. The Travel Plan will include:</p> <ul style="list-style-type: none"> <li>• vouchers and other measures to encourage use of sustainable transport up to a value of £500 per dwelling;</li> <li>• Working with the authorities to introduce a bike hire scheme if feasible;</li> <li>• A Welcome Pack for each new household giving details of sustainable transport options;</li> <li>• Encouragement to use HCC car share web site;</li> <li>• Personal Travel Planning for households.</li> </ul> <p>The Travel Plan will be managed by a Travel Plan Co-ordinator (TPC) appointed and funded by the owners. The TPC will seek to engage with existing communities to assist them in using sustainable transport.</p> |
| <b>Transport Review Group (TRG)</b> | V1-7 | <p>Implementation of the Travel Plan and monitoring of achievement of the modal share target of 60% of trips by sustainable modes will be overseen by the TRG. This will be a collaborative body comprising an equal number of members and votes for the authorities and the owners.</p> <p>The TRG is to make recommendations on how to spend the STI Fund. If the TRG is unable to approve a spending proposal HCC shall be the decision maker, subject to dispute resolution.</p>   |
| <b>Hunsdon Lock Link</b>            | V7   | Delivery of Hunsdon Lock Link prior to occupation of 200 dwellings at V7   |

**11 Transport Contributions (Village 1-6 contributions and triggers provided alongside Village 7 obligations to provide context for facilitation of GA wide comprehensive delivery)**

| <b>Contribution<sup>12</sup></b>  | <b>Percentage or amount of Contribution payable</b>                            | <b>Land Bound</b> | <b>Trigger for delivery (unless otherwise agreed)<sup>13</sup></b>   |
|---|--|-------------------|--|
| <b>Amwell Roundabout Upgrade Contribution (£2.3m for V1-7)</b>                      | Financial contribution of Lesser of 15% of the actual scheme costs or £345,000 | V7                | Payment of a contribution of £345,000 on the occupation of 1500 Dwellings GA wide across V1-7 and the section 106 may also include an apportionment of this GA wide caps between the two applicants to facilitate comprehensive delivery, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106 |
| <b>Bus Stop Contribution</b>  | £25,000  | V7                | Triggers to be agreed (subject to receiving evidence from EHDC to justify the requirement for /upgraded bus stop facilities and that it intends to start construction of the bus stops)  |
| <b>Harlow Town Station Northern Access Contribution (up to £5,200,000 for V1-7)</b> | £78,000  | V7                | Towards feasibility study. Trigger to be agreed.   |
|   | Lesser of £772,200 or 15% of the costed scheme                                 | V7                | <p>Payment by the later of:</p> <p>(a) 40 Working Days of receiving the notice from Council confirming that Network Rail has prepared a costed scheme and is ready to deliver it; or</p> <p>(b) 500 Dwellings in Village 7</p>   |
| <b>Harlow Town Station Cycle Capacity Improvements Contributions</b>                | Lesser of 15% of the costs of the improvements or £13,235                      | V7                | Payment by Occupation of 200 Dwellings in Village 7  |

<sup>12</sup> Unless stated otherwise, all contributions will be paid direct to HCC and shall be indexed linked from dates to be agreed

<sup>13</sup> S106 triggers may also entail an occupation restriction until delivered/contribution received and to provide the right for any triggers to be varied by agreement

| <b>Contribution<sup>12</sup></b>  | <b>Percentage or amount of Contribution payable</b>        | <b>Land Bound</b> | <b>Trigger for delivery (unless otherwise agreed)<sup>13</sup></b>  |
|---|--|-------------------|---|
| <b>Off Road Walking and Cycling Link to Elizabeth Way/ Pinnacles via Parndon Mill Works</b> | 15% of actual costs of the works                           | V7                | Trigger to be agreed  |
| <b>Edinburgh Way/ Howard Way Junction Improvements</b>                                      | 15% of actual costs of the works                           | V7                | Triggers to be agreed to enable delivery as set out above.  |
| <b>Pye Corner Public Realm Contribution</b>   | 15% of actual costs of the works                           | V7                | Triggers to be agreed to enable delivery as set out above.  |
| <b>ESC Ecology Compensation Area</b>  | 15% of actual costs of the works                           | V7                | Triggers to be agreed in s106 to enable delivery as set out above.  |
| <b>Roydon Station - Cycle Capacity Improvements Contribution</b>                            | 100% of actual costs of the works                          | V7                | Trigger to be agreed  |
| <b>London Road, Sawbridgeworth Improvements Contribution</b>                                | Lesser of 15% of the costs of the improvements or £150,000 | V7                | Payment by the earlier of Occupation 250 dwellings within village 7 and 3,500 Dwellings in the Gilston Area   |
| <b>ESC Contribution</b>   | 15% of the total Gilston Area costs of the ESC Works       | V7                | To be paid in instalments and at triggers to be agreed to reimburse the V1-6 Owner for the costs of the ESC Works (after the benefit of any HIG) (a reconciliation process and payment profile shall be included in the s.106 which takes account of any HIG drawn down and the amount of HIG re-payment referred to further below) |
| <b>CSC Contribution</b>   | 15% of the total Gilston Area costs of the CSC Works       | V7                | To be paid in instalments and at triggers to be agreed to reimburse the V1-6 Owner for the costs of the CSC Works (after the benefit of any HIG)  |

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| <b>Garden Town/Offsite STC Network Contribution of £42.1 million (index linked) (V1-7)</b> | 15% or £6,315,000                    | V7 | 5% of the total Contribution amount at Occupation of [500, 1000 and 1400] Dwellings in Village 7  |
| <b>Crossing HIG Funding Repayment Contribution<sup>15</sup> (not Index Linked)</b>         | 15% of the total contribution amount |    | To be paid in instalments and at triggers to be agreed. . The amount of the contribution will need to be recalculated once the total amount of HIG drawn-down is known and again once the ESC has been delivered and 41% of its costs is known.<br><br>The total contribution amount is the amount of HIG drawn-down and spent by the V1-6 owner on the CSC and ESC (including CPO and acquisition costs) less a credit for 41% of the actual costs of the ESC which relates to the share of the ESC costs that other HGGT sites are expected to pay for. |
| <b>V7 Bus Services Enhancement Contribution</b>  | £988,235                             | V7 | Contribution to be paid in agreed instalments and used for pump priming of relevant Bus Services, including extensions and increases in frequency until the target bus service is achieved or they are self-funding.<br><br>HCC to procure the Relevant Bus Services in consultation with TRG and account to the Owners annually on the revenue and costs of the services   |
| <b>Residential Vouchers (sustainable travel incentives)</b>                                | £750,000 (capped), not index linked  | V7 | Incentives/vouchers on sustainable transport measures of up to £500 voucher(s) to be offered to each Dwelling on first Occupation.<br><br>Any unused/expired value to be recycled to maintain £500 per dwelling value through the life of the development.  |
| <b>Monitoring Fund Contribution</b>  | £ 220,588 (capped), index linked     | V7 | To be paid in agreed annual instalments and fund to be used to reimburse HCC's costs in check the monitoring information submitted by the V7 Owner and for ECC and HCC being a member of the TRG  |
| <b>Sustainable Transport and Innovation (STI) Fund</b>                                     | £1,836,000 (capped), index linked    | V7 | Fund to be built up via agreed instalments and used to fund additional sustainable transport measures (including further bus subsidy) if the interim modal share targets are not being met or a failure is anticipated.<br><br>£123,000 of this fund can be used to introduce innovative transport measures irrespective of whether the interim targets are being met £1,138,000 to be earmarked/ring fenced for further bus subsidies.   |

<sup>15</sup> Means the amount of HIG drawn-down and spent on the CSC and ESC (including CPO and acquisition costs) less a credit for 41% of the actual costs of the ESC. This 41% relates to the share of the ESC costs that other HGGT sites are expected to pay for. The Crossing HIG Funding Repayment Contribution is to be calculated at multiple times including post completion of the CSC and the ESC. Once the ESC actual costs have been confirmed the balance of the contribution will re-adjust. PfP to submit evidence to confirm the total amount of HIG spent on the CSC and the ESC as well as the actual costs of both.

<sup>16</sup> Calculation once the full amount of HIG has been drawn-down and again once the Alternative Projects have been completed to confirm the total costs of HIG spent on the Alternative Projects

## 12 Open Space/Play/Community Contributions (and Delivery)

Village 1-6 contributions and triggers included to provide wider context in the facilitation of GA wide comprehensive delivery.

| Descriptions  | Percentage or amount of contribution payable | Land Bound | Trigger for delivery (unless otherwise agreed)        |
|---|--|------------|---|
| <b>Athletics Contribution (£102,647 for V1-7)</b>                   | £17,647                                      | V7         | Trigger to be agreed                                  |
| <b>Household Waste Recycling Contribution (£1,647,059 for V1-7)</b> | £249,310                                     | V7         | Trigger to be agreed                                  |
| <b>Library Contribution<sup>17</sup> (£2,154,769 for V1-7)</b>      | £337,631                                     | V7         | Trigger to be agreed                                  |
| <b>Playhouse Square Contribution (£270,957 for V1-7)</b>            | 15% or £30,640                               | V7         | Trigger to be agreed                                  |
| <b>Rugby Contribution (£1.99m for V1-7)</b>                         | £33,160                                      | V7         | Payment by Occupation of 450 Dwellings in Village 7   |
|   | £265,340                                     | V7         | Payment by Occupation of 1,140 Dwellings in Village 7 |
| <b>Stort Valley Contribution (£3.3825m for V1-7)</b>                | 15% or £382,500                              | V7         | Trigger to be agreed                                  |
| <b>Youth Facilities Contribution (£490,455 for V1-7)</b>            | 15% or £73,568                               | V7         | Trigger to be agreed                                  |
| <b>Bowling and tennis</b>   | 15% of actual costs of                       | V7         | Trigger to be agreed                                  |

| club provision  | works                                |    |   |
|---|--------------------------------------|----|---|
| <b>Strategic Open Space (V1-6)</b>  | 15% of the actual costs of the works | V7 | Financial (capped) contribution towards: Gilston Park, Gilston Fields, Home Wood, Eastwick Wood Park, Hunsdon Airfield Community Agriculture Park as strategic, green open spaces within the v1-6 Red Line Boundary. Trigger to be identified. Financial contribution to EHDC with EHDC to forward to V1-6 Owner (unless otherwise agreed) who are delivering the strategic open space. |
| <b>Hertfordshire Fire and Rescue and Hertfordshire Police (£1,730,652 for V1-7)</b> | £261,811                             | V7 | Contribution (or land) to be made available to HCC/EHDC. Triggers to be agreed.   |

<sup>17</sup> Potential schemes/locations to be defined

## 13 Direct Delivery of Open Space/Play/Community/Public Art (V7 Delivery and Financial Contributions).

|                                  | Bound Land | Description   | Trigger for delivery (unless otherwise agreed)                                    |
|----------------------------------|------------|---|---|
| <b>Direct delivery covenants</b> | V7         | <p>To provide the Strategic Open Space, Open Space, Community Facilities and Public Art no later than the relevant Trigger unless an alternative trigger for delivery is otherwise agreed with the Council (acting reasonably)</p> <p>To observe and perform the Certification Procedure as it applies to each item of Strategic Open Space, Open Space or Community Facilities, including the making good of defects notified during the Maintenance Period. The Strategic Open Space and Open Space must be managed and maintained in accordance with the management arrangements approved by the Council</p> <p>To pay the reasonable and evidenced costs of the Independent Assessor who will carry out the Certification process, owing a duty of care to the Council To offer to transfer the Strategic Open Space in accordance with the overarching stewardship arrangements set out above.</p> <p>All Strategic Open Space and Community Facilities shall be kept open and available 24/7 save for certain closures for maintenance. Community User agreements shall be entered into to regulate the use of such by the School and the public.</p> |   |
| <b>V7 Community facilities</b>   | V7         | Early Years Facilities in Village 7 up to 550m <sup>2</sup> GEA   | Triggers for delivery to be agreed.   |
|                                  | V7         | V7 Community Facilities (up to 1060 sqm) (Class F2)   | Triggers for delivery to be agreed.   |
|                                  | V7         | Community Orchard and allotments  | Triggers for delivery to be agreed.   |
|                                  | V7         | Delivery of Community Park to include Outdoor Sports and Recreational Facilities and Strategic Football Hub. To include Village Playing Field.  | Delivery prior to occupation of 950 Residential Units. 15% cost share commitment. |
|                                  | V7         | Financial contribution (15% cost share) towards Health Facility up to maximum of 3515m <sup>2</sup> GEA in V1-6 and up to 460m <sup>2</sup> GEA Youth Space/Facilities to be built to a specification that will be approved by EHDC in consultation with the NHS but subject to an overall reasonable cost cap.   | V7 Financial Contribution primary healthcare contribution to be agreed.           |
|                                  | V7         | 15% cost contribution towards Leisure Centre comprised of the facilities set out in condition [ ] of the V1-6 planning permission or as determined as part of the Sports and Leisure Centre Review provided that such review cannot result in an increase in the size of the swimming pool (up to 6 lanes) or any new or additional facilities unless the Council gives notice to Owners that<br>(i) external funding has been secured to fund the increased costs associated with delivering a leisure centre that accommodates needs beyond the Development; and (ii) the contribution of the V7 Owner towards the Leisure Centre shall be reduced by an amount equivalent to 15% of the Leisure Centre increased costs.  | Trigger for V7 Financial Contribution to be agreed                                |

|  | <b>Bound Land</b> | <b>Description</b>  | <b>Trigger for delivery (unless otherwise agreed)</b>   |
|--|-------------------|---|---|
| <b>V7 On site Strategic Open Space</b> |                   | Natural and semi-natural Green Space  | Within each phase Natural and semi-natural Green Space to be provided prior to residential occupations within that phase.   |
|  |                   | Parks and Public Gardens  | Within each phase Parks and Public Gardens to be provided prior to residential occupations within that phase.   |
|  |                   | Amenity Green Spaces  | Within each phase Amenity Green Spaces to be provided prior to residential occupations within that phase.   |
|  |                   | Allotments (Orchards)   | Within each phase Allotments (to include Orchards) to be provided prior to residential occupations within that phase.   |
|  |                   | Play provision (NEAPs, LEAPs, LAPs)   | Within each phase Play provision (NEAPs and LEAPs) to be provided prior to residential occupations within that phase.<br><br>Within each phase Play provision (LAPs) to be provided prior to residential occupations within that phase. |
| <b>Biodiversity NetGain</b>            | V7                | Measures to be implemented to monitor Biodiversity Net Gain in line with planning conditions across the development | Trigger to be agreed  |
| <b>Public Art</b>                      | V7                | Up to £137,200 ] to be spent on Public Art in V7 based on costed scheme   | Trigger to be agreed  |

**DRAFT CONDITIONS**

| <b>Condition Reference / Name</b>                             | <b>Condition Wording</b>   |
|---|--|
| <b>A Time Limits / Reserved Matters</b>                       |  |
| A1 - Submission of Reserved Matters                           | <p>No development (other than Preliminary Works) within any Phase, Sub-Phase or Development plot (as set out in the approved Phasing Plan required by condition C2) shall be begun until Reserved Matters approval for that Phase, Sub-phase or Development plot has been obtained from the local planning authority in writing. The development shall be carried out fully in accordance with the details as approved.</p> <p>Reason: The application as submitted does not give particulars sufficient for consideration of the Reserved Matters.</p>                        |
| A2 - Timescales for RM Submission                             | <p>Applications for approval of Reserved Matters, namely details of layout, scale, appearance and landscaping (hereinafter called "the Reserved Matters") shall be made to the Local Planning Authority no later than 10 (ten) years from the date of this permission. The first Reserved Matters application shall be submitted within three years of the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92(2) of the Town &amp; Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> |
| A3 - Time limits for Commencement of Development in Village 7 | <p>The development hereby permitted shall be begun before the expiration of 10 (ten) years from the date of this permission or 2 (two) years from the date of approval of the last Reserved Matters whichever is the later [for the relevant Phases, Sub-phase or Development plot].</p>   |

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| Page 498  | <p>Reason: To comply with the requirements of Section 92(2) of the Town &amp; Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>  |
| A4 – Time limit for Commencement of Development alongside Village 1 | <p>The development (save Preliminary Works) shall not commence, and no further works may be undertaken unless and until after:</p> <ul style="list-style-type: none"> <li>• planning permission has been granted pursuant to application reference: 3/19/1045/OUT for Villages 1 to 6 of the Gilston Area; and</li> <li>• expiration of at least 6 months following the commencement of initial enabling works at Village 1 of the Gilston Area (application reference: 3/19/1045/OUT); and</li> <li>• a Village 7 &amp; Village 1 Phasing Scheme has been submitted and approved by the Council.</li> </ul> <p>The development shall not be carried out or occupied other than in accordance the approved Village 7 &amp; Village 1 Phasing Scheme</p> <p>Reason: For timely and coordinated phased delivery of early development and associated infrastructure and facilities across the Gilston Area allocation.</p> |
| A5 - Reserved Matters   | <p>Each application for the approval of Reserved Matters shall contain the information and other details specified in the Reserved Matters Specification and shall accord with the approved plans listed in Condition B1. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. To ensure the development is undertaken on the basis of the development proposed and accompanying assessments which has been advanced with this outline permission.</p>  |
| <b>B Approved Plans / Extent of Permission</b>                      |   |
| B1 - Approved Drawings and  | The approved development shall be carried out in accordance with the following approved parameter plans, detailed access drawings and other approved documents:   |

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| Other Approved Documents | <ul style="list-style-type: none"> <li>• Parameter Plan 1 – Site Location Plan (ref. V7_01_1001 Rev 4)</li> <li>• Parameter Plan 2 – Buffers and Development Zones (ref. V7_01_1002 Rev 5)</li> <li>• Parameter Plan 3 – Green Infrastructure and Open Space (ref. V7_01_1003 Rev 4)</li> <li>• Parameter Plan 4 – Vehicular Access and Movement (ref. V7_01_1004 Rev 4)</li> <li>• Parameter Plan 5 – Land Uses (ref. V7_01_1005 Rev 6)</li> <li>• Parameter Plan 6 – Building Heights Plan (ref. V7_01_1006 Rev 4)</li> <li>• Proposed A414/Church Lane Signalised Junction (ref. 110042/130 Rev A)</li> <li>• Development Specification Statement (December 2022)</li> <li>• Strategic Design Guide for the Gilston Area (July 2022)</li> </ul> <p>Reason: For the avoidance of and to ensure that the development is carried out in accordance with the details as approved with regard to Development Plan Policies GA1 and DPS4 and to restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.</p> |
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### C – Phasing and Parameters for Development

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| C1 Development Parameters | <p>The development hereby permitted shall not exceed 1,500 Residential Units (Use Class C3) and 11,510 square metres of non-residential land uses (as defined in Table 4 of the approved Development Specification Statement) and shall be built pursuant to this outline planning permission, as follows:</p> <ol style="list-style-type: none"> <li>a) Up to 3,850 square metres of Learning and Non-Residential Institutional Uses (Class F.1)</li> <li>b) Up to 1,060 square metres of Local Community Uses (Class F2)</li> <li>c) Up to 4,120 square metres of Commercial, Business and Service Uses (Class E)</li> <li>d) Up to 2,100 square metres of Light Industrial (Class E(g)) / General Industrial (Class B2) / Storage or Distribution (Class B8)</li> <li>e) Up to 380 square metres of Sui Generis Uses</li> </ol> |
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| <span style="font-size: 2em; font-weight: bold;">a</span><br><span style="font-size: 1.5em; font-weight: bold;">ge</span><br><span style="font-size: 1.2em; font-weight: bold;">500</span> | <p>Reason: In order to comply with the provisions of the outline planning permission including the parameters assessed, considered and established by this permission.</p>  |
| <span style="font-size: 1.2em; font-weight: bold;">C2 - Phasing Plan</span>  | <p>Site-wide phasing proposals (hereinafter called the "Phasing Plan") for the development shall be submitted for approval by the local planning authority on or before submission of the first application for approval of Reserved Matters. The Phasing Plan shall include the following:</p> <ul style="list-style-type: none"> <li>a) A plan of the site showing the extent of each proposed Phase and Sub-Phase of the development;</li> <li>b) A timetable for the delivery of the development and associated infrastructure; and,</li> <li>c) Mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure</li> </ul> <p>No development (except Preliminary Works) shall be begun until the Phasing Plan has been approved in writing by the local planning authority.</p> <p>Reason: To ensure that the development is delivered and develop in a manner which is coherent and compliant with Development Plan policies.</p> |
| <span style="font-size: 1.2em; font-weight: bold;">C3 - Schedule of Residential Accommodation</span>   | <p>Each application for the approval of Reserved Matters incorporating residential units shall be accompanied by:</p> <ul style="list-style-type: none"> <li>I. a schedule of residential accommodation (to include details of the amount and size of residential units) proposed within that Phase, Sub-Phase or Development plot;</li> <li>II. a plan and schedule (including tenure mix) showing the proposed distribution of affordable housing within that Phase, Sub-Phase or Development plot; and,</li> </ul> <p>Reason: To ensure that the development is implemented in accordance with the principles assessed, considered and established by this permission.</p>   |
| <span style="font-size: 1.2em; font-weight: bold;">D – Masterplanning</span>   |   |

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| D1 - Strategic Landscape Masterplan  | <p>No development (with the exception of Preliminary Works) shall take place, nor shall any Village Masterplan pursuant to condition D4 or Reserved Matters application for commercial or residential floorspace pursuant to condition C1 be approved for any part of the site, until a Strategic Landscape Masterplan (SLMP) for the site (which shall include a Design Code and associated Regulatory Plan) has first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies GA1, DES1 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG3, AG4, AG5, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.</p>  |
| D2 - Strategic Landscape Design Code | <p>The Strategic Landscape Masterplan pursuant to condition D1, shall be supported by a Strategic Landscape Design Code and associated Regulatory Plan which shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020) and the plans and documents approved in Condition B1.</p> <p>The Strategic Landscape Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the strategic landscape area.</p> <p>As a minimum the code shall include principles for the following:</p> <ol style="list-style-type: none"> <li>1. Design: <ul style="list-style-type: none"> <li>• SuDS and drainage</li> <li>• Community food growing</li> <li>• Sport and recreation</li> <li>• Play spaces</li> <li>• Planting</li> <li>• Village edge treatments</li> <li>• Response to heritage</li> </ul> </li> </ol> |

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|  | <ul style="list-style-type: none"><li>• Ancillary buildings within landscape areas</li><li>• Ecological enhancements</li><li>• Gypsy and Traveller and Travelling Show People provision</li><li>• Public realm areas</li><li>• Pedestrian and cycle routes hierarchy</li><li>• Sustainable Transport Corridor</li><li>• Sustainable Transport Hub</li><li>• Wayfinding and legibility</li><li>• Street hierarchy</li><li>• All modes parking</li><li>• Street furniture</li><li>• Boundary treatments</li><li>• Utilities</li><li>• Lighting</li><li>• Waste and recycling</li><li>• Materials palette for different forms of built development and hard landscaping</li></ul> <p>2. A scalable Regulatory Plan to assist users in navigating where the provisions of the code will apply.</p> <p>3. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.</p> <p>4. Design Code Compliance Checklist.</p> <p>The subsequent Village Masterplan, Village Design Code and Reserved Matters Applications shall accord with the approved Strategic Landscape Design Code and Regulatory Plan and be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.</p> |
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|                                    | <p>Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies GA1, DES1 and DES4 of the East Herts District Plan and Policies AG1, AG2, AG3, AG4, AG5, AG7, BU4, TRA1, TRA2, and D1 of the Gilston Area Neighbourhood Plan.</p>   |
| D3 - Buffers to Existing Waterways | <p>No development shall commence adjacent to an existing waterway alongside the main river watercourses or an ordinary watercourse waterway until such time as a scheme, for that specific waterway, for the provision and management of 20 metre wide buffers (from bottom of bank for the Hunsdon Brook) and 8m buffers to an ordinary watercourse for built development (3m buffer maintained for maintenance purposes) (unless it is demonstrated that development is sited outside the 1 in 100 year plus climate change allowance flood envelope) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for that relevant waterway:</p> <ul style="list-style-type: none"> <li>• Plans showing the extent and layout of the buffer zone</li> <li>• Design principles for any proposed planting scheme (for example, native species)</li> <li>• Design principles demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan</li> <li>• Design principles of any proposed footpaths, fencing, furniture, lighting etc. This should aim to maximise undisturbed habitat with native vegetation and minimise any footpaths or furniture within the 8 metres zone closest to the top of the riverbank.</li> <li>• Where footpaths or furniture are required, these will be kept as natural as possible, making use of natural materials and information provided on how impermeable areas will be drained.</li> <li>• Design principles of how access to watercourses will be maintained for flood management inspection and maintenance by both vehicular (large, heavy vehicles) and pedestrian access</li> <li>• Details of any SuDS, natural flood management or flood storage measures to reduce the risk of flooding.</li> </ul> <p>All Reserved Matters Applications relating to these buffers shall be in accordance with the approved details.</p> |

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| Page 504                      | <p>Reason: This approach is supported by paragraphs 174 and 180 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains in biodiversity and policy WAT3 of the East Herts District Plan (2018).</p>   |
| D4 - Village 7 Masterplan     | <p>No Reserved Matters applications pursuant to condition A5 shall be approved by the local planning authority until a Village Masterplan has first been approved by the local planning authority. The Village Masterplan shall be produced in accordance with the provisions of the Gilston Area Charter Supplementary Planning Document and comply with the principles established in the documents hereby approved under this application, reference 3/19/2124/OUT.</p> <p>All subsequent Reserved Matters shall accord with the approved Village Masterplan.</p> <p>The development shall thereafter be carried out in accordance with the approved details. There shall be no amendment of the Village 7 Masterplan unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies GA1, DES1 and DES4 of the East Herts District Plan.</p> |
| D5 - Scope of the Masterplans | <p>The Strategic Landscape Masterplan (pursuant to condition D1) and Village Masterplan (pursuant to condition D4), shall not be formally submitted for approval until the scope for that masterplan, including confirmation of its boundary, has first been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure a coordinated and comprehensive approach to development in accordance with Policies DES1, DES2 and DES4 of the East Herts District Plan.</p>  |
| D6 – Village Design Code      | <p>The Village Masterplan (pursuant to condition D4) shall be supported by a Village Design Code and associated Regulatory Plan which shall be produced in general accordance with the provisions of the Gilston Area Charter Supplementary Planning Document (July 2020), the Strategic Landscape Design Code and Regulatory Plan, and the plans and documents approved in Conditions B1 and D4.</p>   |

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|  | <p>The Village Design Code and Regulatory Plan will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the village.</p> <p>As a minimum the code shall include principles for the following:</p> <ol style="list-style-type: none"><li>1. Village design principles for:<ul style="list-style-type: none"><li>• Block structure</li><li>• Public Realm</li><li>• Green and blue infrastructure including multifunctional SuDS plus consideration for groundwater and watercourse safeguarding zones (flooding and pollution)</li><li>• Maintenance strips for SuDS and all watercourses or water features (springs)</li><li>• Biodiversity and amenity benefits SUDS</li><li>• Response to heritage</li><li>• Routes and movement network, integrating with the wider movement network</li><li>• All modes parking typologies</li><li>• Street hierarchy and character types</li><li>• Sustainable Transport Hub (and bus parking)</li><li>• The chosen delineation of the route for the Roydon Commuter Link route (inclusive of high level specification along the route) to include confirmation of footbridge works.</li><li>• Land uses</li><li>• Density ranges</li><li>• Building heights</li><li>• Edges, nodes and gateways</li><li>• Frontage, access and servicing</li><li>• Built form</li><li>• Identity</li><li>• Climate Change Measures</li><li>• Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification.</li></ul></li></ol> |
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|  | <ul style="list-style-type: none"> <li>• Indicative village materials palette</li> <li>• Indicative Planting strategy</li> </ul> <p>2. A scalable Regulatory Plan to assist users in navigating where the provisions of the code will apply.</p> <p>3. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.</p> <p>4. Design Code Compliance Checklist.</p> <p>All subsequent Reserved Matters shall accord with the approved Village Design Code and Regulatory Plan and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.</p> <p>Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies GA1, DES1 and DES4 of the East Herts District Plan Policies AG1, AG5, AG6, LA1, BU1, BU2, BU3, BU4, H1 and D1 Gilston Area Neighbourhood Plan.</p> |
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## E – Flood Risk and Drainage

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| E1 - Strategic SuDS Strategy | <p>Prior to or in conjunction with the submission of the <b>Strategic</b> Landscape Masterplan (pursuant to condition D1), a <b>Strategic</b> Sustainable Drainage System Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. Notwithstanding the details contained in the Development Specification hereby approved as part of outline application 3/19/2124/OUT relating to surface water management and drainage, the Strategy shall follow and include the following details:</p> <ul style="list-style-type: none"> <li>• Evidence to show that any SuDS will not become overwhelmed by any source of flood risk including surface water or groundwater.</li> <li>• A strategy following the SuDS discharge hierarchy including potential use of rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.</li> </ul> |
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|  | <ul style="list-style-type: none"><li>• Desk based information and preliminary ground investigations, including some site wide infiltration testing undertaken to BRE 365 specification in broad approximations of <b>strategic</b> attenuation features.</li><li>• If infiltration drainage is proved viable, identification of areas where infiltration or part infiltration is likely to be located.</li><li>• If infiltration drainage is unfavourable, surface water greenfield runoff rates and volumes should be provided for each pre-development sub catchment and all post-development scenarios will be limited to Qbar or the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations (without an allowance for future climate change, but with appropriate long-term storage). Appropriate feasible discharge locations should be provided to the closest ordinary watercourses or main river by gravity for any of the developed areas. Any discharge outfall to a watercourse should be assumed to be surcharged.</li><li>• Provision of supporting calculations to show how much post development storage is required across the site (assuming the worst infiltration rate as a worst-case scenario) and how this will be achieved across the development. Where infiltration is not feasible, post development runoff rates and volumes will be limited to Qbar (or 2l/s/ha, whichever is the greater) or the equivalent greenfield scenarios (with long term storage for the 1% AEP plus climate change event limited to 2l/s/ha or less). Include interception and source control within the development area, prior to utilising site control and regional (<b>strategic</b>) control. Overarching supporting modelling for the drainage network to demonstrate how the system could operate at the 100% Annual Exceedance Probability rainfall event, 3.33% AEP plus climate change and 1% AEP plus climate change allowance, to be provided, half drain down times for infiltration storage features should be included as will urban creep on any assumed impermeable areas. Any <b>strategic</b> road networks may need to be considered as separate SuDS networks depending on the adoptable or approval authority requirements. Any large sports fields will also need to be included in the drainage scheme (assuming they will be built to operate 365 days a year)</li><li>• High level drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled high level drainage layout drawing which relates to the landscaping and blue green infrastructure layouts. Total storage volumes provided within each future sub-catchment should be identified.</li><li>• The usage of above ground surface water conveyance and storage SuDS features unless otherwise shown to be unsuitable</li></ul> |
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| 8<br>ge<br>508  | <ul style="list-style-type: none"> <li>• Demonstrate an appropriate SuDS management and treatment train accounting for any sensitive discharge locations such as ecological protection areas, groundwater source protection zones, surface drinking water safeguarding zones or areas previously used for landfill.</li> <li>• Integration of SuDS to enhance any proposed amenity space and link to any climate change mitigation such as urban cooling and social wellbeing.</li> <li>• Provision of biodiversity enhancement within SuDS provision.</li> <li>• Compliance with the agreed <b>Strategic</b> Design Code.</li> <li>• Indicative phasing plan for the cumulative provision of SuDS and drainage infrastructure within the green infrastructure and high-level details.</li> <li>• A high level assessment of overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 year return period including an appropriate allowance for climate change</li> <li>• A high-level management and maintenance plan. It should include maintenance and operational activities and who will be adopting which parts of the SuDS infrastructure.</li> </ul> <p>Reason: To ensure the development appropriately addresses climate change and the risk of flooding in accordance with Paragraphs 167 and 169 of NPPF and its accompanying Practice Guide, to improve and protect water quality, to protect natural habitats and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity and to comply with the requirements of Policy GA1 V (y) of the East Herts Local Plan 2018.</p> |
| E2 - Village Sustainable Urban Drainage System Strategy | <p>Prior to or in conjunction with the submission of the Village Masterplan (pursuant to condition D4), a <b>Strategic</b> Village Sustainable Drainage System scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. Notwithstanding the details contained in the Development Specification hereby approved as part of outline application 3/19/2124/OUT relating to surface water management and drainage, the Strategy shall follow and include the following details:</p> <ul style="list-style-type: none"> <li>• Evidence to show the location of any SuDS will not become overwhelmed by any source of flood risk including surface water or groundwater.</li> <li>• A strategy following the SuDS discharge hierarchy including potential use of rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.</li> </ul>  |

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|  | <ul style="list-style-type: none"><li>• Desk based information and preliminary ground investigations, including some site wide infiltration testing undertaken to BRE 365 specification in broad approximations of proposed SuDS features.</li><li>• If infiltration drainage is proved viable, identification of areas where infiltration or part infiltration is likely to be located within developable areas of the village.</li><li>• If infiltration drainage is unfavourable, surface water greenfield runoff rates and volumes should be provided for each pre-development sub catchment and all post-development scenarios will be limited to Qbar or the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations (without an allowance for future climate change, but with appropriate long-term storage). Appropriate feasible discharge locations should be provided to the closest ordinary watercourses or main river by gravity for any of the developed areas. No pumping of surface water drainage will be acceptable. Any discharge outfall to a watercourse should be assumed to be surcharged.</li><li>• Provision of supporting calculations to show how much post development storage is required across the site (assuming the worst infiltration rate as a worst-case scenario) and how this will be achieved across the development. Where infiltration is not feasible, post development runoff rates and volumes will be limited to Qbar (or 2l/s/ha, whichever is the greater) or the equivalent greenfield scenarios (with long term storage for the 1% AEP plus climate change event limited to 2l/s/ha or less). Include interception and source control within the development area, prior to utilising site control and regional (<b>strategic</b>) control. Overarching supporting modelling for the drainage network to demonstrate on test plots how the system could operate at the 100% Annual Exceedance Probability rainfall event, 3.33% AEP plus climate change and 1% AEP plus climate change allowance, to be provided, half drain down times for infiltration storage features should be included as will urban creep on any assumed impermeable areas. Any <b>strategic</b> road networks may need to be considered as separate SuDS networks depending on the adoptable or approval authority requirements. Any large sports fields will also need to be included in the drainage scheme (assuming they will be built to operate 365 days a year).</li><li>• High level drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled high level drainage layout drawing showing and SuDS storage and conveyance networks Total storage volumes will be provided within each sub-catchment.</li><li>• The usage of above ground surface water storage and conveyance features unless otherwise shown to be unsuitable, with a priority focused on rainwater reuse, interception and source control. Any above ground</li></ul> |
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| Page 510                                       | <p>management of surface water (approximate extent and depth) not in a drainage feature will be clearly shown on a drawing along with appropriate mitigation measures and flood resistance and resilience to vulnerable parts of the development included.</p> <ul style="list-style-type: none"> <li>• Demonstrate an appropriate SuDS management and treatment train accounting for any sensitive discharge locations such as ecological protection areas, groundwater source protections zones, surface drinking water safeguarding zones or areas previously used for landfill.</li> <li>• Integration of SuDS to enhance any proposed amenity space.</li> <li>• Provision of biodiversity enhancement within SuDS provision.</li> <li>• Compliance with the agreed Village Design Code.</li> <li>• Indicative phasing plan for the cumulative provision of SuDS and drainage infrastructure within the village masterplan.</li> <li>• A high level assessment of overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 year return period including an appropriate allowance for climate change.</li> </ul> <p>Reason: To ensure the development appropriately addresses climate change and the risk of flooding in accordance with Paragraphs 167 and 169 of NPPF and its accompanying Practice Guide, to improve and protect water quality, to protect natural habitats and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity and in order to comply with the requirements of Policy GA1 V (y) of the East Herts Local Plan 2018.</p> |
| E3 - Sustainable Urban Drainage System Details | <p>Prior to or in conjunction with the submission of each Reserved Matters application for individual development Phases, Sub-phases or Plots, details and construction drawings of the sustainable drainage components, flow control mechanisms and a construction method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. The details submitted must accord with the Village Sustainable Drainage System Strategy (pursuant to condition E2) and Village Design Code, the scheme shall then be constructed in accordance with the approved drawings, method statement and modelling calculations prior to the first use of the development, phase, sub-phase or plot hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority. and shall include the following:</p>  |

- **Detailed** design of all drainage following the SuDS discharge hierarchy with rainwater reuse systems as a first step on the hierarchy prior to going to infiltration prior to going by gravity to a surface watercourse.
- Specific **detailed** evidence of areas where infiltration drainage is favourable, for either full infiltration or part infiltration design. Infiltration testing will be to BRE 365 standard (or equivalent) and undertaken and the location and depth of proposed SuDS features. With additional groundwater monitoring data to show that there is at least 1m between the base of any proposed infiltration feature and seasonally high groundwater level.
- Where infiltration is not favourable, sub catchments and appropriate locations where surface water discharge can outfall to a watercourse shall be confirmed (in line with the strategic and village masterplan). Each SuDS sub catchment shall be able to be delivered in full alongside the appropriate development phase it falls within and shown on a phasing drawing and plan.
- Pre-development greenfield runoff rates and volumes will be confirmed for each sub catchment and all post-development scenarios be limited to Qbar (or 2l/s/ha, whichever is the greater) or the equivalent 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 Year) and 1% AEP (1 in 100 year) rainfall event (with long term storage for the 1% AEP plus climate change event limited to 2l/s/ha or less).
- Full, **detailed** drainage modelling for the SuDS drainage network (and specifically Village 7 access road) to demonstrate how the system operates during up to and including the 100% AEP, 3.33% AEP including an allowance for climate change and the 1%AEP critical storm events including an allowance for climate change ensuring discharge rates do not exceed the agreed greenfield discharge rates for the corresponding storm durations. Half drain down times for all infiltration storage features should be included. Urban creep will be included within any assumptions of impermeable area. Any sports pitches shall be included within the drainage network.
- Full **detailed** engineering drawings of any SuDS, surface water storage or conveyance feature including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout drawing showing any SuDS storage and conveyance networks. The drawings should show any 'node numbers' that have been referred to in drainage modelling supporting calculations and it also show invert and cover levels, finished floor levels and proposed external ground levels. Total storage volumes will be provided within each sub-catchment.

- The usage of above ground and other surface water storage and conveyance features with a priority focused on rainwater reuse, interception and source control. Any above ground management of surface water (extent and depth) not in a drainage feature will be clearly shown on a drawing along with appropriate mitigation measures and flood resistance and resilience to vulnerable parts of the development included.
- Provision of appropriate water quality assessment including specific requirements for sensitive discharge locations such as ecological designations, groundwater source protection zones, surface drinking water protection zones or areas previously used for landfill. Specific water quality assessments may be required for runoff from main roads.
- The use of flood resistance and resilience measures included in the design. A minimum of 300mm must be provided between the design flood event and the finished floor level. A minimum of 150mm is recommended above external ground levels that are sloping away from vulnerable areas such as doorways.
- Integration of SuDS to enhance any proposed amenity space.
- Provision of biodiversity enhancement within SuDS provision.
- Identify opportunities to address surface water flooding in the immediate vicinity of the development site and within the area of the central watercourse.
- Review of the potential to de-culvert Stone Basin Spring culvert to provide betterment to flood risk and provide biodiversity enhancement.
- Compliance with the agreed SuDS principles within the approved Design Code.
- Phasing plan for the provision of SuDS and drainage infrastructure within each part of the development to show that any strategic SuDS features are in place and operational prior to the commission of the proposed development.
- Details of final exceedance routes, including those for an event which exceeds the 1% AEP rainfall event including climate change event or blockage of the drainage network.
- A management and maintenance plan including maintenance and operational activities.
- Confirmation of how the measures proposed will integrate appropriately and cumulatively with any wider SuDS infrastructure already approved and/or implemented. In addition to a Construction Environmental Management Plan there will be a SuDS implementation strategy with appropriate timescales the required temporary measures required to implement village, phased or plot SuDS which may include temporary discharge rates and volumes at control structures which will increase during overall build out phase to the final proposals.

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|   | <ul style="list-style-type: none"> <li>The development shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the development, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Therefore, the development shall not be carried out otherwise than in accordance with the details thus approved.</li> </ul> <p>Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. To ensure the development appropriately addresses climate change and the risk of surface water flooding, to improve and protect water quality and to protect natural habitats (paragraphs 174 and 180 of NPPF) and the amenity of residents and ensure the future maintenance of the Sustainable Drainage System in perpetuity.</p>   |
| E4 –Sustainable urban Drainage System Verification Report | <p>Prior to the first use of each corresponding agreed phase, sub-phase or plot a final Completion and Verification Report to a specification agreed and defined by the Local Planning Authority, signed off by an appropriate, qualified person or body which demonstrates that the sustainable drainage measures have been implemented as per the details approved under Condition E2 and or E3; shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Lead Local Flood Authority. It shall include the following:</p> <ul style="list-style-type: none"> <li>Provision of a Completion and Verification Report appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure, during construction and final make up, and the control mechanism.</li> <li>Provision of a complete set of as built drawings for site drainage.</li> <li>Post-construction surveys including a CCTV survey for any underground features and piped networks.</li> <li>A management and maintenance plan for the SuDS features and drainage network.</li> <li>Final arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.</li> </ul> |

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| Page 514                                 | <p>Reason: To prevent the increased risk of surface water flooding, to improve and protect water quality, protect natural habitats and the amenity of residents, ensure the future maintenance of the Sustainable Drainage System in perpetuity and comply with the requirements of Policy GA1 V (y) of the adopted East Herts Local Plan 2018.</p>   |
| E5 – Infiltration Drainage               | <p>No drainage systems for the infiltration of surface water to the ground are permitted other than where a scheme for infiltration drainage has first been submitted to and approved in writing by the Local Planning Authority. Any proposals for such infiltration drainage that are submitted for approval must be supported by an assessment of the risks to controlled waters. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: This condition relates to areas where contamination is present and may be mobilised due to the infiltration of surface water or where contaminated surface water may result in an input of contaminants to groundwater.</p>  |
| E6 - Operational Off-site Drainage Works | <p>No development shall commence until a full planning application/s has been submitted to and approved by the local planning authority for the development of Off-Site Drainage Outfalls required at Locations A, B, and C, as annotated on the Surface Water Management Strategy Plan (reference 44361/4002/001/P10) in the form of a headwall and outfall pipe, or other such development as may be required for operational purposes. The approved development shall thereafter be carried out and completed in accordance with the approved details prior to the occupation of the development.</p> <p>Reason: To prevent flooding by ensuring the satisfactory discharge of surface water from the site in accordance with Policies WAT5 and WAT6 of the East Herts District Plan (2019).</p> |
| E7 - Piling/Deep Foundations             | <p>Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried other than where a scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of impacts on noise and vibration as well as details of the measures to be taken to mitigate any adverse effects. The groundworks shall thereafter be carried out in accordance with the approved details.</p>  |

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|   | <p>Reason: To ensure that the proposed Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using does not harm groundwater resources in line with paragraph 170 and 178 of the NPPF and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018) and does not have an adverse impact on the local amenity in accordance with policy EQ2 of the East Herts District Local Plan.</p>   |
| E8 – Borehole Investigation                         | <p>Prior to the installation of any boreholes at the site for the investigation of soils, groundwater or geotechnical purposes, a scheme for managing borehole investigations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall thereafter be implemented in complete accordance with the approved details.</p> <p>Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 and 178 of the NPPF and Policies EQ2 and WAT3 'Water of the East Herts District Plan (2018).</p> |
| <b>F – Archaeology</b>                              |  |
| F1 – Archaeological Written Scheme of Investigation | <p>Prior to the commencement of development of the relevant Phase, an Archaeological Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall include an assessment of archaeological significance and research questions; and</p> <ul style="list-style-type: none"> <li>i. The programme and methodology of site investigation and recording;</li> <li>ii. The programme and methodology of site investigation and recording as suggested by the evaluation;</li> <li>iii. The programme for post investigation assessment;</li> <li>iv. The provision to be made for analysis of the site investigation and recording;</li> <li>v. The provision to be made for publication and dissemination of the analysis and records of the site investigation;</li> </ul>                       |

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| Page 516 | <p>vi. The provision to be made for archive deposition of the analysis and records of the site investigation; and,</p> <p>vii. The nomination of a competent person or person/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</p> <p>No development of the relevant Phase shall be carried out other than in accordance with the approved WSI.</p> <p>Reason: to ensure the appropriate investigation for presence /recording of heritage assets and to comply with the requirements of Policy GA1 V (o) of the adopted East Herts Local Plan 2018.</p> |
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#### G – Construction

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| G1 - Construction Traffic and Environmental Management Plan | <p>Prior to the commencement of development (excluding Preliminary Works) within the relevant Phase, a Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the local planning authority. The CTEMP shall include the following:</p> <ul style="list-style-type: none"> <li>a) The construction programme and phasing (including for any temporary development), including details of measures to be taken to coordinate construction activities to manage and reduce environmental effects;</li> <li>b) Access and routeing arrangements for construction vehicles, including numbers and types of vehicles, haul routes into and through the development site and construction accesses from the local highway network including the method of segregating construction traffic from general traffic, pedestrians and cyclists and measures to be taken to reduce congestion and avoid peak periods such as school pick up/drop off times;</li> <li>c) Hours of operation for construction, demolition, and delivery of materials;</li> <li>d) Details of any highway works necessary to enable construction to take place including temporary construction accesses, haul routes, highway signage strategy, and approach to monitoring and enforcement;</li> </ul> |
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|  | <ul style="list-style-type: none"><li>e) Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;</li><li>f) Details of any works to Public Rights of Way, footways, bridleways and cycle ways to enable construction to take place;</li><li>g) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways. The access roads shall be hard surfaced between the cleaning facility and the highway and must be kept free of mud and debris at all times;</li><li>h) Details of dust mitigation and monitoring scheme to be in accordance with the best practice measures outlined in 'the control of dust and emissions during construction and demolition' 2014;</li><li>i) Details of measures to minimise noise and vibration;</li><li>j) Mechanisms to deal with other environmental impacts including light and odour;</li><li>k) Details of community liaison, communication and consultation arrangements with local residents and businesses, including details of how complaints will be managed;</li><li>l) Measures to protect existing vegetation and landscape features, any tree works, and vegetation removal to accommodate construction activity;</li><li>m) Post construction restoration/reinstatement measures for the working areas and any temporary access arrangements;</li><li>n) Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it;</li><li>o) A surface water management scheme to outline construction related drainage control measures to protect watercourses and sources, including the River Stort;</li><li>p) Measures for the protection of identified archaeological and built heritage assets;</li><li>q) Details of ecological protection and supervision; and,</li><li>r) Measures to be taken to seek approval from the local highway authority that the highway extent has been marked out accurately prior to construction.</li></ul> <p>Thereafter, the construction of the development shall only be carried out in complete accordance with the approved CTEMP.</p> |
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| 8<br>g<br>e<br>5<br>1<br>8   | <p>There shall be no amendment of the CTEMP unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: In the interests of highway safety and the control of environmental impacts on existing and future residents in accordance with policies TRA2, CFLR3, EQ2, EQ3 and EQ4 of the adopted East Herts District Plan 2018.</p>   |
| G2 - Construction Environmental Management Plan – Surface Water Drainage | <p>No preliminary works shall take place until a temporary drainage strategy demonstrating the preliminary works will not increase flood risk or pollution has been submitted as part of a wider Construction Environmental Management Plan to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development appropriately manages appropriate risk of flooding in accordance with Paragraphs 167 and 169 of NPPF and its accompanying Practice Guide, to protect water quality, to protect natural habitats and the amenity of residents and in order to comply with the requirements of Policy GA1 V (y) of the East Herts Local Plan 2018.</p> |

## H - Landscaping

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| H1 – Landscape and Ecological Management Plan | <p>No development shall take place (excluding Preliminary Works) until a detailed landscape and ecological management plan of the relevant Phase including the following elements, has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.</p> <p>The scheme shall include the following elements:</p> <ul style="list-style-type: none"> <li>• details of Biodiversity Net Gain calculations, including use of the river metric where appropriate;</li> <li>• details of mitigation and compensation to account for any biodiversity losses;</li> <li>• details of any proposed planting schemes;</li> <li>• details of any new habitat created on site;</li> <li>• details of treatment of site boundaries and/or buffers around water bodies;</li> <li>• details of maintenance regimes;</li> </ul> |
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|  | <ul style="list-style-type: none"> <li>details of management responsibilities over the long term including adequate financial provision, a detailed management plan and a named body responsible for management.</li> </ul> <p>There shall be no amendment of the Landscape and Ecological Management Plan unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 174 of the NPPF as well as Policy WAT3, Policy NE2 and Policy GA1 of the East Herts District Plan.</p>   |
| H2 – Existing Trees, Hedgerows & Woodlands | <p>Prior to or at the same time as the submission of each Reserved Matters Application for the relevant Phase, Sub-phase or Plot, a tree survey and impact assessment, tree protection plan and arboricultural method statement shall be submitted to and approved in writing by the local planning authority. The development of the Phase, Sub-phase or Plot shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To secure the retention of the trees within the site in the interests of visual amenity and the character of the area in accordance with Policy NE3 of the East Herts District Plan.</p>   |
| H3 – Landscape Scheme                      | <p>Prior to or at the same time as the submission of each Reserved Matters application for the relevant Phase, Sub-Phase or Plot, a composite hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include the following:</p> <ul style="list-style-type: none"> <li>Details of the extent and type of new planting</li> <li>Details of maintenance regimes</li> <li>Details of any new habitat created on site</li> <li>Details of treatment of site boundaries and/or buffers around waterbodies and woodlands, hedgerows and trees</li> <li>Details of brown and green roofs</li> <li>Planting Plans that show the location of proposed plant species</li> </ul> |

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| Page 520                   | <ul style="list-style-type: none"> <li>Written specifications (including cultivation and other operations associated with the establishment of grassland and planting)</li> <li>Schedules of plants, noting species, planting sizes and proposed numbers / densities</li> <li>Implementation timetables</li> <li>Landscape Management Plan</li> <li>Surface treatment of SuDS maintenance access routes</li> <li>Fencing/gates to culvert openings</li> </ul> <p>The development of the Phase, Sub-Phase or Plot shall thereafter be carried out in accordance with the approved details.</p> <p>There shall be no amendment of a Landscape Scheme unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity.</p>  |
| H4 - Strategic Green Space | <p>Prior to or in conjunction with the submission of the Strategic Landscape Masterplan (pursuant to condition D1), a scheme for the strategic green corridors (main rivers, tributaries, ordinary watercourses or surface water flow paths) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:</p> <ul style="list-style-type: none"> <li>Design principles for ecological enhancement and achieving net gains in biodiversity</li> <li>Design principles for how the watercourses (river channel and riparian habitat) will be restored and enhanced, informed by the Water Framework Directive Mitigation and Enhancement Strategy</li> <li>Design principles for how these areas will be landscaped for the benefit of biodiversity including planting and any soft and hard landscaping</li> <li>Design principles for how lighting designs will minimise and avoid light spill to trees, hedgerows, woodland edges, watercourses and other light sensitive ecological areas to avoid disturbance impacts</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Design principles for how access to the watercourses will be maintained for flood management inspection and maintenance; and</li> <li>• All watercourses, ordinary or main river will be retained (but for the avoidance of doubt may be modified or enhanced), with only culverting for access proposed and any works that require consent will be applied for from the relevant authority.</li> <li>• Design principles for how proposed changes to watercourses will not adversely affect flood risk in the site boundary or elsewhere.</li> <li>• Design principles for surface water management or natural flood management or flood storage measures to reduce the risk of flooding</li> <li>• Design principles for demonstrating how these blue green corridors will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.</li> </ul> <p>Reserved Matter Applications relating to the strategic green corridors and the area adjacent to Fiddlers Brook in the Gilston Community Park shall be prepared in accordance with the approved details.</p> <p>Reason: It is essential that the detailed designs for these corridors in future masterplans and reserved matters applications protect and enhance the ecological value of the main rivers, some of which may require improvement and restoration. This approach is supported by paragraphs 159, 167 and 179 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains in biodiversity. This is also supported by policy WAT3 of the East Herts District Plan (2018).</p> |
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#### I – Contamination

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| I1 -<br>Contamination<br>Investigation &<br>Remediation | No development (excluding Preliminary Works) within the relevant Phase shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components: |
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| Page 522                                    | <p>1. A site investigation scheme, based on the preliminary risk assessment/desk studies to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority.</p> <p>The scheme shall thereafter be implemented as approved.</p> <p>There shall be no amendment of remediation strategies unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraphs 170 and 178 of the NPPF and Policy WAT3 'Water Quality and Water Environment' of the East Herts District Plan (2018).</p> |
| I2 – Land Contamination Verification Report | Prior to occupation of each relevant Phase, Sub-phase or Plot, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.  |

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|  | <p>Reason: To ensure that the site does not pose any further risk to human health, land or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 and 178 of the NPPF and Policies EQ1 and WAT3 of the East Herts District Plan (2018).</p>  |
| I3 – Contamination Monitoring & Maintenance Plan | <p>No development in relation to each relevant Phase shall commence (save Preliminary Works) until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.</p> <p>There shall be no amendment of Contamination Monitoring &amp; Maintenance Plans unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraphs 170 and 178 of the National Planning Policy Framework and Policy WAT3 of the East Herts District Plan.</p> |
| I4 – Unsuspected Contamination                   | <p>If, during development of relevant Phase, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. No site investigation can fully characterise a site. This is in line with paragraphs 170 and 178 of the National Planning Policy Framework and Policy WAT3 of the East Herts District Plan.</p>  |

| Page<br>24                       |  |
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| <b>Limitations</b>               |  |
| L1 – Phase Waste Management Plan | <p>No development within any Phase, or part of a Phase shall be commenced (save Preliminary Works) until a Phase Waste Management Plan (PWMP) for operational waste for that Phase, or part of a Phase has been submitted to and approved in writing by the local planning authority in consultation with the waste planning authority. The Phase Waste Management Plan shall thereafter be implemented in accordance with the approved details.</p> <p>There shall be no amendment of Phase Waste Management Plans unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To identify, reuse, manage and reduce the amount of waste produced on site in accordance with Policy 12 of the Hertfordshire Waste Core Strategy.</p> |
| L2 Noise Assessment              | <p>Each application for reserved matters including buildings shall include a noise assessment, which demonstrates the noise control measures, including through the design, layout and materials, will achieve compliance with the levels set out in the Development Specification and British Standards BS8233 and BS4142 and/or prevailing best practice guidance as agreed with the LPA. The development shall thereafter be carried out and maintained in accordance with the approved details.</p> <p>Reason: To ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>   |
| L3 – Lighting                    | <p>Prior to or at the same time as the submission of each reserved matters application, details of a lighting strategy shall be submitted for approval to the local planning authority. The strategy shall demonstrate how a balance can be achieved between ensuring safety for pedestrians, cyclists and users of the highway whilst also ensuring that the lighting proposals would not cause an unacceptable impact on amenity, biodiversity or landscape and visual effects. The strategy shall demonstrate how consideration has been given to new and alternative technologies and innovative approaches to securing appropriate levels of light.</p>   |

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|  | Reason: To ensure an adequate level of amenity for residents of the new dwellings in accordance with policies TRA2, WAT3 and EQ3 of the adopted East Herts District Plan 2018.  |
| L4 - Water Framework Directive Mitigation & Enhancement Strategy | <p>No development shall take place until a water framework directive mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following elements:</p> <ul style="list-style-type: none"> <li>• Evidence that the final development would cause no deterioration of waterbody status of the River Stort and Stort Navigation and associated waterbodies, not prevent future improvement to the waterbody, not contribute to cumulative deterioration, using up to date Water Framework Directive classification data</li> <li>• Long term objectives, management responsibilities and maintenance schedules</li> </ul> <p>Details of suitable mitigation and/or compensation as required. The strategy shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason : To ensure compliance with the Water Framework Directive and the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 170 and 175 of the NPPF and Policy WAT3 of the East Herts District Local Plan (2018).</p> <p>Reason: To ensure compliance with the Water Framework Directive and the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value. This approach is supported by paragraphs 170 and 175 of the NPPF and Policy WAT3 of the East Herts District Local Plan (2018).</p> |
| L5 – Noise Bund Noise Impact                                     | <p>Prior to commencement of development (save Preliminary Works) within the relevant Phase, details shall be submitted in writing which demonstrates that the creation of a noise bund for the development would not increase the noise levels for the existing residents of Hunsdon Pound either internally or externally beyond acceptable levels.</p> <p>Reason: To ensure an adequate level of amenity for existing occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018</p>   |

| Page<br>M26                                       |   |
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| <b>M - Flood Risk and Drainage</b>                |   |
| M1 –<br>Supplementary<br>Flood Risk<br>Assessment | <p>Prior to or in conjunction with the submission of the Strategic Landscape Masterplan (pursuant to condition D1) a supplementary assessment of flood risk and climate change shall be submitted to, and approved in writing by, the Local Planning Authority. This should include the following elements:</p> <ul style="list-style-type: none"> <li>Additional investigations, surveys and appropriate modelling to establish the detailed areas at risk of flooding from ordinary watercourses, surface water flooding and groundwater flooding (including spring fed watercourses). This would include definition of functional floodplain and flood levels that may be required to input to drainage modelling of surcharged outfalls of ordinary watercourses.</li> <li>The retention of all watercourses, ordinary or main river (but may be modified and enhanced), with only crossings to facilitate access proposed and any works that require consent will be applied for from the relevant authority.</li> <li>A sequential approach shall be taken to the development in order to avoid any less to highly vulnerable land uses being located within the design flood (1 in 100 year plus appropriate climate change allowance for each source of flooding) extent. The submitted village masterplan shall include, where relevant, the flood outlines overlaid to help demonstrate that this has been achieved.</li> <li>That any compatible development which occurs within the design flood is designed to the 1 in 100 year, plus an appropriate allowance for climate change allowance, event.</li> <li>A strategic overview of flooding incorporating both fluvial and pluvial flooding and how they interact. Detail on expected flow rates for any new connections (surface water, sewer etc.) to the main river network will need to be provided.</li> <li>Consideration for an emergency flood evacuation plan if it has been demonstrated that there is any residual risk from any source of flooding, as required.</li> </ul> <p>Should additional investigations, surveys and appropriate modelling show a potential risk from flooding within the development area, the following points are required:</p> <ul style="list-style-type: none"> <li>Detailed Analysis of baseline flow conditions of receiving watercourses. Requires full surveys of all watercourses including any culverted structures impacting a watercourse.</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Full condition survey of all existing structures on all watercourses within the development boundary with an assessment on how any culverts can be daylighted and open naturalised watercourses reinstated without adverse effects on flood risk.</li> <li>• A modelling assessment of the functional floodplain and 1 in 100 year plus climate change allowances for all surface water flow paths and ordinary watercourses.</li> </ul> <p>The development shall thereafter be fully implemented in accordance with the Village Masterplans as informed by the supplementary assessment of flood risk and climate change or as may subsequently be agreed, in writing, by the Local Planning Authority.</p> <p>Reason: Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the future communities of the Gilston Park Estate Village Development Site. This condition is necessary to reduce the risk of flooding and vulnerability to climate change to the proposed development and its future users in accordance with Policy WAT1 'Flood Risk Management' of the East Herts District Plan (2018).</p> |
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#### N – Sustainability and Energy Efficiency

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| N1 – Energy Statement | <p>Each application for reserved matters including buildings, shall be accompanied by an Energy Statement.</p> <p>No Development (excluding Preliminary Works) shall Commence pursuant to the relevant Reserved Matters approval until the corresponding Energy Statement has also been approved in writing by the local planning authority. The details and measures contained in each approved Energy Statement shall be implemented and operational upon the first use or occupation of the buildings permitted by the Reserved Matters approval to which the Energy Statement relates and shall thereafter be retained in the approved form unless otherwise agreed in writing by the local planning authority.</p> |
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| Page 528  | <p>Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance with policies CC2, CC3 and DES4 of the East Herts District Plan.</p>   |
| N2 – Electric Vehicles at Residential Dwellings | <p>No residential dwelling of the relevant Planning Permission shall be occupied unless and until a domestic Electric Vehicle ready charging point has been installed at the dwelling.</p> <p>Reason: In order that the development appropriately mitigates and adapts to the impact of climate change, minimises the impact of pollution and reduces pressure on natural resources in accordance with policies CC2, CC3 and DES4 of the East Herts District Plan.</p>  |
| <b>O – Education</b>                            |   |
| O1 – Community Use Agreement                    | <p>Any sports facility identified for shared school/community use within the relevant Phase shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall confirm the facility will be used by a range of community/voluntary clubs/users, include details of the programme for community use, pricing policy, hours of use, access arrangements for non-educational establishment users, management responsibilities and a mechanism for review. The facility shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>There shall be no amendment of the Community Use Agreement unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To secure well managed and safe access to the sports facility for all users in accordance with District Plan policies GA1, GA1, CFLR1, CFLR7 and CFLR10.</p> |
| <b>P – Ecology</b>                              |   |

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| P1 - Protected Species Surveys/Ecological Appraisal | <p>The plans and particulars for each Reserved Matters application for each relevant Phase, Sub-Phase or Plot shall include an ecological appraisal based on up-to-date ecological surveys to demonstrate the effects of the development on protected species and habitats and the measures to be taken to avoid, reduce, mitigate and, as a last resort, offset adverse impacts. The appraisal shall also include details of biodiversity enhancements and shall demonstrate how the application contributes towards achieving the minimum 10% biodiversity net gain across the village area.</p> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan.</p>   |
| P2 – Village Ecological Strategy                    | <p>Prior to or at the same time as the submission of the Village 7 Village Masterplan (pursuant to condition D4), a Village 7 Ecology Strategy informed by up to date ecology surveys shall be submitted to and approved in writing by the local planning authority and shall include the following:</p> <ul style="list-style-type: none"> <li>• Identification of existing ecology assets and assessment of impacts to those assets following the NPPF mitigation hierarchy;</li> <li>• Measures to protect and enhance retained assets (noting commitments secured at the outline application stage);</li> <li>• Measures to mitigate the impact of uncontrolled public access to Lords Wood as Ancient Woodland;</li> <li>• Identify opportunities to create new biodiversity assets and links to wider on and off site ecological networks;</li> <li>• Demonstration of how the above measures contribute to achievement of 10% min net gain target based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA;</li> <li>• Village Framework Management and Maintenance Strategy.</li> </ul> <p>All Reserved Matters applications shall accord with the Village Ecological Strategy, which shall be implemented as approved and there shall be no amendment of the Village Ecological Strategy unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To ensure that the development maintains, enhances and contributes appropriately to the local and wider ecological network in accordance with Policy NE2 of the East Herts District Plan.</p> |

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| <p>R3 - Rye Meads SSSI</p>        | <p>Prior to the occupation of the development, an assessment of phosphate levels arising from the development that could harm the Favourable Conservation Status at Rye Meads SSSI shall be submitted to and approved in writing by the local planning authority. Where impacts are identified that could harm the favourable conservation status of Rye Meads SSSI, the assessment shall also propose measures for mitigation of these impacts.</p> <p>Reason: To safeguard and protect the favourable conservation status of the Rye Meads SSSI in accordance with policy NE1 of the adopted East Herts Local Plan (2018)."</p>   |
| <p><b>T - Transport</b></p>       |   |
| <p>T1 – Framework Travel Plan</p> | <p>Prior to or at the same time as the submission of the first Reserved Matters Application containing residential uses, a Framework Travel Plan shall be submitted to and approved in writing by the local planning authority in consultation with the Transport Review Group. The Framework Travel Plan shall be based on the Hertfordshire County Council document 'Hertfordshire's Travel Plan Guidance'. The Framework Travel Plan shall thereafter inform the Village 7 Masterplan (pursuant to condition D4) and reserved matters applications on a site-wide basis.</p> <p>There shall be no amendment of the Framework Travel Plan unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p> |
| <p>T2 – Car Parking Statement</p> | <p>Each reserved matters application including buildings shall include a Car Parking Statement that accords with the Village Parking Strategy approved pursuant to Condition T5.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p>  |

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| T3 - Travel Plan  | <p>Any reserved matters application pertaining to the uses and thresholds identified in Appendix A of the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance' shall include a Full Travel Plan or Travel Plan Statement in accordance with the guidance. The travel plan or statement shall accord with the Framework Travel Plan and shall thereafter be implemented in accordance with the approved details throughout the duration of the development.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p>   |
| T4 – School Travel Plan   | <p>Within three months of the first use of each individual school on the development site, a Modeshift STARS School Travel Plan shall be submitted to and approved in writing by the local planning authority in consultation with Hertfordshire County Council. Thereafter the approved Travel Plan shall be implemented in full throughout the life of the school.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision</p>  |
| T5 – Village Access, Movement and Parking Strategy to include Management and Maintenance of Streets | <p>Prior to or at the same time as the submission of the Village 7 Masterplan (pursuant to condition D4) and notwithstanding the details shown on approved Parameter Plans, an Access and Movement Statement shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The movement strategy shall set out the following:</p> <ul style="list-style-type: none"> <li>• Details of proposed leisure and commuter routes for pedestrian, cyclists, equestrians and other active travel modes including intra and inter village routes and connections to routes beyond the site boundary</li> <li>• Details of proposed designated Public Rights of Way and improvement or modifications to existing Public Rights of Way</li> <li>• Details of proposed public transport infrastructure</li> </ul> |

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|  | <ul style="list-style-type: none"><li>• Details of proposed infrastructure for cyclists, including cycle hire facilities</li><li>• Measures to be taken to give priority to active and sustainable modes, including public transport, in accordance with the movement hierarchy.</li></ul> |
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A parking strategy of all vehicle modes. The parking strategy shall include the following details:

- Parking ratios, including allocated and unallocated spaces
- Electric vehicle parking
- Off-plot solutions
- Zero parking/car-free zones
- Bus parking
- Cycle parking
- Solutions to support walkable neighbourhoods
- Car clubs
- Mobility impaired spaces
- Motorcycle parking

Full details of the proposed roles and responsibilities for future management and maintenance of all streets within the masterplan area, including a highway adoptions plan (to show that Internal STCs, Primary Roads and Secondary Roads will be adopted) shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The streets shall thereafter be maintained in accordance with the approved details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reserved matters applications shall thereafter demonstrate how they have been informed by the approved strategy.

There shall be no amendment of the Village Access, Movement and Parking Strategy unless otherwise agreed in writing with the local planning authority.

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|                             | Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.   |
| T6 – Roydon Commuter Link   | <p>Prior to the occupation of 350 Residential Units, a scheme for the Roydon Commuter Link shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authorities. The scheme shall include:</p> <ul style="list-style-type: none"> <li>i. An Ordnance Survey based plan at 1:5,000 scale to show the proposed alignment of the Roydon Commuter Link edged green;</li> <li>ii. Plans at 1:500 scale to show details of the layout of the Roydon Commuter Link, including details of lighting, hard and soft landscaped materials and planting;</li> <li>iii. Details of specific elements to be provided at 1:100 scale where appropriate;</li> <li>iv. Sections at 1:50 scale to show details of the Roydon Commuter Link including hard and soft landscaped materials and planting corresponding to the submitted to show the layout of the Roydon Commuter Link;</li> <li>v. Written details of the proposals for management and maintenance of the Roydon Commuter Link.</li> </ul> <p>No more than 1,000 Residential Units shall be occupied until the Roydon Commuter Link has been constructed and implemented in accordance with the approved Roydon Commuter Link scheme.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p> |
| T7 - Eastwick Commuter Link | Prior to the commencement of development (excluding Preliminary Works), a scheme for the Eastwick Link shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authorities. The scheme shall include:  |

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|                        | <ul style="list-style-type: none"> <li>i. An Ordnance Survey based plan at 1:5,000 scale to show the proposed alignment of the Eastwick Commuter Link edged green;</li> <li>ii. Plans at 1:500 scale to show details of the layout of the Eastwick Commuter Link, including hard and soft landscaped materials and planting;</li> <li>iii. Sections at 1:50 scale to show details of the Eastwick Commuter Link including hard and soft landscaped materials and planting corresponding to the submitted to show the layout of the Eastwick Commuter Link;</li> <li>iv. Written details of the proposals for management and maintenance of the Eastwick Commuter Link.</li> </ul> <p>There shall be no occupations of Residential Units until the Eastwick Commuter Link has been constructed and implemented in accordance with the approved Eastwick Commuter Link scheme.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p> |
| T8 - Hunsdon Lock Link | <p>Prior to the occupation of any residential units details for the Hunsdon Lock Link shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authorities.</p> <p>The submitted details shall comprise an Ordnance Survey based plan to 1:1250 or 1:2,500 scale to show the proposed alignment of the Hunsdon Lock Link edged green.</p> <p>No more than 200 Residential Units shall be occupied until the Hunsdon Lock Link has been constructed and implemented in accordance with the approved details.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>  |

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| T9 - V1-V7 Sustainable Transport Corridor ("STC") – Road Works Phase 1   | <p>No residential units shall be occupied at Village 7 until details of an Interim A414/Church Lane means of access and the Primary Vehicular Route towards the Interim STC Hub and the Interim STC Hub has been submitted to and approved in writing by the local planning authority and implemented (including being open to traffic) in accordance with the approved details.</p> <p>In the circumstances where approval of the Interim A414/Church Lane means of access is not forthcoming, the Full improved means of Access from the A414 onto Church Lane and the Interim Primary Vehicular Route shall be implemented in accordance with the approved Details of A414 Church Lane Access to Village 7 (ref 110042/A/130 Rev A) prior to the occupation of any residential units in Village 7.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p> |
| T10 - V1-V7 Sustainable Transport Corridor ("STC") – Road Works Phase 2  | <p>No more than 150 residential shall be occupied at Village 7 until the Full A414/ Church Lane Junction upgrade and upgrade of Interim Primary Vehicular Route to STC standard alongside Full STC Transport Hub are completed and open to traffic.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>   |
| T11 - V1-V7 Sustainable Transport Corridor ("STC") – Road Works Phase 3a | <p>No more than 350 residential units shall be occupied at Village 7 Development until highway works associated with Primary Vehicular Route from Full V7 STC Transport Hub to join Church Lane towards Hunsdon are completed and open to traffic.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>  |

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| T12 - V1-V7 Sustainable Transport Corridor ("STC") – Road Works Phase 3b       | <p>No more than 350 residential units at Village 7 shall be occupied until highway works associated with STC inclusive of Primary Vehicular Route from Full V7 STC Transport Hub to V6/V7 boundary, are completed and open to traffic.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>  |
| T13 - Supplemental V7 STC Bus Route Inclusive of Bus Gate – Road Works Phase 4 | <p>No more than 1,200 residential units at Village 7 shall be occupied until highway works associated with the construction of the Supplemental STC Bus Route Inclusive of Bus Gate, are completed.</p> <p>Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.</p>   |
| T14 - V1-V7 Sustainable Transport Corridor Link Road                           | <p>Prior to the occupation of any Residential Units within Village 7, details for the V1-V7 Sustainable Transport Corridor Link shall be submitted to and approved in writing by the local planning authority. The details shall:</p> <ol data-bbox="411 949 2149 1246" style="list-style-type: none"> <li data-bbox="411 949 2149 1024">Include plans at 1:500 scale to show the appearance, landscaping and layout of the V1-V7 Sustainable Transport Corridor Link, including hard and soft landscaped materials and planting;</li> <li data-bbox="411 1024 2149 1098">Include sections at 1:50 scale to show appearance, landscaping, layout and scale of the V1-V7 Sustainable Transport Corridor Link including hard and soft landscaped materials and planting;</li> <li data-bbox="411 1098 2149 1173">Include written details of the proposals for future management and maintenance of the V1-V7 Sustainable Transport Corridor Link; and</li> <li data-bbox="411 1173 2149 1246">Be in accordance with the V1-V7 Sustainable Transport Corridor Link Proving Study</li> </ol> <p>No more than 350 Residential Units shall be occupied until the V1-V7 Sustainable Transport Corridor Link has been constructed in accordance with the approved details.</p> |

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|   | Reason: To give priority to active and sustainable travel modes over private car use and achievement of the 60% mode share target in accordance with the transport user hierarchy Policy GA1 of the East Herts District Plan, LTP4 and the HGGT Vision.   |
| T15 –<br>A414/Church<br>Lane Junction –<br>A414 Speed Limit<br>Review | No development (excluding Preliminary Works) shall commence until the A414 Speed Limit Review has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. Any recommendations contained in the approved A414 Speed Limit Review shall thereafter be implemented prior to the completion of the Full A414 / Church Lane Junction Upgrade work".<br><br>Reason: In the interests of highway safety.   |
| T16 -<br>A414/Church<br>Lane Junction –<br>Road Safety Audit          | "No development (excluding Preliminary Works) shall commence until a Stage 1 Road Safety Audit has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. Any recommendations contained in the Stage 1 Road Safety Audit shall thereafter be incorporated at Stage 2 of the design process for the Full A414 / Church Lane Junction Upgrade work".<br><br>Reason: In the interests of highway safety   |
| <b>W – Water</b>  |   |
| W1 – Excavations<br>below chalk<br>groundwater<br>table               | Any works involving excavations below the chalk groundwater table (such as, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.<br><br>Reason: To avoid displacing any shallow contamination to a greater depth that could impact the chalk aquifer. |
| W2 – Water<br>turbidity   | Prior to any excavation works taking place, full details of the proposed mitigation measures in place to prevent the risk of turbidity in the chalk aquifer affecting public water shall be submitted to and approved in writing by the local planning authority.   |

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| Page 538  | <p>Reason: To prevent turbidity in the chalk aquifer from affecting the public water abstraction point and causing disruption to the service.</p>   |
| W2 – Unexpected Pollution                               | <p>If, during development, pollution not previously identified is found to be present at the site then no further development of that relevant Phase shall be carried out until a remediation strategy detailing how this pollution will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall thereafter be implemented in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of land or water pollution from previously unidentified contamination sources at the development site. No site investigation can fully characterise a site. This is in line with paragraph 170 and 178 of the NPPF and Policies EQ1 and WAT3 of the East Herts District Plan (2018).</p> |
| <b>Y- Waste</b>   |   |
| Y1 – On-Site Waste Storage for flats with Communal Bins | <p>Prior to the commencement of development (excluding Preliminary Works) of a relevant Phase, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.</p> <p>There shall be no amendment of the details On-Site Waste Storage for flats with Communal Bins unless otherwise agreed in writing with the local planning authority.</p> <p>Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.</p>  |
| Y2 – On-Site Waste Storage for                          | <p>Prior to occupation of a relevant Phase, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. The approved facilities shall</p>   |

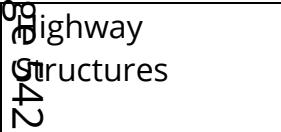
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|--|--|
| Houses with Individual Bins              | <p>be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.</p> <p>There shall be no amendment of the details On-Site Waste Storage for Houses with Individual Bins unless otherwise agreed in writing with the local planning authority.</p> <p>Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.</p>  |
| Y3 – Refuse Collection Circulation Route | <p>No development (excluding Preliminary Works) of a relevant Phase shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development of that relevant Phase shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.</p> <p>There shall be no amendment of the Refuse Collection Circulation Route unless otherwise agreed in writing with the local planning authority.</p> <p>Reason – To facilitate refuse and recycling collections.</p> |

## Proposed Informatics

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| S106 Agreement     | This planning Permission is subject to a Planning Obligation under S106 of the Town and County Planning Act 1990 (as amended)   |
| Other Consents     | The permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Highways Act, Building Regulations or under any other form of law, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency etc. Neither does this permission negate or override any private covenants which may affect the land.  |
| Highway Agreements | The applicant is advised that in order to implement this permission, it will be necessary for the developer of the site to enter into agreements with Hertfordshire County Council as Highway Authority under Section 278 and Section 38 of the Highways Act 1980 to ensure satisfactory completion of the site access and road improvements. The construction must be undertaken to the Highway Authority's detailed design / specification and to their satisfaction. Construction must be undertaken by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and meet their requirements. In addition, that the agreements under Section 38 of Highways Act for the highways authorities to adopt the newly constructed public highway (and any related features that are required for its operation) on its satisfactory completion include financial provision for future maintenance. Highways Development Management teams should be consulted on any drainage features that are proposed for adoption by Hertfordshire County Council. Any drainage features to be adopted shall be designed and built to accommodate the Highway Authorities adoption requirements and an appropriate commuted sum, based on the approved feature maintenance plan must be agreed. |
| Materials Storage  | The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.<br><a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/materialson-the-highway.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/materialson-the-highway.aspx</a>   |

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| Obstruction of Public Highway Land | <p>It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:</p> <p><a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a></p>   |
| Road Deposits                      | <p>It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:</p> <p><a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a></p>  |
| Stopping up of Public Highway Land | <p>An application for a "stopping up" order to extinguish highway rights over the land will need to be made. In this respect, this initially needs to be made to Hertfordshire County Council via <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/stopping-up-the-highway.aspx#">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/stopping-up-the-highway.aspx#</a> If this proposal is acceptable to the highway authority, then you would need to either make an application to the County Council, as highway authority, for a highway "stopping up" order under Section 116 of the Highways Act 1980 for the area of land in question. Any such application together with a plan showing the area concerned should be sent to Legal Services, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DE. The costs of making such an order would be in the region of £3,500 - £5,500 which includes the formal consultation and application to the Magistrates Court. Alternatively, if any such request is in conjunction with the redevelopment of the property, then you may wish to apply for a "stopping up" Order pursuant to Section 247 of the Town and Country Planning Act 1990. All such applications would need to be made to the Secretary of State's National Transport Casework Team (nationalcasework@dft.gov.uk, see also the DfT website); and In the meantime, note that when an area of highway is "stopped up" then the surface of the land reverts back to the original owner of the subsoil of the land. This may or not be the applicant. Details of the ownership of land may be available at the Land Registry, Leicester Office, Westbridge Place, Leicester, LE3 5DR. Their phone number is 0333 011 3500. Land Registry can also be contacted by e-mail on <a href="mailto:contact@uklandregister.co.uk">contact@uklandregister.co.uk</a></p> |

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|   | <p>The applicant is advised that in connection with any proposals for highway structures it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Management Team in connection with the requirements of Department for Transport Standard CG 300: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority by telephoning 0300 123 4047 or by email: <a href="mailto:highway.structures@hertfordshire.gov.uk">highway.structures@hertfordshire.gov.uk</a></p>   |
| <p>Public Rights of Way Obstruction</p>   | <p>The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement &amp; concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or by email on <a href="mailto:row@hertfordshire.gov.uk">row@hertfordshire.gov.uk</a> for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_1">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_1</a></p> |
| <p>Water protection, infrastructure provision, supply and efficiency measures</p> | <p>General: The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.</p> <p>Infrastructure: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<a href="https://affinitywater.custhelp.com/">https://affinitywater.custhelp.com/</a>) or <a href="mailto:awdeveloperservices@custhelp.com">awdeveloperservices@custhelp.com</a></p>   |

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|                                 | <p>Water Supply: In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<a href="https://affinitywater.custhelp.com/">https://affinitywater.custhelp.com/</a>) or <a href="mailto:aw_developerservices@custhelp.com">aw_developerservices@custhelp.com</a>. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing <a href="mailto:maps@affinitywater.co.uk">maps@affinitywater.co.uk</a>. Please note that charges may apply.</p> <p>Water Efficiency: Being within a serious water stressed area, we would encourage the developer to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.</p>   |
| Waste                           | <p>The details of on-site waste storage facilities shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 15m of the kerbside of the adopted highway/refuse collection vehicle access point.</p>   |
| Environmental Health Department | <p>Gas boilers make a large contribution to the 14% of UK greenhouse gas emissions from homes. The Government intend to exclude gas boilers from new homes by 2025. Alternative heating systems are therefore encouraged, which could include (but are not limited to) electric boilers, solar thermal panels, heat pumps or other energy efficient systems.</p>   |
| SuDS & Land Drainage            | <p>Where SuDS are proposed; infiltration SuDS should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SuDS manual <a href="http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx">http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx</a></p> <p>Land drainage procedures, rights and legal requirements taking account of Environment Agency and Lead Local Flood Authority (LLFA) requirements and advice. All works to ordinary watercourses, including widening of the</p> |

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| Page 544                             | <p>channel to include additional storage will require ordinary watercourse consent from the LLFAs. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners. Any works proposed to be carried out that may affect the flow within an ordinary watercourse (including erection of flow control structures, any culverting of an ordinary watercourse or works taking place within and/ or over the culvert or within 3 metres of the top of bank of the ordinary watercourse) will also require the prior written consent from the LLFA under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of planning permission. The LLFAs have a duty to maintain an asset register and records of assets which have a significant impact on the risk of flooding. In order to capture proposed Sustainable Urban Drainage (SuDS) features which may form part of the future register, details of and location of the SuDS assets created or modified through the development should be provided in a GIS layer on completion of the development. For further advice on what the LLFA expect to be contained within the FRA to support a planning application, please refer to the Developers Guide and Checklist on the surface water drainage webpage via: <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx</a> This link also includes Hertfordshire County Council's policies on SuDS in Hertfordshire.</p> |
| Piling                               | <p>With respect to any proposals for piling through made ground, we would refer the applicant to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" (NGWCL Centre Project NC/99/73). We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. We will not permit piling activities on parts of a site where an unacceptable risk is posed to controlled waters.</p>   |
| Good Practice for Land Contamination | <p>Good Practice Procedures for Land Contamination</p> <p>We recommend that developers should:</p> <ul style="list-style-type: none"> <li>Follow the risk management framework provided in Land contamination: risk management, when dealing with land affected by contamination.</li> </ul>   |

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|   | <ul style="list-style-type: none"> <li>Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health.</li> <li>Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.</li> </ul> <p>Refer to the contaminated land pages on gov.uk for more information.</p>   |
| Property gazetteer custodian requirements | The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Finance and Support Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Hertford, SG13 8EQ. Phone number: 01279 655 261.   |
| Additional Regulatory Considerations      | Additional regulatory consideration may be required on some of specialist matters relevant to this permission as follows: I. Archaeological requirements: contact Hertfordshire County Council Historic Environment Team via email: historic.environment@hertfordshire.gov.uk and phone: 01992 555 021. II. Sewer protection requirements: the site has public sewers running across or close to it which may be affected by the proposed building works. It may be necessary to divert the sewer and water course and carry out other works to protect it and the proposed building works before any site works are commenced. Contact: Thames Water Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ. Phone number: 01923 898 072. III. Ground water pollution risk: parts of the site are located within the groundwater protection zone of Sawbridgeworth Pumping Station. The construction works and operation of the proposed development should be in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the pollution risk. Construction works may exacerbate any existing pollution. Please refer to CIRIA Publication C532 'Control of water pollution from construction – guidance for consultants and contractors'. IV. Protected species including bats / reptiles / great crested newts: if found during development, works must stop immediately and professional ecological advice must be sought on how to proceed. A licence may be required from Natural England who can be contacted on email: enquiries@naturalengland.org.uk or phone: 0300 060 3900 / 01206 796 666. V. Nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September. |

## Definitions

The following definitions are suggested (to be agreed)

|                                       |  |
|---------------------------------------|--|
| Local Planning Authority              | East Hertfordshire District Council  |
| A414 Speed Limit Review               | Means a review of the existing speed limit on the A414 to establish whether a reduced speed limit of 40mph and any other recommended measures are required in association with the Full A414 / Church Lane Junction Upgrade work.  |
| Preliminary Works                     | <p>Means an operation or item of work of or connected with or ancillary to:</p> <ul style="list-style-type: none"> <li>a) archaeological investigation;</li> <li>b) investigations for the purpose of assessing ground conditions including exploratory boreholes and trial pits;</li> <li>c) remedial works in respect of any contamination or other adverse ground conditions;</li> <li>d) site clearance including earthworks, regrading and landscape clearance works in compliance;</li> <li>e) diversion decommissioning and/or laying of services for the supply or carriage of water, sewerage, gas, electricity, telecommunications or other media or utilities;</li> <li>f) the erection of fences and hoardings around the site;</li> <li>g) provision of temporary construction site accommodation; and</li> <li>h) construction of temporary access and service roads;</li> </ul> |
| A414 Means of Access Preparatory Work | Construction of the means of access to the site from the A414, approved details of which are shown in the plan entitled Proposed A414/Church Lane Signalised Junction (ref. 110042/A/64) to a wearing course underlying the surfaced finish shown in the approved details.   |
| Noise Bund Preparatory Work           | Construction of the noise bund indicatively shown in the submitted Gilston Area Village 7 Appendix to Design & Access Statement Addendum June 2021 and in compliance with condition B1   |

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| Operational Off-site Drainage Works                        | Development involving a headwall and outfall pipe as indicatively shown on the approved Surface Water Drainage Strategy Plan (drawing reference 44361/4002/001/P10).  |
| Residential Units  | Means a unit forming part of the development falling within Use Class C3 (residential)  |
| Roydon Commuter Link                                       | The improved means of pedestrian and cycle connectivity between the planning application site and Roydon railway station, the alignment of which is indicatively shown by the Commuter/utility route (intended to be well-lit and used at all times) and Interim alternative alignment (pre-STC) on the Off-Site Walking and Cycling Improvements plan (drawing reference 1521/165) included at Appendix H of the Transport Assessment.                   |
| Eastwick Commuter Link                                     | The means of interim pedestrian and cycle connectivity between the planning application site and boundary of Village 1.   |
| Hunsdon Lock Link  | The means of pedestrian and cycle connectivity between the A414 / Church Lane junction to tie into the River Stort towpath at the Hunsdon Lock.   |
| Sustainable Transport Corridor                             | Means all modes means of connectivity to provide direct sustainable travel connectivity between key destinations within the villages, performing in all instances as a public transport (e.g. bus) link designed along its full length to give appropriate priority to sustainable modes over the private car in accommodating dedicated and segregated facilities for walking and cycling as part of the Commuter Route network.                         |
| Village 1 to Village 7 Sustainable Transport Corridor Link | Means the Sustainable Transport Corridor between the boundary of Village 7 and the boundary of Village 1 as shown on Parameter Plan 4: Access and Movement (dated November 2020) of the outline planning application for development of Villages 1-6 (3/19/1045/OUT) and Parameter Plan 4 – Vehicular Access and Movement (ref. V7_01_1004) of the planning application for the development of Village 7 (3/19/2124/OUT) OR, if the Sustainable Transport |

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| Page 548                               | Corridor has not been provided to the boundary of Village 1, to the point where the Sustainable Transport Corridor within Village 1 has been provided to ensure a continuous link with it OR, if none of the Sustainable Transport Corridor has been provided within Village 1, to a point on the existing Eastwick Road highway (or as otherwise agreed) to enable vehicles using the Sustainable Transport Corridor to pass completely between the existing A414/Eastwick Road highway and Village 7.   |
| Village 7 and Village 1 Phasing Scheme | Means a scheme relating to the phasing of the development within Village 7 relative to the timing of delivery of key infrastructure and facilities within Village 1 and sustainable transport connections from Village 7 to Village 1 facilities and the Central Stort Crossing, such scheme to demonstrate there will be sustainable access for residents of Village 7 to the appropriate education and other facilities, the planned sustainable transport corridor link from Village 7 to Village 1 and the Central Stort Crossing in a timely manner. The detail of which shall be addressed within the section 106 agreement itself. |

# Gilston Area Section 106 Agreement - Heads of Terms for Villages 1 to 6

Planning Application Reference: 3/19/1045/OUT<sup>1</sup>

## 1 General <sup>2</sup>

| Topic             | Obligation Detail (justification, assumption)   | Trigger  |
|-------------------|---|--|
| Indexation        | All contributions to be indexed (unless stated otherwise) from a date to be identified and agreed in each case (including the specific index for relevant contributions)  | N/A  |
| Monitoring Scheme | To submit Monitoring Information (in an agreed form) to verify the key housing information in the preceding calendar year including the number of Occupations for each housing product and the mix and size of all Dwellings, including affordable.<br>To provide updates tracking the S106 obligations that have been performed or discharged to date and those which remain to be performed | Annually, by 31 March each year<br>bi-annually |
| Monitoring Costs  | To pay the Council's and HCC's costs in connection with monitoring compliance of the S106. Payable in instalments   | At agreed triggers                             |
|                   |   |  |

## 2 District Council and HCC covenants – Not necessary for Heads of Terms

## 3 Housing

| Topic                       | Obligations  | Triggers (if any)   |
|-----------------------------|--|---|
| Level of Affordable Housing | No less than 23% of all Dwellings (up to cap of 40%) in a Village to be affordable but the level can increase in Villages 2 to 6 as a result of a Viability Review. The affordable housing tenure is to be 60% Affordable Rent and 40% Intermediate products, unless agreed otherwise.<br><br>No more than 40% of the Dwellings in a Village to be affordable housing to ensure balanced and mixed community.<br><br>Affordable Housing will be distributed within each Village (both in terms of location and timing of when delivered) and be designed to be tenure blind.   | The triggers for delivery of the affordable housing shall be set out in the Residential Reserved Matters Area Affordable Housing Scheme   |
| Viability Reviews           | Reviews will have the potential to increase the level of affordable housing in a Village above the agreed minimum of 23% (capped at 40%). There is no review for Village 1 unless commencement is delayed by a period of three years from date of permission.<br><br>The Reviews will encompass the entire scheme on a village-by-village basis.<br><br>If a viability surplus is established on a final review, this surplus is to be apportioned on 50 (developer) / 50 (Council) basis. Where the 50% share of any surplus would result in more than 40% being provided in a Village, any surplus shall be carried forward to the next Village/Review Phase.<br><br>Details of review to be agreed. | There will be at least 2 reviews for Villages 2, 3, 4 and 6. One prior to approval of the first Residential Reserve Matters Area application for the relevant Village and the second prior to 51% of the Dwellings in the relevant Village obtaining Reserve Matters Approval<br><br>There will be only 1 review for Village 5 prior to the approval of the first Residential Reserve Matters Area for Village 5<br><br>Final review once 85% of the Dwellings in the last Village (anticipated to be Village 4) obtain Village Masterplan Approval |

<sup>1</sup> This Heads of Terms document primarily relates to the V1-6 application and the obligations required in respect of V1-6 in determining that planning application. However, following engagement with the V7 applicant, the document also includes the expected obligations for V7 for information purposes where it is thought helpful to assist with demonstrating comprehensive development. It is the preference of the LPA that there will be a single section 106 agreement (in the event that both applications receive a resolution to grant in a timely manner). However, it is acknowledged that it is technically possible to have separate agreements with mirror provisions (for example, in the event of delay in respect of the V7 application). The detail of this will be addressed as part of the section 106 agreement.

<sup>2</sup> Not intended to be an exhaustive reference to proposed boilerplate provisions

| Topic                          | Obligations  | Triggers (if any)   |
|--------------------------------|--|---|
| Custom/Self-Build <sup>3</sup> | Plots equivalent to not less than 1% of the total number of Dwellings shall be made available for sale to those identified on the Council's Self-Build and Custom Build Register (Policy HOU8) ( <b>Self-Builders</b> ). Any plots not taken up by Self-Builders after marketing for 2 years shall be released and made available for Dwellings  |   |
| Extra Care Housing             | Not less than 130 of the total number of Dwellings across the Gilston Area to be restricted to use by Older Person's (55+) or for adults of any age known by the County Council to have learning disabilities who are entitled to be provided Extra Care Housing]. The LPA's preference is for this to be within two (2) facilities/locations. Unless provision is made within V7 then the full 130 units to be provided within V1-6. Detailed arrangements to be agreed as part of the section 106.   |   |
| Accessible Dwellings           | <p>All houses and all ground floor apartments (where practically possible) shall be built to comply with M4(2) standards (i.e. wheel chair adaptable)</p> <p>15% of all affordable houses and 15% of all affordable ground floor apartments (shall be built to comply with M4(3) standards</p> <p>1% of all market houses and 1% of all market ground floor apartments shall be built to comply with M4(3) standards</p>   |   |
| Housing Plans                  | <p>There shall be a Site Wide Housing Scheme that identifies the likely minimum and maximum number of Dwellings in each Village, the affordable housing type mix (within a range) and the Villages the following housing products are expected to be located: (i) Extra Care Housing; (ii) Build to Rent; (iii) Self/Custom Build Plots.</p> <p>The Owner shall submit for Council Approval a Village specific Housing Scheme that identifies for the relevant Village:</p> <ul style="list-style-type: none"> <li>(a) the location of the Reserved Matters Areas and total number of Dwellings for the Village and in each Reserved Matters Areas location.</li> <li>(b) the quantum of any: (i) Extra Care Housing; (ii) Build to Rent; (iii) Self/Custom Build Plots.</li> <li>(c) the minimum levels of affordable in each Reserved Matters Area.</li> <li>(d) the proposed housing mix for the Dwellings (including Affordable Housing Dwellings) within the Village.</li> </ul> <p>The Village Housing Scheme shall be consistent with the Site Wide Housing Scheme, which may be updated from time to time.</p> <p>The final tenure mix and house type mix for a Residential Reserve Matters Area (among other things) shall be set out and approved in the Residential Reserved Matters Area Affordable Housing Scheme for the relevant Residential Reserve Matters Area</p> | <p>Site Wide Housing Plan shall be submitted prior to Commencement and updated alongside each Village Housing Scheme</p> <p>Village Housing Scheme shall be submitted alongside each Village Masterplan Submission for Council approval</p> <p>Each Residential Reserve Matters Area Affordable Housing Scheme shall be submitted alongside each Residential Reserved Matters Affordable Housing Area submission for Council approval</p> |

<sup>3</sup> as defined in Sections 1(A1) and 1(A2) of the Self Build & Custom Housebuilding Act 2015 (as amended)

#### 4 Gypsy & Travellers and Travelling Showpeople

| Topic   | Land Bound          | Obligations   | Trigger/Restriction |
|---|---------------------|---|---------------------|
| <b>Safeguarding of land for G&amp;T Pitches and for Travelling Showpeople Plots as required by GA1 and HOU9</b> | V1-6                | <p>Serviced Land for 7 G&amp;T Pitches to meet the identified local accommodation needs of East Herts' travellers to be safeguarded to the north of Village 4 in the location shown with a white star on parameter plan 5. The precise location of the safeguarded land will be defined in the Strategic Landscape Masterplan.</p> <p>Serviced Land for 8 Plots for Travelling Showpeople to meet the identified local accommodation needs of East Herts' travellers to be safeguarded in village 6 in the locations shown with a white star on the parameter plan 5 as part of the Village Masterplan. The precise location of the safeguarded land will be defined in the Village 6 Masterplan.</p> |                     |
|   | V7                  | Serviced Land for 8 G&T Pitches to meet the identified local accommodation needs of East Herts' travellers is to be safeguarded in Village 7 in the location shown on the V7 Site parameter plan 5. The precise location of the safeguarded land will be defined in the Village 7 Masterplan  |                     |
| <b>Calls for Sites</b>  | Villages 4, 6 and 7 | <p>Each area of safeguarded land will be subject to its own Reserved Matters Application and will accord with the relevant Masterplan.</p> <p>S.106 Agreement will define the process for the Council calling for the sites to come forward and the approach to marketing the site to be agreed by the Council.</p> <p>The purpose of this obligation is to ensure that the requirements of Policy GA1 and HOU9 are met through the timely delivery of sites to meet locally identified needs of the travelling communities.</p>  |                     |
| <b>Provision of Sites</b>   | Villages 4, 6 and 7 | As per agreed marketing and delivery strategy in the s106.  |                     |

#### 5 Governance and Stewardship

| Topic  | Land Bound | Obligations   | Trigger/Restriction                  |
|--|------------|---|--------------------------------------|
| <b>Stewardship and Governance arrangements</b> | V1-6       | <p>The stewardship arrangements to be secured in the section 106 agreement shall be in general accordance with the Gilston Area Stewardship and Governance Strategy (December 2022) and shall include:</p> <ol style="list-style-type: none"> <li>1. a requirement to set up a community ownership and stewardship body, in collaboration with the owner of the V7 site, on the basis of timing to be agreed with the Council. The S106 shall define the form and responsibilities of the body(ies), but likely to comprise a single Community Management Trust (CMT) for the entirety of the Gilston Area (V1-6 and V7) and a Community Interest Company (CIC).</li> <li>2. a requirement to set up a Shadow Advisory Board (SAB) in advance of the CMT – timing, roles, responsibilities and representation to be determined in agreement with the Council</li> <li>3. a requirement for the SAB and CMT to consult with existing and emerging communities on the care of assets and community development</li> <li>4. a requirement to prepare, submit and agree a long-term business plan, on timing to be approved by the Council. This plan shall be reviewed and updated from time to time and is to set out how suitable resources (which may include a service charge) will be secured to ensure the CMT is adequately skilled and can carry out its functions in perpetuity;</li> <li>5. a process for engaging with the CMT on assets that the developer intends to offer to the CMT free of charge, in addition to those that it must offer the CMT (which includes the Village 1 Community Building and all areas of Strategic Open Space – see the Community section for these). The expectation is that the developer will offer some income generating assets</li> <li>6. a process for disposing of any community assets and infrastructure that the CMT is unwilling to accept</li> </ol> | timing to be agreed with the Council |

| Topic | Land Bound | Obligations   | Trigger/Restriction |
|-------|------------|---|---------------------|
|       |            | <ul style="list-style-type: none"> <li>7. a requirement that, prior to any asset transfer, a certification process is undertaken to assess that the asset is fit for purpose, with the costs of this process being underwritten by the owner and with an appropriate mechanism to ensure that assets which fail the verification process will be made fit for purpose</li> <li>8. a requirement that, prior to any asset transfer, a funding proposal will be prepared, submitted to and agreed by the Council setting out the management requirements relating to the asset and establishing that sufficient resources will be available in order to implement these;</li> <li>9. Have regard to emerging stewardship proposals for HGGT and collaborate to seek to maximise opportunities;</li> <li>10. a requirement that all asset disposals shall comprise of freehold transfer with title restrictions to prevent against inappropriate future development or long leases on peppercorn rents; and</li> <li>11. a requirement to pay initial endowment funding of up £637,500 (unless agreed otherwise) to support the setting up of the CMT and for other appropriate early activities including community engagement and development, on the basis of timing to be agreed with the Council</li> <li>12. a requirement for a monitoring strategy to enable assessment of the delivery of outcomes against the objectives of the CMT</li> </ul> |                     |

## 6 Education Contributions

Land is to be reserved as set out at section 7 below and full costs of education delivery to be met by Gilston Area owners to enable education provision to be delivered by agreed triggers. The amount of the V1-6 education contributions assumes that Village 7 will start at a similar time as V1-6 (hence the 50/50 split for certain contributions) and that the amount of V1-6 early contributions could increase (up to 100% of the relevant contribution/installment) if the Village 7 development was to be delayed or the actual V7 demand were lower than anticipated, with V7 expected to pay its proportionate share prior to commencement. The section 106 will include education review provisions and an Education Review Group.

| Topic   | Land Bound | Amount <sup>4</sup>  | Detail (Trigger, justification, assumption)   |
|---|------------|--|---|
| <b>Secondary Education Temporary Facilities Contribution<sup>5</sup> (capped at £4.1m) but subject to DfE Scorecard costs</b> | V1-6       | Lower of 50% or £2.05 million or as required by application of the appropriately indexed DfE balanced Scorecard for school construction. | Triggers to be agreed. Payments in Equal instalments. The actual amount of the V1-6 and V7 temporary offsite secondary education costs depends on: <ul style="list-style-type: none"> <li>1. whether the initial extra capacity at the V1 primary school can be utilised for onsite temporary secondary provisions (which would revenue support from the developers up to an agreed capped sum of no more than the alternative offsite costs); and</li> <li>2. the timing for and rate at which the V1-6 and V7 developments come forward, with each developer expected to pay a fair and reasonable contribution towards the costs of each instalment/contribution based on their pro-rata share. The 50/50 split is based on the assumption that both developments will be starting at a similar time and that a new temporary facility will need to be constructed prior to first occupation in the Gilston Area to address the temporary needs of both developments.</li> </ul> |
| <b>SEND Education Contribution<sup>6</sup></b>  | V1-6       | £4,861,700   | Payment in instalments and triggers to be agreed  |
| <b>Secondary Education Off Site Transport Contribution<sup>7</sup> (capped at £2.5m)</b>                                      | V1-6       | Lower of 85% or £2,125,000   | Triggers to be agreed. Payments in instalments on terms to be agreed.   |
| <b>Village 1 Primary School Contributions</b>   | V1-6       | Equivalent of 3FE primary provision  | Total contribution to be paid in 3 instalments as agreed with the Council unless the Owner agrees with HCC to deliver school (so no contribution payable)   |
| <b>Village 3 Primary School Contributions</b>   | V1-6       | Equivalent of up to 2FE primary provision  | Instalments as per the Village 1 Primary School Contribution  |

|  |      |  |  |
|--|------|--|--|
| <b>Village 2, 4 and 6 Primary School Contributions</b> | V1-6 | Equivalent of up to 3FE primary provision (minimum of 2FE) | Instalments as per the Village 1 Primary School Contribution |
|--|------|--|--|

<sup>4</sup> Unless stated otherwise, the Contributions are to be calculated by reference to the DfE Scorecard prevalent at the time of payment, subject to changes for indexation or any reasonable updates to the DfE Scorecard

<sup>5</sup> The actual amount of this contribution is to be determined based on a mechanism that reflects actual demand and HCC transport policy

<sup>6</sup> Being 85% of the total of £5,719,676, with the expectation that Village 7 will pay £857,976

<sup>7</sup> The actual amount of this contribution is to be determined based on a mechanism that reflects actual demand and HCC transport policy

| Topic  | Land Bound | Amount <sup>4</sup>   | Detail (Trigger, justification, assumption)   |
|--|------------|---|---|
| Village 5 Primary School Contributions                           | V1-6       | Equivalent of 3FE primary provision                                 | Instalments as per the Village 1 Primary School Contribution  |
| Village 1 Secondary School Phase 1 (capped at 6FE with 8FE core) | V1-6       | Equivalent of up to 50% of the Phase 1 costs (maximum of 3FE)       | Instalments to be agreed. See earlier comments regarding % splits with the detail to be finalized in the section 106 agreement.   |
| Village 1 Secondary School Phase 2 (2FE)                         | V1-6       | Proportionate to child yield as determined by review                | The V1-6 Owner proportion of the addition 2FE Contribution is to be paid in instalments unless agreed otherwise<br><br>If the need for the additional 2FE is only part due to the child yield in V1-6, the V1-6 Owner will only be required to pay a proportionate contribution towards the additional 2FE of secondary provision |
| Village 5 Secondary School Contributions (up to 12FE)            | V1-6       | proportionate to child yield for each Phase as determined by review | Instalments as per the Village 1 Primary School Contribution<br><br>IT is assumed V7 will have completed its development by the time this school comes forward  |
|  |            |   |   |

## 7 Education Direct Delivery

| Topic                                 | Land Bound | Amount  | Detail (Trigger, justification, assumption)   |
|---------------------------------------|------------|---|---|
| On-site Primary Schools               | V1-6       | Land safeguarded for up to 6 new primary schools/17FE | Land for up to 17FE of new primary school provision to be safeguarded as part of the s106 so to enable a school of up to 3FE to be delivered in each village (excluding Village 3 which will allow for a 2FE school site). The safeguarded school site land includes expansion land of up to 1FE for any primary school built to 2FE.<br><br>The need for the Village 3 and 5 primary schools, the initial FE size (i.e. 2FE or 3FE) of each and the location for the school shall be identified as part of the Village Masterplan. The Village 1 Primary School shall be built to 3FE. |
| On-site Secondary Schools             | Village 1  | Land safeguarded for up to 8FE Secondary School       | Land safeguarded for an 8FE secondary school. This school is to be delivered in 1 x 6FE and 1 x 2FE phases.<br><br>The location for the school shall be identified as part of the Village Masterplan.   |
|                                       | Village 5  | Land safeguarded for up to 12FE Secondary School      | Land safeguarded for up to 12FE secondary school. The V1 Secondary School is to be built in full (to 8FE) prior to this second on-sitessecondary school coming forward.<br><br>This school is to be delivered in 1 x 6FE phase and then 2FE phases thereafter.<br><br>The location for the school shall be identified as part of the Village Masterplan.  |
| Calls for School or School Expansions | V1-6       | N/A   | Unless agreed otherwise, HCC cannot give a notice calling for a new school site<br><br>(a) until after the Village Masterplan for the relevant Village (which is to house the School) has been approved<br><br>The need for a new school or an expansion to an existing school is to be determined by HCC having considered the advice of the Education Review Group  |

| Topic                                      | Land Bound | Amount                            | Detail (Trigger, justification, assumption)  |
|--|------------|-----------------------------------|--|
| Release of Schools Site and Expansion land | V1-6       | Released school site or expansion | HCC to decide (after consulting with the ERG) if a new primary school is needed in each village on timing to be agreed.<br>HCC to decide (after consulting with the ERG) if any expansion land is needed on timing to be agreed  |
| Education Reviews & ERG                    | V1-6       | N/A                               | The V1-6 and V7 Owners are to each have a representatives on the ERG and the ERG will operate in accordance with the agreed terms of reference (as may be agreed).<br><br>Education reviews are to be carried out by the ERG at agreed Occupation triggers for the Gilston Area (including prior to completion of V7) but no more frequent than once per year at the request of each Owner.<br><br>The ERG is to make recommendations on who should contribute towards the cost of new schools or a school expansion based on the anticipated child yields from the V1-6 development and V7 development, as well as children into the Gilston Area from outside. |
| Transfer of Schools Sites                  | V1-6       | N/A                               | Each school site or area of expansion land is to serviced (which shall require a point of access/haul road for construction purposes) prior to transfer (unless agreed otherwise as part of a servicing strategy) with full access provided prior to the opening of each school.<br><br>School sites are to be restricted to use for educational purposes, with the potential for community use through Community Use Agreements<br><br>A School constructed by an Owner is to be transferred to HCC as quickly as reasonably practicable post completion  |

## 8 Local Labour

| Topic   | Land Bound | Detail (Trigger, justification, assumption)   | Trigger  |
|---|------------|---|--|
| Site Wide Local Labour, Skills and Business Action Plan | V1-6       | To submit and obtain Approval by the Council for a Site Wide Local Labour, Skills and Business Action Plan in order to maximise local opportunities (eg site wide infrastructure, skills, supply chains, job creation, raise awareness) in connection with the construction of the development. Once Approved the Plan to be implemented. The Plan shall include the following:<br><br>(a) how Local Businesses <sup>8</sup> will be notified and supported with tender opportunities during the Construction Phase;<br><br>(b) who, on behalf of the V1-6 Owner, shall be responsible for notifying of job opportunities and making all developers/contractors aware of (i) their employment obligations and (ii) requirement to report on their compliance with such;<br><br>(c) what steps will be taken to ensure that all developers, contractors and subcontractors on the site are aware of their obligations and actions to be taken if there is default in relation to these<br><br>(d) how the Owner/developers/contractors, via the appointed coordinator, will work with local employment and training agencies, the Council, Jobcentre Plus, schools, local colleges (Harlow and Herts Regional), the University of Hertfordshire and any other relevant partners to identify, promote and deliver education and training opportunities; and<br><br>(e) the information to be submitted to enable the Council and the owner to monitor compliance through the Commercial Delivery and Employment Review Group (CDERG). | Early trigger to be agreed to maximise opportunities |

<sup>8</sup> means all business located within EHDC, HDC or EFDC

| Topic  | Land Bound         | Detail (Trigger, justification, assumption)   | Trigger  |
|--|--------------------|---|--|
|  |                    | (f) the information that will be set out in the Village specific action plans   |  |
| Village Local Labour and Business Action Plan(s) | V1-6, individually | <p>To submit and obtain Approval by the Council for a Village Local Labour and Business Action Plan for the relevant Village</p> <p>The Village plan shall:</p> <ul style="list-style-type: none"> <li>(a) set out the expected scale/ numbers of jobs provided across all employment types (part/ full time, temporary/ permanent/ training/ apprenticeship etc) for Local Residents<sup>9</sup> in connection with the development of the relevant Village. It may set out different targets for different components of the development.</li> <li>(b) adopt the requirements set out in the Site Wide Local Labour, Skills and Business Action Plan or seek approval for any changes.</li> </ul> <p>To comply with the relevant Approved Village Action Plan when developing out any Reserved Matters Approval.</p>  | Prior to Implementation in a Village   |
| Skills Hub                                       | V1-6               | <p>To prepare and submit for Council approval a skills hub action plan. It shall set out: (i) the skills that the facility would be teaching; (ii) potential locations for the facility (which may be offsite with LPA approval i.e. within a College); (iii) requirements for the facility operator; (iv) size parameters (between 2,000 and 6,000 sq.m GEA) and specification; (v) operation duration; and (vi) details on how the opportunity would be marketed (<b>Skills Hub Plan</b>).</p> <p>To use reasonable endeavours to find an operator with relevant experience that is willing to operate the facility promoted in the Approved Skills Hub Plan. If an appropriate delivery partner is secured, to construct the facility and lease it for peppercorn rent to the operator until such time that the facility is no longer commercially viable or the land it is erected on (where within the Site) is needed for development (to be agreed in consultation with the CDERG)..</p> | <p>Early trigger to be agreed to maximise opportunities and benefits</p> <p>For 5 years from the approval of the Skills Hub Plan</p> |

## 9 Commercial Floorspace

| Topic   | Land Bound | Obligation   | Trigger  |
|---|------------|--|--|
| Minimum provision                               | V1-6       | To ensure that no less than 10,000sq.m, (gross external area) of floorspace is provided and made available across the site for commercial uses. Provision of floorspace for blue light services and commercial Early Years provision can be included within this total amount.   | Provision of the agreed amount in any village not later than occupation of [ %] of the residential units for that village – trigger to be agreed per village |
| Commercial Delivery and Employment Review Group | V1-7       | To establish a Commercial Delivery and Employment Review Group, Terms of Reference, Representation and Decision Making to be agreed, but the purpose shall be to monitor and review the delivery of employment, local skills and commercial floorspace delivery at the site.   | CDERG to be established by commencement of development   |
| Market needs analysis and master planning       | V1-6       | <p>To use all reasonable endeavours to deliver 29,000 sqm GEA for commercial operations in Villages 1-6.</p> <p>To carry out an employment strategy prior to the Approval of the Village Masterplan for Village 1. The strategy will set out an estimated quantum for each Village in order to deliver the minimum provision and the full 29,000sqm and recommend a minimum level of provision in the village centres of each Village (unless otherwise agreed) as part of the Approval for the relevant Village Masterplan.</p> <p>The employment strategy shall inform the preparation of village specific employment marketing plans and the masterplanning of each Village Masterplan. The employment strategy shall be reviewed and updated as part of each Village Masterplan,</p> | As appropriate in relation to master planning and the subsequent delivery of development in each village   |

<sup>9</sup> means people whose permanent home address is within EHDC, HDC or EFDC

|                                   |      |   |   |
|-----------------------------------|------|---|---|
| Marketing Plan                    | V1-6 | <p>To consult with the CDERG and submit for Council approval a marketing plan for the full quantum of commercial floorspace to be either provided or safeguarded in each relevant Village masterplan. The marketing plan will contain as a minimum:</p> <ul style="list-style-type: none"> <li>• Proposals for advertising various plots/units/sizes to suit a range of occupiers as set out in the employment strategy</li> <li>• Proposals for advertising in relevant property publications/websites</li> <li>• Proposed minimum timeframe for marketing</li> <li>• Proposals for approaching businesses as set out by EHDC/HGGT economic teams and the CDERG</li> <li>• Proposal for monitoring and reporting on the marketing activities undertaken and interest in the commercial floorspace</li> </ul> <p>To market the provided and/or safeguarded commercial floorspace in each village in accordance with the approved marketing plan.</p> <p>To use Reasonable Endeavours to enter into an agreement with any third party that has submitted an offer on acceptable commercial terms consistent with the relevant Approved marketing plan</p> <p>To monitor and report every 6 months to the CDERG on any expressions of intent and/or offers received in respect of the potential Commercial Floorspace in each Village during the marketing period and any other information relevant to the delivery of the commercial floorspace</p> |   |
| Release of safeguarded land       | V1-6 | Any land that has been safeguarded for commercial floorspace (beyond the delivery of the minimum provision of 10,000 sqm which must be provided) and for which a needs assessment exercise undertaken through the CDERG has indicated will not be taken up and which has been subject to appropriate marketing in accordance with the agreed Marketing Plan but which the Owner has been unable to reach an agreement on for its disposal may be released for other purposes on timing to be agreed with EHDC   |   |
| Commercial Early Years Facilities | V1-6 | <p>To deliver a min of 300sqm floorspace, as a location for an Early Years Facility (min of 300sqm) in each Village.</p> <p>To consult with the CDERG and Submit for Council approval a marketing plan for the Early Years Facilities</p> <p>To market the Early Years Facilities in each Village in accordance with the timeframe and requirements of the marketing plan and use reasonable endeavours to enter into an acceptable commercial agreement with an experienced Early Years Facility operator.</p>   | Delivery and marketing in accordance with requirements to be identified in the master planning process for each village |

## 10 Transport - Direct Delivery

| Works  | Land Bound | Obligation Detail /Trigger for delivery (unless otherwise agreed) <sup>10</sup>  |
|--|------------|--|
| <b>General Covenants</b>   | V1-6       | Owner to deliver, at its cost, each item of highway infrastructure by the delivery trigger agreed with the Council and/or HCC unless agreed otherwise. On completion the infrastructure shall be adopted as public highway.<br><br>All roads intended for adoption to be built to adoptable standard.  |
| <b>Village 1 (Interim) Sustainable Modes Access</b><br><br><b>And</b><br><br><b>Village 1 (interim) All Modes Access</b> | V1-6       | The interim Village 1 sustainable modes access and all modes access will be operational prior to the occupation of any homes in Village 1. These arrangements will stay in place until the final Village 1 access arrangements have been provided as part of the Central Stort Crossing.   |
| <b>Village 2 (Interim) Access</b>  | V1-6       | The interim Village 2 access will be operational prior to the occupation of any homes in Village 2 unless the STC from Village 1 to Village 2 is in place in which case the interim Village 2 access will be operational before the occupation of 300 homes in Village 2.  |
| <b>Village 6 Access</b>  | V1-6       | The Village 6 access will be operational before occupation of any homes in Village 6 unless the Village 7 access and the STC from Village 7 to Village 6 has first been provided. The Village 6 access will be retained unless and until the Village 7 access and STC from Village 7 to Village 6 has been provided. After that it can be retained (and amended as |

<sup>10</sup> Triggers to be able to be varied upwards with the agreement of EHDC and (where relevant) in consultation with HCC/ECC. This will require the Owners to submit evidence to justify any variation

|   |      |  |
|---|------|--|
|   |      | required) to serve HGV servicing of employment land/gypsy and travellers and TSP site in Village 6 and Blue Light Hub Facility. The remainder of V6 would be accessed through the STC link between Village 7 and Village 5.  |
| <b>Eastwick Lodge Farm Amended Access</b>   | V1-6 | The Eastwick Lodge Farm amended access will be operational upon completion of the Central Stort Crossing   |
| <b>Estate Roads and Internal STC</b>  | V1-6 | Internal STCs Primary Roads and Secondary Roads to be dedicated as public highway and maintained by HCC. Estate Roads to be offered for dedication as public highway. If not accepted by highway authorities to be transferred to Community Bodies<br><br>Internal STC will be provided in a phased manner with the STC provided to each village prior to the occupation of any homes that would be served by that phase of the STC in that village.   |
| <b>V1 to V6 STC Link</b>  | V1-6 | V1 to V6 STC Link (including via V5) to be delivered progressively alongside the development of Village 5 and Village 6 respectively and by the triggers set out in condition [ ] of the V1-6 planning permission<br><br>V6 STC to be delivered up to boundary of Village 7 and Village 5<br><br>Subject to agreed terms, V1-6 Owner to offer step-in rights to the V7 Owner allowing the owner of V7 to deliver the STC link across Village 6 and Village 5 to Village 1 ( <b>V1 to V6 Link Road Step-in Agreement</b> ). General collaboration covenants to be included to support comprehensive delivery including in respect of any necessary studies over appropriate route linking with V7.. |
| <b>Edinburgh Way / Howard Way Junction Improvement Works, including IO junction</b>           | V1-6 | Delivery by the earlier of (a) Occupation of 1500 Dwellings in Villages 1 to 7; and (b) use reasonable endeavours to deliver within 15 months after completion of the [CSC Works] (having regard to necessary consents to do the works)). It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106.  |
| <b>Central Stort Crossing Works include pedestrian and cycle bridge</b>                       | V1-6 | Delivery by the Occupation of 1,500 Dwellings in Villages 1 to 7.<br>It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106  |
| <b>Pedestrian and Cycle Improvement Works to Burnt Mill Lane</b>                              | V1-6 | Delivery trigger to be agreed  |
| <b>Eastern Stort Crossing Works (including Edinburgh Way/River Way Junction Improvements)</b> | V1-6 | Delivery by Occupation of 3,250 Dwellings in Villages 1 to 7.<br>It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, place-making, mode share considerations, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106.  |
| <b>ESC Ecology Compensation Area</b>  | V1-6 | Delivery by Occupation of 1,500 Dwellings in Villages 1 to 7   |
| <b>Pye Corner Public Realm Works</b>  | V1-6 | Delivery by Occupation of 3,500 Dwellings in Villages 1 to 7.<br>It is intended that the section 106 will also include an apportionment of this GA wide cap between the two applicants to facilitate comprehensive delivery, place-making, mode share considerations, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106.  |
| <b>Village 1 Travel Hub<sup>11</sup></b>  | V1-6 | Delivery of final travel hub by Occupation of 1,500 Dwellings in Village 1. However, an initial hub will be provided on the occupation of 200 dwellings and the facilities will evolve as Village 1 is built out.  |
| <b>Village 2 Satellite Travel Hub</b>   | V1-6 | Delivery by Occupation of 500 Dwellings in Village 2   |
| <b>Village 3 Satellite Travel Hub</b>   | V1-6 | Delivery by Occupation of 500 Dwellings in Village 3   |
| <b>Village 4 Satellite Travel Hub</b>   | V1-6 | Delivery by Occupation of 500 Dwellings in Village 4   |
| <b>Village 5 Satellite Travel Hub</b>   | V1-6 | Delivery by Occupation of 500 Dwellings in Village 5   |
| <b>Village 6 Satellite Travel Hub</b>   | V1-6 | Delivery by Occupation of 500 Dwellings in Village 6   |

<sup>11</sup> **Travel Hubs/Satellite Hubs:** These are facilities where interchange can take place between sustainable modes eg bus/cycle, bus/e-scooter etc. The exact facilities to be provided will be determined at Reserved Matters Application

stage.

|   |      |  |
|---|------|--|
| <b>Village 6 Western Access Works</b>   | V1-6 | Delivery by Occupation of 200 Dwellings in Village 6   |
| <b>Pardon Mill Cycle Improvements and A414 Crossing</b>                                     | V1-6 | Delivery by Occupation of 200 Dwellings in Village 6   |
| <b>Off Road Walking and Cycling Link to Elizabeth Way/ Pinnacles via Parndon Mill Works</b> | V1-6 | Delivery by Occupation of [200] Dwellings within Village 6   |
| <b>Hunsdon Cycle Link Works</b>   | V1-6 | Delivery by Occupation of 1,000 Dwellings within Village 1   |
| <b>Cock Robin Lane</b>  | V1-6 | Delivery by Occupation of 6,000 Dwellings within Villages 1 to 6   |
| <b>Travel Plans</b>   | V1-6 | <p>A Village 1 to 7 Gilston Area Travel Plan (GATP) including a Bus Strategy will be prepared and agreed prior to first occupation and implemented by the V1-6 Owner in collaboration with V7 Owners. Updates will be submitted as the scheme starts to be occupied and it will set out the interim mode share targets for each of the Villages.</p> <p>Travel Plans will also be prepared for each village and non-residential land uses including schools and key employers.</p> <p>The Travel Plan will include:</p> <ul style="list-style-type: none"> <li>• vouchers and other measures to encourage use of sustainable transport up to a value of £500 per dwelling;</li> <li>• Working with the authorities to introduce a bike hire scheme if feasible;</li> <li>• A Welcome Pack for each new household giving details of sustainable transport options;</li> <li>• Encouragement to use HCC car share web site;</li> <li>• Personal Travel Planning for households.</li> </ul> <p>The Travel Plan will be managed by a Travel Plan Co-ordinator (TPC) appointed and funded by the owners. The TPC will seek to engage with existing communities to assist them in using sustainable transport.</p> |
| <b>Transport Review Group (TRG)</b>   | V1-6 | <p>Implementation of the Travel Plan and monitoring of achievement of the modal share target of 60% of trips by sustainable modes will be overseen by the TRG. This will be a collaborative body comprising an equal number of members and votes for the authorities and the owners.</p> <p>The TRG is to make recommendations on how to spend the STI Fund. If the TRG is unable to approve a spending proposal HCC shall be the decision maker, subject to dispute resolution</p>  |

11 Transport Contributions (Village 7 contributions and triggers to be addressed as part of Village 7 outline but anticipated obligations included below for information purposes and context where relevant to total and to facilitate comprehensive delivery)

| Contribution <sup>12</sup>   | Percentage or amount of Contribution payable               | Land Bound | Trigger for delivery (unless otherwise agreed) <sup>13</sup>  |
|--|--|------------|---|
| <b>Amwell Roundabout Upgrade Contribution (£2.3m)</b>                      |  |            |   |
|  | Direct delivery or payment of Lesser of 85% and £1,955,000 | V1-6       | <p>Either:</p> <ul style="list-style-type: none"> <li>(a) Delivery by Occupation of 2,500 Dwellings in Villages 1 to 7<br/>OR</li> <li>(b) Payment of a contribution of £2.3m on the occupation of 1,500 Dwellings in Villages 1 – 7</li> </ul> <p>In both cases, the section 106 may also include an apportionment of these GA wide caps/funding contributions between the two applicants to facilitate comprehensive delivery, monitoring and enforcement (anticipated to be on an 85/15 split basis), but with the detail of any such apportionment to be finalized as part of the section 106 (a)</p> |
| <b>Bus Stop Contribution</b>   | £250,000   | V1-6       | Payment within 40 Working Days of receiving evidence from EHDC to justify the requirement for 11 new/upgraded bus stop facilities and that it intends to start construction of the bus stops  |
|  | £25,000  | V7         | triggers to be agreed   |
| <b>Harlow Town Station Northern Access Contribution (up to £5,200,000)</b> | £442,000   | V1-6       | Delivery by occupation of 200 Dwellings in Village 1 provided the Council has confirmed that Network Rail has agreed to use such monies to commission a feasibility study for the design and costing of a scheme to improve the northern access of Harlow station from the contribution amount unless Network Rail or another party wish to provide additional funding towards the feasibility  |
|  | £78,000  | V7         |   |
|  | Lesser of £4,375,800 or 85% of the costed scheme           | V1-6       | <p>Payment by the later of:</p> <ul style="list-style-type: none"> <li>(a) 40 Working Days of receiving the notice from Council confirming that Network Rail has prepared a costed scheme and is ready to deliver it; or</li> <li>(b) 1500 Dwellings in Village 1 to 6</li> </ul>   |
|  | Lesser of £772,200 or 15% of the costed scheme             | V7         | <p>Payment by the later of:</p> <ul style="list-style-type: none"> <li>(a) 40 Working Days of receiving the notice from Council confirming that Network Rail has prepared a costed scheme and is ready to deliver it; or</li> <li>(b) 500 Dwellings in Village 7</li> </ul>   |
| <b>Harlow Town Station Cycle Capacity Improvements Contributions</b>       | Lesser of 85% of the costs of the improvements or £75,000  | V1-6       | Payment by Occupation of 200 Dwellings in Village 1   |
|  | Lesser of 15% of the costs of the improvements or £13,235  | V7         | Payment by Occupation of 200 Dwellings in Village 7   |

12 Unless stated otherwise, all contributions will be paid direct to HCC and shall be indexed linked from dates to be agreed

<sup>13</sup> S106 to provide the right for any triggers to be varied by agreement

| Contribution <sup>12</sup>   | Percentage or amount of Contribution payable               | Land Bound | Trigger for delivery (unless otherwise agreed) <sup>13</sup>  |
|--|--|------------|---|
| Off Road Walking and Cycling Link to Elizabeth Way/ Pinnacles via Parndon Mill Works | 15% of actual costs of the works                           | V7         | For information purposes only for these HoTs. Contribution expected to be paid by V7. Infrastructure expected to be delivered by V1-6 owner as per earlier item).   |
| London Road, Sawbridgeworth Improvements Contribution                                | Lesser of 85% of the costs of the improvements or £850,000 | V1-6       | Payment by the earlier of Occupation of 3,250 Dwellings in Villages 1 to 6 and 3,500 Dwellings in the Gilston Area  |
|  | Lesser of 15% of the costs of the improvements or £150,000 | V7         | Payment by the earlier of Occupation of [ ] Dwellings in Village 7 and 3,500 Dwellings in the Gilston Area  |
| Garden Town/Offsite STC Network Contribution of £42.1 million (index linked)         | 85% or £35,788,000   | V1-6       | 15% of the V1-6 Owner's total Contribution amount at Occupation of 2000 and 3500 Dwellings in Villages 1 to 6<br>20% of the V1-6 Owner's total Contribution amount at Occupation of 5000 and 6500 Dwellings in Villages 1 to 6<br>30% of the V1-6 Owner's total Contribution amount at Occupation of 8000 Dwellings in Villages 1 to 6  |
|  | 15% or £6,315,000  | V7         | 5% of the total Contribution amount at Occupation of [500, 1000 and 1400] Dwellings in Village 7  |
| Crossing HIG Funding Repayment Contribution <sup>15</sup> (not Index Linked)         | 85% of the total contribution amount                       | V1-6       | To be paid in instalments and at triggers to be agreed. The amount of the contribution will need to be recalculated once the total amount of HIG drawn-down is known and again once the ESC has been delivered and 41% of its costs is known.<br>The total contribution amount is the amount of HIG drawn-down and spent on the CSC and ESC (including CPO and acquisition costs) less a credit for 41% of the actual costs of the ESC which relates to the share of the ESC costs that other HGGT sites are expected to pay for. |
|  | 15% of the total contribution amount                       | V7         | To be paid in instalments and at triggers to be agreed  |
| Alternative Projects HIG Funding Repayment   | 100% of the HIG drawn-down and                             | V1-6       | This contribution is to be added to the V1-6 Owner's share of the HIG Funding Repayment Contribution and repaid as part of it.  |

<sup>15</sup> Means the amount of HIG drawn-down and spent on the CSC and ESC (including CPO and acquisition costs) less a credit for 41% of the actual costs of the ESC. This 41% relates to the share of the ESC costs that other HGGT sites are expected to pay for. The Crossing HIG Funding Repayment Contribution is to be calculated at multiple times including post completion of the CSC and the ESC. Once the ESC actual costs have been confirmed the balance of the contribution will re-adjust. PfP to submit evidence to confirm the total amount of HIG spent on the CSC and the ESC as well as the actual costs of both.

| Contribution <sup>12</sup>                                  | Percentage or amount of Contribution payable | Land Bound | Trigger for delivery (unless otherwise agreed) <sup>13</sup>  |
|---|--|------------|---|
| <b>Contribution<sup>16</sup> (not Index Linked)</b>         | spent on the Alternative Projects            |            |   |
| <b>V1-6 Bus Services Enhancement Contribution</b>           | £5.6million                                  | V1-6       | Contribution to be paid in agreed instalments and used for pump priming of relevant Bus Services, including extensions and increases in frequency until the target bus service is achieved or they are self-funding. The draft bus strategy envisages a bus frequency of at least one bus every 5 minutes to the town centre and rail station.<br><br>HCC to procure the Relevant Bus Services in consultation with TRG and account to the Owners annually on the revenue and costs of the services |
| <b>Residential Vouchers (sustainable travel incentives)</b> | £4.25million (capped), not indexed linked    | V1-6       | Incentives/vouchers on sustainable transport measures of up to £500 voucher(s) to be offered to each Dwelling on first Occupation.<br><br>Any unused/expired value to be recycled to maintain £500 per dwelling value through the life of the development.  |
| <b>Monitoring Fund Contribution</b>                         | £1.25million (capped), index linked          | V1-6       | To be paid in agreed annual instalments and fund to be used to reimburse HCC's costs in check the monitoring information submitted by the V1-6 Owner and for ECC and HCC being a member of the TRG  |
| <b>Sustainable Transport and Innovation (STI) Fund</b>      | £10.4 million (capped), index linked         | V1-6       | Fund to be built up via agreed instalments and used to fund additional sustainable transport measures (including further bus subsidy) if the interim modal share targets are not being met or a failure is anticipated.<br><br>£700,000 of this fund can be used to introduce innovative transport measures irrespective of whether the interim targets are being met, with up to £100,000 being spent per Village. £6.4 million to be earmarked/ring fenced for further bus subsidies              |

<sup>16</sup> Calculation once the full amount of HIG has been drawn-down and again once the Alternative Projects have been completed to confirm the total costs of HIG spent on the Alternative Projects

## 12 Open Space/Play/Community Contributions

Village 7 contributions and triggers to be addressed as part of Village 7 outline but anticipated obligations included below for information purposes and context where relevant to total and to facilitate comprehensive delivery

| Descriptions                                  | Percentage or amount of contribution payable | Land Bound | Trigger for delivery (unless otherwise agreed)  |
|---|--|------------|---|
| <b>Athletics Contribution £102,647</b>        | £85,000                                      | V1-6       | Payment by Occupation of 3,500 Dwellings in Villages 1 to 6   |
|   | £17,647                                      | V7         | Trigger to be agreed  |
| <b>Household Waste Recycling Contribution</b> | £247,059                                     | V7         | Trigger to be agreed  |
|   | £1,400,000                                   | V1-6       | Triggers to be agreed   |
| <b>Library Contribution<sup>17</sup></b>      | £254,769                                     | V7         | Trigger to be agreed  |
|   | £1,900,000                                   | V1-6       | Triggers to be agreed   |
| <b>Playhouse Square Contribution £270,957</b> | 85% or £240,317                              | V1-6       | Payment by Occupation of 3,500 Dwellings in Villages 1 to 6   |
|   | 15% or £30,640                               | V7         | Trigger to be agreed  |
| <b>Rugby Contribution £1.99m</b>              | £169,150                                     | V1-6       | Payment by Occupation of 2,500 Dwellings in Villages 1 to 6   |
|   | £1,522,350                                   | V1-6       | Payment by Occupation of 6,500 Dwellings in Villages 1 to 6   |
|   | £33,160                                      | V7         | Payment by Occupation of 450 Dwellings in Village 7   |
|   | £265,340                                     | V7         | Payment by Occupation of 1,140 Dwellings in Village 7   |
| <b>Stort Valley Contribution £3.3825m</b>     | 15% or £382,500                              | V7         | Trigger to be agreed  |
|   | £1.2 million                                 | V1-6       | Payment by Occupation of 1,000 Dwellings within Village 1   |
|   | £900,000                                     | V1-6       | Payment by Occupation of 4,500 Dwellings within Villages 1 to 6   |
|   | £900,000                                     | V1-6       | Payment by Occupation of 7,000 Dwellings within Villages 1 to 6   |
| <b>Youth Facilities Contribution £490,455</b> | 15% or £73,568                               | V7         | Trigger to be agreed  |
|   | 85% or £416,887                              | V1-6       | Triggers to be agreed   |
| <b>Community Football Hub</b>                 | 85% of actual costs of the works             | V1-6       | Contribution to be paid to EHDC with EHDC to forward to V7 Owner (unless otherwise agreed) who are delivering the Community Football Hub. |

<sup>17</sup> Potential schemes/locations to be defined

|   |            |      |  |
|---|------------|------|--|
|   |            |      | Contribution payable within 40 Working Days of receiving the cost information confirming the actual costs of the Community Football Hub which cannot be given before [1000] Dwellings have been Occupied in Village s 1 to 6 |
| <b>Hertfordshire Fire &amp; Rescue Service and Hertfordshire Police</b> | £1,483,593 | V1-6 | Contribution (or land to facilitate delivery of new fire and police services hub in lieu of financial obligation) to be made available to HCC/EHDC. Triggers to be agreed.   |
|   | £261,811   | V7   | Contribution (or land) to be made available to HCC/EHDC. Triggers to be agreed.  |

### 13 Direct Delivery of Open Space/Play/Community

|                                  | Bound Land | Description   | Trigger for delivery (unless otherwise agreed)              |
|----------------------------------|------------|---|---|
| <b>Direct delivery covenants</b> | V1-6       | <p>To provide the Strategic Open Space, Open Space, Community Facilities and/or Public Art no later than the relevant Trigger unless an alternative trigger for delivery is otherwise agreed with the Council (acting reasonably)</p> <p>To observe and perform the Certification Procedure as it applies to each item of Strategic Open Space, Open Space or Community Facilities, including the making good of defects notified during the Maintenance Period. The Strategic Open Space and Open Space must be managed and maintained in accordance with the management arrangements approved by the Council</p> <p>To pay the reasonable and evidenced costs of the Independent Assessor who will carry out the Certification process, owing a duty of care to the Council</p> <p>To offer to transfer the Strategic Open Space and Village 1 Community Building in accordance with the overarching stewardship arrangements set out above.</p> <p>All Strategic Open Space and Community Facilities shall be kept open and available 24/7 save for certain closures for maintenance. Community User agreements shall be entered into to regulate the use of such by the Schools and the public.</p> |   |
| <b>Community facilities</b>      | V1-6       | Early Years Facilities in Village 1 up to 300m <sup>2</sup> GEA   | Prior to Occupation of [ ] Dwellings in Village 1           |
|                                  | V1-6       | Early Years Facilities in Village 2 up to 300m <sup>2</sup> GEA   | Prior to Occupation of [ ] Dwellings in Village 2           |
|                                  | V1-6       | Early Years Facilities in Village 3 up to 300m <sup>2</sup> GEA   | Prior to Occupation of [ ] Dwellings in Village 3           |
|                                  | V1-6       | Early Years Facilities in Village 4 up to 300m <sup>2</sup> GEA   | Prior to Occupation of [ ] Dwellings in Village 4           |
|                                  | V1-6       | Early Years Facilities in Village 5 up to 300m <sup>2</sup> GEA   | Prior to Occupation of [ ] Dwellings in Village 5           |
|                                  | V1-6       | Early Years Facilities in Village 6 up to 300m <sup>2</sup> GEA   | Prior to Occupation of [ ] Dwellings in Village 6           |
|                                  | V1-6       | Community Orchard   | Prior to Occupation of [ ] Dwellings in Village 4           |
|                                  | V1-6       | Gilston Bowling Club  | Prior to Occupation of [ ] Dwellings in Village 4           |
|                                  | V1-6       | Gilston Tennis Club   | Prior to Occupation of [ ] Dwellings in Village 4           |
|                                  | V1-6       | Health Facility up to maximum of 3515m <sup>2</sup> GEA and up to 460m <sup>2</sup> GEA Youth Space/Facilities to be built to a specification that will be approved by the LPA in consultation with the NHS but subject to an overall reasonable cost cap. The preference is one larger facility in Village 1. Health facility site in Village 1 to include an ambulance bay. NHS will be given a first right of refusal to take on a lease of the health facility(ies) at a subsidised market rate in early years.<br>In terms of delivery mechanism, the default position is that the Owner will deliver the facility to a specification to be approved by the LPA by an agreed trigger point   | Prior to Occupation of [ ] Dwellings within Villages 1 to 6 |

|      |   |  |
|------|---|--|
|      | but with flexibility built in for the NHS to deliver the facility on serviced land by a trigger point where agreed with the LPA and Owner together with a financial contribution in lieu.   |  |
| V1-6 | Leisure Centre comprised of the facilities set out in condition [ ] of the V1-6 planning permission or as determined as part of the Sports and Leisure Centre Review provided that such review cannot result in an increase in the size of the swimming pool (up to 6 lanes) or any new or additional facilities unless the Council gives notice to Owners that | Prior to Occupation of [ 4,500] Dwellings within Villages 1 to 6 |

|                                | Bound Land | Description  | Trigger for delivery (unless otherwise agreed)   |
|--------------------------------|------------|--|--|
|                                |            | (i) external funding has been secured to fund the increased costs associated with delivering a leisure centre that accommodates needs beyond the Development; and (ii) the contribution of the V7 Owner towards the Leisure Centre shall be reduced by an amount equivalent to 15% of the Leisure Centre increased costs |  |
|                                | V1-6       | Village 1 Community Building up to 1000m2 GEA <sup>18</sup>  | Prior to Occupation of [ 900] Dwellings in Village 1   |
| <b>Strategic Open Space</b>    | V1-6       | Channocks Farm Green Corridor  | Prior to Occupation of 1,100 Dwellings in Village 2  |
|                                | V1-6       | Eastwick Hall Green Corridor   | Prior to Occupation of 750 Dwellings in Village 6  |
|                                | V1-6       | Eastwick Valley Green Corridor (northern zone)   | Prior to Occupation of 500 Dwellings in Villages 5 and 6 combined  |
|                                | V1-6       | Eastwick Village Buffer  | Prior to Occupation of 750 Dwellings in Village 1  |
|                                | V1-6       | Eastwick Wood Park   | Stage 1 as defined on the [drawing] prior to Occupation of 6,250 Dwellings within Villages 1 to 6<br>Stage 2 as defined on the [drawing] prior to Occupation of 7,300 Dwellings within Villages 1 to 6   |
|                                | V1-6       | Fiddler's Brook Green Corridor   | Prior to Occupation of 1,400 Dwellings in Village 1  |
|                                | V1-6       | Gilston Fields   | The earlier of: (a) Occupation of 1,000 Dwellings in Village 4; and (b) Occupation of 5,000 Dwellings within Villages 1 to 6   |
|                                | V1-6       | Gilston Park   | Prior to the Occupation of 2,100 Dwellings within Villages 1 to 6  |
|                                | V1-6       | Golden Brook Riparian Corridor   | Stage 1 (which shall be defined on the Strategic Landscape Management Plan) prior to Occupation of the 500 Dwellings within Village 3 South<br>Stage 2 (which shall be defined on the Strategic Landscape Management Plan) prior to Occupation of the 500 Dwellings within Village 3 North |
|                                | V1-6       | Golden Grove and Sayes Coppice   | Prior to Occupation of 1000 Dwellings within Village 3   |
|                                | V1-6       | Home Wood  | Prior to the Occupation of [ ] Dwellings in Villages 1 to 6  |
|                                | V1-6       | Hunsdon Airfield Community Agriculture Park  | Stage 1 (which shall be defined on the Strategic Landscape Management Plan) prior to Occupation of 1,000 Dwellings within Villages 1 to 6<br>Stage 2 (which shall be defined on the Strategic Landscape Management Plan) prior to Occupation of 4,500 Dwellings within Villages 1 to 6     |
| <b>Open Space<sup>19</sup></b> | V1-6       | Maplecroft Wood & Great Pennys Farm  | Prior to Occupation of 1,000 Dwellings within Village 4  |
|                                | V1-6       | All areas Open Space identified in a Village or Neighbourhood in accordance with conditions [ ] of the planning permission   | All Open Space in a Reserve Matter Areas to be delivered by the triggered agreed in the relevant Residential Reserve Matters Approval or default triggers to be set out in the section 106 agreement   |

<sup>18</sup> Up to as 1,000 is the size for V1-7 and it will be 1000m2 GEA if V7 provide their own Community Building

<sup>19</sup> Includes all Village sport and play areas

|                              | Bound Land | Description   | Trigger for delivery (unless otherwise agreed)  |
|------------------------------|------------|---|---|
| <b>Biodiversity Net Gain</b> | V1-6       | Measures to be implemented to monitor Biodiversity Net Gain in line with planning conditions across the development   | Trigger to be agreed  |
| <b>Public Art</b>            | V1-6       | <p>£886,047 total to be spent on Public Art in the villages</p> <p>Expenditure for each Village unless otherwise agreed as part of the art Strategy:</p> <ul style="list-style-type: none"> <li>• Village 1: £200,000</li> <li>• Villages 2 to 6: £137,200 per Village</li> </ul> | <p>To submit for Council approval no later than first Commencement a strategy for integrating Public Art into the V1-6 Development as a means of contributing to local distinctiveness, placemaking and enhancing the public realm and quality of the Gilston Area Development.</p> <p>It shall provide a cost plan for spending the V1-6 Public Art Contribution with a higher proportion to be spent on Village 1 given its proximity to the Central Stort Crossing and its Pedestrian Footbridge</p> <p>To implement the Approved V1-6 Public Art Strategy according to its terms and submit an Annual Report to the Council to account for expenditure against the contribution (and required spending prior to completion of each Village)</p> |

# Agenda Item 6

**EAST HERTS COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**  
**ITEMS FOR REPORT AND NOTING**  
**FEBRUARY 2023**

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/21/0525/FUL   |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | Land To The East Of The Barracks Silver Leys Hadham Road Bishops Stortford Hertfordshire CM23 2QE |
| <b>Appellant</b>          | Mr Sam Gardiner   |
| <b>Proposal</b>           | Erection of one 5 bedroom dwelling and one 6 bedroom dwelling with car parking.                   |
| <b>Appeal Decision</b>    | Dismissed   |

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/21/1092/OUT  |
| <b>Decsn</b>              | Not Determined   |
| <b>Level of Decision</b>  | Not Determined   |
| <b>Address</b>            | Land To The West Of The Grove Bury Green Little Hadham Hertfordshire   |
| <b>Appellant</b>          | Hastingwood Estates Limited  |
| <b>Proposal</b>           | Outline planning with all matters reserved accept access for the erection of 2, three bedoomed and 2 four bedoomed self-build dwellinghouses |
| <b>Appeal Decision</b>    | Dismissed  |

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/21/2441/HH  |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | Jesmond Cottage 2 Cross Road Epping Green Hertfordshire SG13 8NG          |
| <b>Appellant</b>          | Mr F Banner   |
| <b>Proposal</b>           | Conversion of existing stable building into a one bedroom detached annexe |
| <b>Appeal Decision</b>    | Dismissed   |

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/22/0867/HH   |
| <b>Decsn</b>              | Refused  |
| <b>Level of Decision</b>  | Delegated  |
| <b>Address</b>            | Dene Orchard 5 Little Berkhamsted Lane Little Berkhamsted Hertfordshire SG13 8LU |
| <b>Appellant</b>          | Mrs I Merry  |
| <b>Proposal</b>           | First floor rear extension.  |
| <b>Appeal Decision</b>    | Allowed  |

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/22/0967/FUL  |
| <b>Decsn</b>              | Refused  |
| <b>Level of Decision</b>  | Delegated  |
| <b>Address</b>            | Land Adjacent To Ladygrove Stanstead Road Hunsdon Ware Hertfordshire SG12 8PZ  |
| <b>Appellant</b>          | Mr Stephen Burton  |
| <b>Proposal</b>           | Erection of ground mounted solar array on the site of part of the applicants garden consisting of 72 panels in 2 rows, each row 18 panels long by 2 panels high. |
| <b>Appeal Decision</b>    | Allowed  |

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/22/1012/HH  |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | 82 Cappell Lane Stanstead Abbotts Ware Hertfordshire SG12 8BY   |
| <b>Appellant</b>          | Mr & Mrs Brayshaw   |
| <b>Proposal</b>           | Demolition of single storey side extension. Erection of two storey side extension. Alterations to fenestration and raising of ground floor roof height to rear. |
| <b>Appeal Decision</b>    | Dismissed   |

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/22/1039/HH  |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | Churchfield Moor Green Road Ardeley Stevenage Hertfordshire SG2 7AP |
| <b>Appellant</b>          | Mr Mick Dedman  |
| <b>Proposal</b>           | Construction of detached garage                                     |
| <b>Appeal Decision</b>    | Allowed   |

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/22/1368/HH  |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | 17 DovedaleWareHertfordshireSG12 0XL  |
| <b>Appellant</b>          | Mrs Claire Green  |
| <b>Proposal</b>           | Erection of part single and part two-storey rear extensions with additional windows to first floor rear elevation and ground and first floor side elevations. |
| <b>Appeal Decision</b>    | Allowed   |

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/22/1608/HH  |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | Beards OakMoor Green RoadArdeleyStevenageHertfordshireSG2 7AN   |
| <b>Appellant</b>          | Mrs Hazel Georgiades  |
| <b>Proposal</b>           | Two storey rear extension incorporating two rooflights. insertion of dormer window, alterations to front porch, creation of car port and alterations to fenestration. |
| <b>Appeal Decision</b>    | Allowed   |

#### Background Papers

Correspondence at Essential Reference Paper 'A'

Sara Saunders, Head of Planning and Building Control – Extn: 1656



## Appeal Decision

Site visit made on 6 February 2023

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> February 2023

**Appeal Ref: APP/J1915/W/22/3305648**

**Land to the East of The Barracks, Silver Leys, Bishop's Stortford CM23 2QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Sam Gardiner against the decision of East Hertfordshire District Council.
- The application Ref 3/21/0525/FUL, dated 8 March 2021, was refused by notice dated 22 February 2022.
- The development proposed is creation of 2 new dwellings.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the proposal upon the character and appearance of the area, having particular regard to the effect upon protected trees.

### Reasons

#### *Background and the proposal*

3. A Tree Preservation Order<sup>1</sup> applies to a defined area, of which the site forms part, and relates to several trees of whatever species that stood in the area when the Order was made. The site takes the appearance of an unmanaged woodland, with numerous established trees of varying species and sizes in place upon it. Owing to its generous ground coverage, the maturity of many of its trees, and its visibility from publicly accessible vantage points, the site has considerable amenity value and makes an important contribution to the often-verdant local landscape and to the character and appearance of the area.
4. The proposal involves the introduction of two large dwellings to the site as well as additional areas of hardstanding for the purpose of providing internal access, parking and turning. The intended positions of the dwellings on the site have, in broad terms, been guided by the locations of existing trees in the interests of seeking to limit conflict between new development and existing tree cover. Even so, submitted Tree Protection Plans indicate the removal of several trees, including a large oak tree<sup>2</sup> (the large oak), and development close to various other trees intended to be retained.

<sup>1</sup> The East Hertfordshire District Council (Silver Leys, Bishop's Stortford) Tree Preservation Order (No. 11) 1980

<sup>2</sup> T22, as surveyed and reported via the Arboricultural Impact Assessment (August 2020) (the AIA)

*Tree removals*

5. The intended removal of the large oak, which is located approximately centrally within the site, raises concern. Despite visible fungal brackets to its main stem and some minor defects to its crown, the large oak's main elements appeared structurally sound upon inspection and nothing has been submitted to clearly demonstrate otherwise. Moreover, it is a very prominent and visible specimen that has developed a natural and attractive shape and form. It has been graded, through the AIA, as being moderate quality with a remaining minimum lifespan of 20 years whilst, through a separately produced Tree Survey (December 2018), it is identified as being of fair condition with an estimated life expectancy of more than 40 years. I have no reason to doubt that the tree, without intervention, could survive upon the site for many years.
6. Whilst the AIA recommends more detailed investigations to ascertain the extent of any decay to the large oak, I am unaware of any additional investigations carried out. As such, whilst the intended felling of the large oak is analogous with the appellant's plans for developing the site, no detailed or convincing justification has been provided for its removal, which would result in a marked reduction in the visual amenity offered by the site's tree cover.
7. This identified adverse effect would be exacerbated, to at least some degree, by the further removals that are intended adjacent to the southern edge of the site. Indeed, whilst clearly smaller than the large oak and potentially of self-seeded origin, the cluster of trees earmarked for removal makes a valid contribution to the amenity of the local area. Consistent with the tree report contained within the AIA, this contribution could be reasonably anticipated to endure for at least another 20 years.
8. Thus, the proposed tree removals, especially when considered in combination, would cause considerable harm to the character and appearance of the area. I also note that any possible scheme of replacement planting would take time to establish, and that any newly planted specimen would take many years to reach a comparable stature to any established/mature tree that would be lost.

*Retained trees*

9. The numerous large-sized trees that are intended to be retained in proximity to the new dwellings include mature oaks, which are identified at Appendix B of the Tree Survey (2018) as the most significant trees of the highest amenity value within the woodland. I concur with this assessment.
10. One such mature oak<sup>3</sup> is particularly prominent and categorised as being of high quality. The built footprint of proposed House B is intended to protrude beneath a part of its canopy and the principal south-facing elevation of House A would have a direct and close relationship with this tree. A further established tall oak<sup>4</sup> would, I note, exist very near to House B. There would inevitably be some anticipated effects experienced by future occupiers of the development due to the potential threat of damage to property and loss of light/shading. Furthermore, given the continuity of tree cover that exists across the northern side of the site, it is realistic to speculate that future desires to remove or heavily prune trees of value could avail in the interests of improving the

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<sup>3</sup> T5, as surveyed and reported via the AIA

<sup>4</sup> T4, as surveyed and reported via the AIA

useability of private garden spaces. Such a prospect would be most likely to apply at the plot to contain House B.

11. The existence of the TPO is a relevant factor when gauging the level of future risk that retained trees would be subjected to. Indeed, separate future applications would need to be made and approved by the Council before works to protected trees could lawfully be carried out. It is also anticipated that future house owners/occupiers would be fully aware of the presence of protected trees and the scheme's design approach before taking occupation. Even so, I do not consider that these factors would fully account for the anticipated future pressures that would be placed upon retained trees. This is not least due to the considerable scale and coverage of the tree canopies envisaged to be retained and their associated potential to influence day-to-day living arrangements at the site.
12. I also note that there would be limitations in terms of how far any possible management/maintenance regime could realistically go in terms of protecting the long-term future of trees. This is particularly so given the intended private garden area locations of many of the trees.
13. As such, even without factoring in any possible implications of new hardstanding at the site upon root systems, the proposal would be likely to have a negative long-term effect upon the integrity of protected trees intended to be retained. This would lead to a further erosion of the site's verdant character, which would exacerbate the considerable harm I have already identified would be caused by the proposed tree removals.

#### *Conclusion on the main issue*

14. For the above reasons, having particular regard to the effect upon protected trees, the proposal would cause significant harm to the character and appearance of the area. The scheme conflicts with Policies DES3 and DES4 of the East Herts District Plan (October 2018) (the EHDP) in so far as these policies set out that development proposals must demonstrate how they will retain, protect and enhance landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features, and require that proposals respect or improve upon the character of the site and the surrounding area.

#### **Other Matters**

15. I have noted objections/concerns raised by interested parties with respect to matters including the location of the proposed access route through the site, the proximity of a listed brickwork wall, the potential for noise and disturbance to occur, and site arrangements during the construction phase. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
16. The proposed dwellings are of high-quality modern design and would incorporate specialist and sustainable construction techniques (including the creation of voids to clear root systems). Moreover, two well-designed family-sized residential units are proposed in a central location and the National Planning Policy Framework (July 2021) reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. Nevertheless, two additional units would not make a clear or noticeable

difference to the District-wide housing supply situation. I thus attach relatively limited weight to the delivery of new housing as a scheme benefit.

17. The scheme would also create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. However, these benefits attract limited weight due to the somewhat modest scale of development under consideration. Any possible biodiversity enhancements to be achieved would be minor (especially in the context of the tree removals that are planned) and attractive of limited weight in the planning balance.
18. The scheme's benefits, considered cumulatively, would not outweigh the significant harm and associated policy conflicts that I have identified. Whilst I accept that the proposal complies with various policy provisions that are contained within the EHDP and the Neighbourhood Plan<sup>5</sup>, including with specific respect to both innovative design and future on-site living conditions, there is conflict with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

### **Conclusion**

19. For the above reasons, the appeal is dismissed.

*Andrew Smith*

INSPECTOR

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<sup>5</sup> Bishop's Stortford Town Council Neighbourhood Plan for Silverleys and Meads Wards 2021-2033



## Appeal Decision

Site visit made on 29 June 2022

by **S D Castle BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

**Appeal Ref: APP/J1915/W/21/3279812**

**Land West of The Grove, Bury Green, Little Hadham SG11 2EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Hastingwood Estates Limited against East Hertfordshire District Council.
- The application Ref 3/21/1092/OUT, is dated 23 April 2021.
- The development proposed is erection of 4 no self-build dwellinghouses.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is for outline planning permission with approval sought at this stage for access only, with layout, appearance, landscaping and scale reserved for future approval. Whilst the submitted proposed block plan shows how the site might be developed, I have treated details other than access as indicative and not as formally part of the scheme.
3. This appeal is against the failure of the Council to make a decision within the prescribed period. Following the lodging of the appeal, the Council has indicated that, had it been in a position to do so, it would have refused the application for the following three reasons:
  - i. *The proposed development would not accord with the development strategy for the district. The scheme would not represent an acceptable form of development in the Rural Area Beyond the Green Belt. The site is situated in an unsustainable location for residential development, and the future occupiers of the dwellings would be reliant on the use of the private vehicle to access basic amenities, services and facilities. Therefore, the proposal would not facilitate sustainable journeys. The proposed scheme would be contrary to Policies DPS2, GBR2, VILL3 and TRA1 of the East Herts District Plan (2018).*
  - ii. *Insufficient information has been provided to demonstrate that a net gain in biodiversity would be achieved at the site. As such, the proposal fails to comply with Policy NE3 of the East Herts District Plan (2018).*
  - iii. *The submitted unilateral undertaking would fail to suitably secure the site for self-build and custom-build housing. Therefore, the proposed development would be contrary to Policy HOU8 and Policy DEL2 of the East Herts District Plan (2018), and Section 5 of the National Planning Policy Framework (2021).*

## Main Issues

4. The main issues are whether or not the site is a suitable location for housing having regard to the development plan; whether or not sufficient information has been provided to demonstrate that a net gain in biodiversity would be achieved at the site; and whether or not, in the overall planning balance, there are material considerations that would justify the granting of outline planning permission.

## Reasons

### *Location*

5. The Council's development strategy, as set out within Policy DPS2 of the East Herts District Plan (EHDP), sets out a hierarchy of locations where new development will be focussed, including limited development in the villages of the district. The proposed dwellings would be sited within an existing paddock located at the north-eastern edge of Bury Green, a Group 3 Village as defined by EHDP Policy VILL3. Within Group 3 Villages, Policy VILL3 provides for only limited infill development identified in an adopted Neighbourhood Plan. The site is not identified for development within an adopted Neighbourhood Plan and the proposal is not, therefore, supported by Policy VILL3.
6. The dwellings would be situated within the 'Rural Area Beyond the Green Belt' (RABGB) as defined by the EHDP Policies Map. In order to maintain the RABGB as a valued countryside resource, EHDP Policy GBR2 permits a limited range of development types, including limited infilling in sustainable locations, where appropriate to the character, appearance and setting of the site and/or the surrounding area. As the site is bounded by open countryside to the north and east, it does not constitute an infill site. Consequently, the proposed development is contrary to EHDP Policy GBR2.
7. EHDP Policy TRA1 relates to sustainable transport and requires that development proposals should be primarily located in places which enable sustainable journeys to be made to key services and facilities by a range of sustainable transport options. As a Group 3 Village, Bury Green would not provide the facilities and services necessary to meet the daily needs of future residents. The appellant has identified various travel distances to the nearest settlements providing key services, including 2.25km to Little Hadham and 4.5km to the centre of Bishops Stortford. Little Hadham is identified by the EHDP as a Group 2 Village and the appellant advises that it provides a primary school and village hall. Bishop's Stortford is the largest town in the district and, accordingly, provides a wide range of services and facilities, including a large supermarket on its outskirts which the appellant advises is 2.25km from the site.
8. Access to the above noted larger settlements on foot and cycle would require travel along narrow and unlit roads, often without segregated footways. Such conditions would make journeys uncomfortable for pedestrians and cyclists. Furthermore, it is unclear as to the extent to which the proposed development would be served by buses in terms of the location of the nearest stop and the frequency of service. These factors, combined with the length of the required journeys, would act as a deterrent for future occupiers to walk and cycle to the nearest key facilities and services. It is therefore likely that prospective residents would be heavily reliant on private motorised transport for trips to

serve their everyday needs and employment. The development would not, therefore, enable sustainable journeys to be made to key services and, in this regard, is contrary to EHDP Policy TRA1.

9. Accordingly, on this first main issue, it is concluded that the proposed development would not accord with EHDP Policies DPS2, GBR2, TRA1 and VILL3, which taken together, require, amongst other things, development to be sustainably located within the district in accordance with the development strategy.

#### *Biodiversity*

10. EHDP Policy NE3 requires that development should not only seek to enhance biodiversity, but must also demonstrate how the development improves the biodiversity value of the site and surrounding environment. Paragraph 174 of the National Planning Policy Framework (the Framework) requires that planning policies and decisions should contribute to and enhance the local environment in a number of ways, including the provision of net gain for biodiversity. The Government's Planning Practice Guidance (PPG) defines biodiversity net gain as works which deliver 'measurable improvements for biodiversity by creating or enhancing habitats in association with development.<sup>1</sup>'
11. The appellant's submitted Preliminary Ecological Assessment (PEA) includes a range of recommendations aimed at ensuring both that protected species are protected and that the site is enhanced for the benefit of biodiversity. Whilst there is no one approach that is mandatory for use in calculating if biodiversity net gains would be achieved, the PEA lacks detail regarding the existing and proposed biodiversity values of the site. As such, there is insufficient evidence to demonstrate whether the development offers overall net gains in biodiversity.
12. I acknowledge that, given the outline stage of the proposal, many of the details that may affect the final biodiversity value of the site would be confirmed at the later reserved matters stage. I also note that the PPG advises planning conditions can, in appropriate circumstances, be used to require that a development provides for works that will measurably increase biodiversity<sup>2</sup>. However, given the lack of detail regarding the existing and potential biodiversity values of the site, I cannot be certain that a condition would be appropriate in this case.
13. Consequently, insufficient information has been provided to demonstrate that the proposed development would result in a net gain in biodiversity of the site and surrounding environment. The proposed development, therefore, fails to comply with EHDP Policy NE3 and Framework paragraph 174.

#### **Other Matters**

##### *Self-build and Custom Housebuilding*

14. The proposal is for open market, self-build/custom-build dwellings. The PPG states<sup>3</sup> that, in relation to self-build and custom housebuilding (SBCH), relevant authorities should consider how local planning policies may address identified

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<sup>1</sup> Paragraph 022, Reference ID: 8-022-20190721

<sup>2</sup> Paragraph: 023, Reference ID: 8-023-20190721

<sup>3</sup> Paragraph: 025 Reference ID: 57-025-20210508

requirements for SBCH to ensure enough serviced plots with suitable permission come forward. Support for SBCH is also set out at paragraph 62 of the Framework, where it states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, amongst others, people wishing to commission or build their own homes). Accordingly, EHDP Policy HOU8 expects a proportion of serviced dwelling plots on sites of more than 200 dwellings to be for sale to self-builders, and that locally proposed self-build projects identified within a Neighbourhood Plan will be supported. Given the small scale of the proposed development and the lack of an adopted neighbourhood plan, neither of these provisions of Policy HOU8 explicitly support the development.

15. Footnote 28 to Framework paragraph 62 reminds that under section 1 of the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (the Act), local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own SBCH building. Footnote 28 also notes that local authorities are subject to duties under sections 2 and 2A of the Act to have regard to the SBCH Register and to give enough suitable development permissions to meet the identified demand. The appellant's evidence regarding the Council's SBCH Register indicates that there is significant and ongoing registered demand for SBCH plots within the district, including in rural areas. The Council does not dispute that the evidence provided by the appellant indicates insufficient permissions have been granted to meet the demand for SBCH plots demonstrated within the Register.
16. As such, I find that the Council has not satisfactorily demonstrated that it has met its duty under Section 2A of the Act. Where insufficient SBCH permissions have been granted to meet demand in accordance with the statutory duty, then this will be a material consideration in favour of granting permission and I return to this matter later.

#### *Heritage*

17. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. S72(1) of the LBA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The appellant's heritage statement identifies that the proposed dwellings would be located to the east of the Grade II listed Holly Tree Cottage and to the east of the Bury Green Conservation Area boundary. Subject to the final details of the reserved matters, the significance of these heritage assets would be preserved by virtue of the proposed development representing an extension of the existing intervening modern development on The Grove.

#### **Planning Balance**

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. I have identified that the proposed development does not accord with EHDP policies that require development to be sustainably located within the district in accordance with the development strategy. Furthermore,

the proposal is contrary to EHDP Policy NE3 by virtue of failing to demonstrate a net gain in biodiversity would be achieved. The proposed development is not, therefore, in accordance with the development plan when taken as a whole and the identified development plan conflict is afforded considerable weight.

19. I have considered the appeals referred to me by the main parties, including those at Droitwich Spa<sup>4</sup>, Aston End<sup>5</sup>, Chilton<sup>6</sup>, Steventon<sup>7</sup>, Lower Bodham<sup>8</sup> and Sandway<sup>9</sup>. In the majority of the referred appeals, substantial weight is given to the delivery of SBCH plots where Councils have not met their duty under Section 2A of the Act. In the final planning balance of these appeals, however, the substantial weight given to the delivery of SBCH plots does not always outweigh other considerations. Indeed, in the dismissed appeals at Sandway and Chilton, conflict with development plan policies steering development to sustainable locations was found to outweigh the benefits of delivering SBCH plots.
20. The allowed appeal at Steventon differs from the current proposal in so far as the Inspector found the development to be in line with the development plan's strategy for housing delivery. The circumstances of the allowed appeal at Droitwich also differ from those of the current proposal due to the Inspector finding the tilted balance to be triggered by virtue of the development plan being silent on the provision of SBCH. The EHDP, in contrast, includes a specific policy relating to SBCH and the most important policies for determining this appeal are not out of date. The policies referred to in the Council's putative refusal reasons are broadly in line with the aims of the Framework, in so far as they seek to focus development in the most sustainable and accessible parts of the district, and to provide net gains for biodiversity. The different circumstances of these allowed appeals in contrast to the current appeal limits their direct comparability and, consequently, the weight afforded to them. I have, in any case, reached my own conclusions on the proposed development based on the evidence before me.
21. I find the development would, given the limited number of dwellings proposed, make only a limited contribution to the Government's overall objective of significantly boosting the supply of homes. The proposed development is, however, also supported by the Framework requirement for the needs of groups with specific housing requirements to be addressed.<sup>10</sup> As such, given the Council's shortfall in granting SBCH permissions, I give substantial weight to the delivery of 4 SBCH plots and their contribution to meeting the Council's duty under Section 2A of the Act.
22. I have had regard to the concerns of interested parties including in relation to character and appearance, drainage, living conditions and highways impact. The Council did not conclude that these concerns would amount to reasons to justify withholding planning permission. I have been provided with no substantive evidence which would prompt me to disagree with the Council. I am, therefore, satisfied that these matters could be appropriately controlled through the imposition of planning conditions.

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<sup>4</sup> Appeal Ref: APP/H1840/W/19/3241879, Wychavon District Council

<sup>5</sup> Appeal Ref: APP/11915/W/20/3261881, East Hertfordshire District Council

<sup>6</sup> Appeal Ref: APP/V3120/W/20/3261691, Vale of White Horse District Council

<sup>7</sup> Appeal Ref: APP/V3120/W/20/3265465, Vale of White Horse District Council

<sup>8</sup> Appeal Ref: APP/Y2620/W/21/3270961, North Norfolk District Council

<sup>9</sup> Appeal Ref: APP/U2235/W/20/3254230, Maidstone Borough Council

<sup>10</sup> Framework paragraphs 60 & 62

23. Whilst the Act, in combination with national and local policies, seek to support the delivery of SBCH, they do not represent a carte blanche for housing development where other policy conflicts exist. Indeed, there is no compelling evidence before me to demonstrate that the proposed SBCH dwellings need to be located where they would conflict with the Council's development strategy. Overall, I find that the substantial weight given to the delivery of the proposed SBCH dwellings does not outweigh the considerable weight given to the above identified policy conflicts with the EHDP.
24. In light of this overall finding, for the purposes of making my decision, there is no need to examine the dispute between the main parties regarding the appropriate legal mechanism to ensure that the SBCH development is constructed in that manner. The proposed development would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

### **Conclusion**

25. For the reasons given above, the appeal is dismissed.

*S D Castle*

INSPECTOR



## Appeal Decision

Site visit made on 21 December 2022

**by Peter White BA(Hons) MA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 February 2023**

**Appeal Ref: APP/J1915/W/22/3295071**

**Jesmond Cottage, 2 Cross Road, Epping Green SG13 8NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr F Banner against the decision of East Hertfordshire District Council.
- The application Ref 3/21/2441/HH, dated 21 September 2021, was refused by notice dated 17 November 2021.
- The development proposed is conversion of the existing stable building into a one bedroom detached annexe.

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The appellant provided an equestrian needs assessment with the appeal. As a consequence, the Council confirm that the first reason for refusal, which relates to the impact of the loss of equestrian facilities, has been overcome. I have therefore considered the appeal on that basis.
3. The appeal lies within the metropolitan Green Belt. The appellant and the Council agree that the extensions and alterations of the building within its existing roof structure would not result in disproportionate additions over and above the size of the original building. I have no reason to disagree. The development is therefore not inappropriate development in the Green Belt and accords with EHDP Policy GBR1.

### **Main Issue**

4. The main issue is therefore whether the proposed annexe would be close and well-related to the dwelling, would have a clear functional link to it, and would constitute the minimum level of accommodation required.

### **Reasons**

5. Jesmond Cottage is a dwelling in spacious grounds in the rural village of Epping Green. The appeal site comprises a dwelling and its garden, accessed from Cross Road, together with an equestrian menage and stable building which is no longer used for horses. Behind the stables is a concrete yard and vehicular access onto White Stubbs Lane, which serves the stables and rear garden as well as fields to the north and east rented by the appellant.
6. East Herts District Plan 2018 ("EHDP") Policy HOU13 permits residential annexes where the accommodation forms a separate outbuilding which is close and well related to and has a clear functional link to the main dwelling, where

the scale of the annexe does not dominate the existing dwelling and where it is the minimum level of accommodation required to support the needs of the occupant.

7. Although the design of the scheme incorporates windows that would face the existing dwelling, the drawings show that the entrance doors would be located on its far side. In that location adjacent to the rear access onto White Stubbs Lane, the location of the entrance would facilitate additional or independent access, parking and turning from White Stubbs Lane. Internally, the accommodation would also incorporate all the facilities required for independent living, plus a utility room and a visitor ensuite, and would be a significant size.
8. Even if family meals were taken in the main dwelling, as the appellant suggests they could be, and the future occupier(s) of the annexe had access to the garden and cars could be parked at the front of the main dwelling, the accommodation would appear to be designed and capable of being used independently, and would have all the facilities for independent use. Given the arrangement of the accommodation and the layout of the external space I am not convinced that a clear functional link would be established between the annex and the host dwelling.
9. In this respect I note the appellant acknowledges the accommodation could be converted into a dwelling in its own right, but advises that is not his intention. He considers a planning condition could establish and secure the accommodation as an annexe to the main dwelling. However, for the reasons I have set out, there is very little to distinguish the proposed accommodation from an independent dwelling.
10. In addition, boundary treatments between the dwelling and the stables could normally be erected without planning permission, as could separate utility connections. In this respect, the site plan indicates a solid line between the proposed annexe and the main dwelling, and although the appellant's statement advises there would be no separation between them, the line illustrates how separate spaces could be achieved. Further, external surface changes within the curtilage of the dwelling, to provide a separate garden area and improve the surfacing of the access and parking area, may be permitted development.
11. Overall, the nature of the proposal is so similar to that of an independent dwelling that I can see no tangible way the Council could establish and demonstrate whether the use had become an independent dwelling. Therefore, a condition restricting occupancy of the annexe would not be enforceable and would not meet the tests for conditions set out in paragraph 56 of the National Planning Policy Framework ("the Framework").
12. In terms of the size of the accommodation proposed, the Council refer to the Technical Housing Standards 2015<sup>1</sup>. But EHDC Policy HOU13 is concerned with the minimum level of accommodation required to support the needs of occupants, and the text supporting the policy explains that applicants should justify the level of accommodation proposed.

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<sup>1</sup> Department for Levelling Up, Housing & Communities and Ministry of Housing, Communities & Local Government: Technical housing standards – nationally described space standard.

13. The existing stables is a relatively large structure with four loose boxes, tack and feed stores, an open central area and an overhanging roof. The development would enclose the central and overhanging areas, enlarging the internal space of the building. The annexe would be generously sized and would contain facilities not normally found in an annexe, such as a utility room and visitor en-suite.
14. The appellant advises that the accommodation is the minimum required for his daughter's needs. However, there is little evidence before me of these needs. Therefore, given the size and nature of the proposed accommodation and the limited evidence of need, I cannot be satisfied that the proposal would be the minimum level of accommodation required to support the needs of the occupant.
15. The generous size of the plot puts an element of distance between the main dwelling and the stables. At the time of my visit there was no fencing between the dwelling and the stables, and the lawn and a path continued up as far as the concrete apron in front of the stables. At ground and first floors, large glazed areas of the dwelling, and a balcony, directly face the stables and are visible from them. In the context of this particular site, the annexe would therefore be relatively close to the main dwelling, and reasonably related to it.
16. Overall, the proposed annexe would therefore be close and well-related to the dwelling, but would not have a clear functional link to it, and would not constitute the minimum level of accommodation required to support the needs of an individual living in an annexe. Consequently, it would conflict with EHDP Policy HOU13, which is described above.

### **Other Matters**

17. While the appellant suggests that the re-use of the stables would prevent the building from falling into disrepair, there is little to indicate that the building would not be maintained. This matter carries very limited weight.
18. The use of the stables as an annexe may reduce the need for independent accommodation elsewhere. This very limited contribution to the housing land supply attracts little weight in favour of the proposed development.

### **Conclusion**

19. For the reasons above, the limited benefits of the development would not outweigh the harm I identify in relation to the main issue, and the corresponding conflict with the development plan, to which I attribute significant weight.
20. I conclude the development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that suggest a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

*Peter White*

INSPECTOR



## Appeal Decision

Site visit made on 6 February 2023

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> February 2023

**Appeal Ref: APP/J1915/D/22/3306358**

**Dene Orchard, 5 Little Berkhamsted Lane, Little Berkhamsted, Hertfordshire, SG13 8LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Laurie Merry against the decision of East Hertfordshire District Council.
- The application Ref. 3/22/0867/HH, dated 22 April 2022, was refused by notice dated 30 June 2022.
- The development is a first-floor rear extension.

### Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear extension at Dene Orchard, 5 Little Berkhamsted Lane, Little Berkhamsted, Hertfordshire, SG13 8LU in accordance with the terms of the application, Ref. 3/22/0867/HH, dated 22 April 2022.

### Preliminary Matter

2. The first-floor extension the subject of this appeal had already been completed by the time of my site visit and retrospective planning permission is being sought. I have considered the appeal on this basis.

### Main Issue

3. The main issues are:
  - (a) whether the extension is inappropriate development in the Green Belt and the effect on openness;
  - (b) whether the extension would preserve or enhance the character or appearance of the Little Berkhamsted Conservation Area;
  - (c) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### *Whether inappropriate*

4. The appeal site falls within the Hertfordshire Green Belt, where Policy GBR1 of the East Herts District Plan (2018) advises that planning applications will be

considered in line with the provisions of the National Planning Policy Framework (the Framework).

5. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The Framework advises that new buildings in the Green Belt should be regarded as inappropriate development, subject to a number of express exceptions. Inappropriate development is, by definition, harmful to the Green Belt.
6. Provision is made, amongst the listed exceptions to inappropriate development, for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The dwelling on the appeal site has been altered and extended a number of times and is no doubt somewhat larger than the original. However, there is disagreement between the parties as to the extent of the additions.
8. The Council suggests an 82% increase in footprint but does not explain how this figure has been reached. Nor is footprint alone a particularly useful measure in understanding any increase in mass to the building or its effect on openness. The appellant suggests a lower figure, having regard to plans of the building, and so there is uncertainty about the extent of previous extensions, though there is no doubt that sizeable additions have been made.
9. Whether an extension to the original building is disproportionate, along with previous extensions and alterations, is ultimately a matter of planning judgement. The Council does not refer to any adopted local policies or guidance that indicate what scale of addition is generally considered suitable in East Hertfordshire.
10. I note that large extensions have been added in the past and that there are a number of garden buildings and structures. However, the dwelling occupies a very large and well-landscaped garden. It stands in a settlement that is characterised by large dwellings, within a defined 'built up area'.
11. There is little information before me about the design and form of the original building, but even having regard to previous extensions and alterations, the proposed extension at less than 10sqm does not 'tip the scales' or result in the additions being disproportionate in their context. It is a first-floor addition over an existing flat roofed extension, such that it has little visual impact or mass. It is very well related to the existing built form on site and so its effect on openness is negligible.
12. Ultimately, having found that the extension would not be disproportionate, it is manifestly suitable in the Green Belt, given that it falls within the Framework's exceptions to inappropriate development. Consequently, I find no conflict with Policy GBR1 of the East Herts District Plan.

#### *Conservation area*

13. The appeal site falls within the Little Berkhamsted Conservation Area and so I have had special regard to section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The first-floor rear extension is a modest addition to the property that appears subordinate and utilises matching

materials. The Council considers that the character and appearance of the conservation area has been preserved and I am inclined to agree.

### **Conditions**

14. I note the Council's suggested conditions to stipulate the time period for commencement of development, identifying the approved plans and requiring the use of matching materials. However, as I have set out, the development has already been undertaken in accordance with the plans submitted and is acceptable in its completed form. As such, there is no requirement for any conditions.

### **Conclusion**

15. The development is not inappropriate and would not harm the Green Belt. As such, I find no conflict with the Framework or the development plan.

16. In light of the above, the appeal is allowed.

*Michael Boniface*

INSPECTOR



## Appeal Decision

Site visit made on 7 January 2023

**by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> February 2023**

**Appeal Ref: APP/J1915/D/22/3306172**

**Ladygrove, Stanstead Road, Hunsdon, Hertfordshire SG12 8PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stephen Burton against the decision of East Herts District Council.
- The application Ref: 3/22/0967/FUL, dated 7 May 2022, was refused by notice dated 25 August 2022.
- The development proposed is the erection of ground mounted solar array on the site of part of the applicants garden consisting of 72 panels in 2 rows, each row 18 panels long by 2 panels high.

### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a ground mounted solar array on the site of part of the applicant's garden consisting of 72 panels in 2 rows, each row 18 panels long by 2 panels high at Ladygrove, Stanstead Road, Hunsdon, Hertfordshire SG12 8PZ in accordance with the terms of the application ref:3/22/0967/FUL, dated 7 May 2022, subject to the following conditions: -
  - i. The development hereby permitted shall begin no later than three years from the date of this decision.
  - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan(received by the LPA on 10 May 2022);285-05 Rev B; 285-06 Rev B, 285-07 Rev B; 285-08 Rev B and 285-09 Rev B.
  - iii. No development shall commence until there has been submitted to, and approved in writing by the local planning authority, a scheme of landscaping. The scheme shall comprise the planting of a new hedge on the land to ensure that the approved development is screened from all views from Stanstead Road. The planting of the hedge, in accordance with the approved scheme, shall be carried out in the first planting season following the first use or completion of the development, whichever is the sooner. If the hedge or any component part is removed, is seriously damaged or diseased within 10 years, it shall be replaced in the next planting season with another hedge or component part of similar size and species.

## **Main Issue**

2. The main issue is the effect of the proposal upon existing trees and the landscape character of the area.

## **Reasons**

3. The appeal property is a large, detached dwelling located within a defined '*Rural Area Beyond the Green Belt*'. The appeal site is to some extent self-contained given boundary landscaping and entrance gates/walls. Nevertheless, parts of the mainly open and green landscaped grounds can be seen from the main road particularly in the autumn/winter months when trees are without leaf. The surrounding area is mainly open and rural in character and there is overall an absence of built/engineered development. This adds positively and distinctively to the landscape character of the area.
4. The solar arrays would be positioned close to the northern boundary of the site which is undeveloped. The array structure would be 2.5 metres at its highest point. The applicant has commented that non-protected silver birch and pear trees would be removed to enable suitable sunlight to the solar arrays and to '*screen the array from people arriving at the house, we will plant a laurel hedge along the eastern edge, from the northern boundary of the property directly south and then turning east to box in the corner of the array area*'.
5. There is no objection in land-use principle to the formation of solar arrays within the grounds of Ladygrove. Indeed, policy GBR2 (e) of the East Hertfordshire District Plan 2018 (DP) permits limited infilling or the partial or complete redevelopment of previously developed sites. However, the policy requires such development to be '*appropriate to the character, appearance and setting of the site and/or surrounding area*'.
6. In this case, the appellant has not provided detailed plans/information relating to the proposed hedge. There is an aerial image showing in a white line the approximate location of a proposed hedge, but this does not provide the level of detail needed to reach a fully informed view about the proposal in terms of its impact upon the landscape character of the area. However, I consider that such landscaping detail can be determined by way of a condition and that on this basis the development would be suitably screened from the main road.
7. On my site visit, I was able to see that the proposed development would not be located close to existing boundary trees. Despite the views expressed by the LPA, I find that, owing to the separation distance of the proposed solar arrays from existing boundary landscaping, the development would not cause harm to or infringe any root protection areas.
8. I conclude that the proposal would not cause harm to existing trees/vegetation on the site, and that the imposition of a condition relating to the proposed hedge would be sufficient to protect the landscape character of the area. In this regard, the development would accord with the landscape character and design requirements of policies GRB2, CC3, DES2, DES3 and DES4 of the DP.

## **Conditions**

9. I have imposed the standard time condition as well as a condition relating to the approved plans for certainty. In the interests of the landscape character of

the area, I have imposed a landscaping condition requiring the approval of precise details of a hedge on the site. In this case, there is clear justification for this condition to be pre-commencement as it is important that there is certainty that, in terms of the position, height and type of hedge, it would suitably screen the development, and that it is then implemented at an early stage. The appellant has expressly agreed to the imposition of this pre-commencement condition.

**Conclusion**

10. For the reasons given above, I conclude that the appeal should be allowed.

*S. Hartley*

INSPECTOR



## Appeal Decision

Site visit made on 14 February 2023

**by John Felgate BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities**

**Decision date: 27<sup>th</sup> February 2023**

**Appeal Ref: APP/J1915/D/22/3308007**

**82 Cappell Lane, Stanstead Abbotts, Hertfordshire SG12 8BY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Veronica Brayshaw against the decision of East Hertfordshire District Council.
- The application Ref 3/22/1012/HH, dated 13 May 2022, was refused by notice dated 12 July 2022.
- The development proposed is "*removal of single storey side extension, new double storey side extension, and change to fenestration at rear*".

### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues in the appeal are:

- whether the proposed extension and alterations would amount to 'inappropriate development' in terms of Green Belt policy;
- if so, the development's effect on the Green Belt's openness;
- whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify such development in the Green Belt.

### Reasons for decision

#### 'Inappropriateness'

3. The appeal property is a semi-detached house, set within a cluster of houses along Cappell Lane, just outside the main village of Stanstead Abbotts. The area is within an area of Green Belt (the GB), as defined on the East Hertfordshire District Policies Map. In the East Herts Local Plan (the EHLP), adopted in October 2018, Policy GBR1 requires that proposals for development in the GB are determined in accordance with the relevant policies of the National Planning Policy Framework (the NPPF).
4. NPPF paragraph 147 states that development which is 'inappropriate', in GB policy terms, is harmful to the GB by definition, and should not be approved except in very special circumstances. Paragraph 148 requires that any harm to the GB is given substantial weight. The same paragraph defines 'very special circumstances' as existing only where the harm, including harm to the GB by reason of inappropriateness, is clearly outweighed by other considerations. Paragraph 149 makes clear that the construction of new buildings in the GB is

to be regarded as inappropriate, unless the development falls within one of various specified exceptions. Of these, the most relevant to the present appeal is (c), which relates to the extension or alteration of an existing building; however, this is subject to the proviso that the development does not result in disproportionate additions, over and above the size of the original building.

5. In the present case, it is agreed between the appellant and the Council that the relevant floorspace figure for the original building on the site, as at the relevant date in 1948, was 106.5 sq m. This total was made up of 46.4 sqm on the ground floor, 37.1 sq m at first floor level, and 23 sq m in the attic. Subsequent extensions and alterations have added around a further 21.5 sq m, but these would be largely replaced by the development now proposed, and thus do not significantly affect the calculation.
6. The proposal would add a new kitchen/family room and utility room at ground floor level, with a new master bedroom and ensuite bathroom above. These would effectively form a new 2-storey wing, with its own separate pitched roof, connected to the existing house by a one-and-a-half storey link. Compared to the position in 1948, this would almost double the ground floor accommodation to 92 sq m, and would increase the first floor by just over 80%, to 67 sq m. Only the attic floor would be unchanged. Overall, the new total floorspace of 184 sq m would represent about a 73% net increase over the original building. Again these figures are not in dispute. Volume-based figures are not before me, but it seems likely that the percentage increase would be broadly similar to the floorspace-based calculation. To my mind, an increase on this scale would be clearly disproportionate.
7. Planning policy does not define the meaning of 'disproportionate', and does not limit that question simply to a matter of mathematics. However, it would be illogical in my view to disregard the obvious, quantitative dimension of the before-and-after comparison which is required. I note the contents of the Guildford appeal decision<sup>1</sup>, in which an increase of 72% was found not to be disproportionate. But in that decision it is clear that the inspector took account of the percentage increase, even though she found this not to be decisive, due to other, site-specific factors. In particular, that development was to be sited between two existing rear projections, with no extension of the built form beyond the existing built envelope. The present appeal proposal clearly differs in this regard. Based on the evidence before me, including my observations on site, I am satisfied that in this case a floorspace comparison with the original dwelling is the most appropriate basis on which to make my assessment.
8. The appeal property has a large garden, and I agree that, even with the new extension now proposed, the size of the dwelling would still take up only a minor proportion of its plot. But the exception in NPPF paragraph 149(c) requires proportionality to be judged in relation to the building, not the site.
9. A number of other properties in Cappell Lane have carried out substantial side extensions, and I was able to view these on my visit. However, there is no indication as to whether any of these were considered not to be inappropriate development in GB terms. In coming to my conclusions, I have taken account of the development plan and national policy as they stand now, together with the evidence submitted.

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<sup>1</sup> APP/Y3615/W/18/3202309

10. I conclude that the development now proposed would be disproportionate to the original building on the site, and thus would not fall within any of the relevant exceptions in NPPF paragraph 149. As such, the proposal would constitute inappropriate development in terms of GB policy.

#### *Openness*

11. NPPF paragraph 137 states that openness is one of the essential characteristics of GBs, and that keeping land permanently open is a fundamental aim of GB policy.
12. The existing kitchen extension, which is to be demolished and replaced, is a diminutive, single-storey side addition, with a lean-to roof. Visually, this existing structure is inconspicuous, due to its small size, its lack of height, and its recessive, unassuming design. As a result, its effect on the openness of the GB is negligible. In the appeal proposal, the new extension which would replace this would have a footprint covering about three times as large an area, with two storeys throughout, a dual-pitched roof, and gables to both the front and rear. In all these respects, the proposed scheme would give rise to a substantial net addition to the amount of built development on the site, and would also give the property a noticeably more assertive and dominant appearance than it has now. The overall effect would be to significantly reduce the openness of this part of the GB, both spatially and visually.
13. The development would be positioned between the house and the existing detached garage/car port. But the latter is single-storey and is set back further into the site. The garage would therefore have little effect in terms of reducing the visual impact of the 2-storey extension that is now proposed. I also saw on my visit that views across the site from Cappell Lane are largely unobstructed by any of the existing trees. In any event, my assessment takes account of both the visual and the spatial aspects of openness, and for the reasons set out above, I consider that in this case the loss of openness would involve both of these aspects.
14. The new extension would be set down slightly, below the level of the main dwelling, and I agree that this would reduce its impact to a minor degree. But the existing kitchen extension is also set at that same lower level. The comparison that I have made above, between the existing and proposed extensions, in terms of their respective effects on openness, takes the ground levels into account.
15. I have taken account of the *Lea Valley* judgement<sup>2</sup>, but that case related to development which was found not to be inappropriate.
16. I conclude that the proposed development would result in significant harm to the GB's openness, contrary to the aims of national policy. The harm resulting from the loss of openness adds to the harm to the GB due to inappropriateness.

#### *Other matters*

17. The proposed scheme has been designed to match the size and style of the extensions carried out to the attached property, No 84, thus restoring a degree of symmetry and balance to the semi-detached pair. But nevertheless, the

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<sup>2</sup> *Lea Valley Regional Park Authority v Epping Forest DC and anor* [2016] EWCA Civ 404

appeal property in its existing form is a distinctive and characterful building, which contributes positively to its surroundings. The lack of symmetry does not seem to me to detract noticeably from this. Likewise, the existing lean-to extension, which is proposed to be removed, is in my view nothing more than a modest and subservient feature, which currently causes no significant harm. Indeed, the building's only discordant feature of any note is in my view the existing, over-large side dormer; but this would remain in place, and would continue to be visible. Overall, whilst I agree that the design of the proposed scheme would not be unacceptable, neither do I consider that it would represent an improvement over the existing situation.

18. Whilst the site lies within the Stanstead Abbotts Conservation Area, the Council is satisfied that the development would preserve the area's character and appearance, and its special architectural and historic interest. In the light of the design considerations discussed above, I agree.
19. The development would improve the appeal property by creating additional space for the occupiers. However, the dwelling in its current form offers two reception rooms, three bedrooms, a kitchen and a bathroom. Whilst this existing accommodation is not large, there is no suggestion that living conditions are unacceptable as it stands. The scheme would also provide a more convenient modern staircase, to avoid reliance on the original steeper and narrower one. But an extension of the size now proposed is not necessary to achieve this. Consequently, the scheme's benefits in these respects carry limited weight.

*'Very special circumstances'*

20. As set out above, harm would be caused to the GB, both by reason of inappropriateness, and through the loss of openness. In accordance with NPPF paragraph 148, this harm to the GB must carry substantial weight.
21. Against this, the improvement to the quality of the accommodation, including the new stair, would be a benefit arising from the scheme. But, in this case, for the reasons already explained, I have found this to carry limited weight. No other benefits have been substantiated. The design considerations, and the lack of harm to the Conservation Area, weigh neither for nor against. All of the remaining matters raised are similarly neutral.
22. Having regard to the relevant NPPF paragraphs, the benefits and other considerations identified do not clearly outweigh the harm. The 'very special circumstances' needed to justify the development have therefore not been demonstrated.

## **Conclusion**

23. In the absence of very special circumstances, the proposed development conflicts with the GB policies of the NPPF, and therefore also with EHLP Policy GBR1. The other considerations identified are not of sufficient weight, either individually or collectively, to indicate any decision other than in accordance with the development plan. For these reasons, the appeal fails.

*J Felgate*

INSPECTOR



## Appeal Decision

Site visit made on 8 February 2023

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 February 2023**

**Appeal Ref: APP/J1915/D/22/3303570**

**Chirchfeld, Moor Green Road, Ardeley, Hertfordshire SG2 7AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mick Dedman against the decision of East Hertfordshire District Council.
- The application Ref 3/22/1039/HH, dated 17 May 2022, was refused by notice dated 12 July 2022.
- The development proposed is construction of a detached garage.

### **Decision**

1. The appeal is allowed and planning permission is granted for construction of a detached garage at Chirchfeld, Moor Green Road, Ardeley, Hertfordshire SG2 7AP in accordance with the terms of the application, Ref 3/22/1039/HH, dated 17 May 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan B&W and MD-001-22/A.

### **Preliminary Matters**

2. The parties have used differing variations for the spelling of the name of the property to which the appeal relates. The appellant has confirmed that the correct spelling is "Chirchfeld". This is the spelling used in the appeal form, the appellant's statement and the plans that are before me. I have therefore used this spelling in the banner heading and formal decision above.

### **Main Issue**

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

4. The appeal site comprises a detached two storey dwellinghouse and its associated curtilage located on the eastern side of Ardeley. The village is relatively small, however in the vicinity of the appeal site there are a mix of detached and terraced houses of differing sizes and styles.
5. Along with its immediate neighbours, the host dwelling contributes to a consistent building line on the northern side of Moor Green Road. The dwellings here are set back from the highway by relatively open front gardens and the highway verge. The verge varies in width however as the road splay away

from the building line and it is considerably wider to the front of the appeal site. The neighbouring dwelling (Mead Farm) to the east of the appeal site diverges from this layout however, stepping forward of the front elevation of the host dwelling. The boundaries of this neighbouring property are lined with mature vegetation that sits within the backdrop of the appeal site.

6. The proposed double garage would be located to the front of the host dwelling, in the south-east corner of the plot, close to the site boundaries. The Council recognise that the general design, materials and scale of the proposed garage are broadly acceptable, and I agree with this assessment.
7. The proposal would be in a relatively prominent position within the plot and would sit forward of the building line. However, the appeal site sits at the end of this uniform frontage, which is terminated by the substantial vegetation adjacent and the positioning of Mead Farm. The space to the front of the appeal site is greater overall than elsewhere due to the alignment of the highway and the proposal would be viewed within the context of the mature vegetation behind and Mead Farm. This would somewhat limit its presence in views from the west along Moor Green Road.
8. In addition, I saw on my site visit that, even in winter months, the site of the proposed garage is considerably screened by existing mature vegetation along the verge when approaching from the south-east. In immediate views from this direction, it would also be seen with the larger host dwelling in its backdrop.
9. While it is not common for detached garages to be located to the front of dwellings on the north side of the road, there is a detached garage located to the front of a neighbouring dwelling on the south side. While I appreciate this example is better screened than the appeal proposal would be, this form of development is otherwise not an entirely alien feature in the immediate area.
10. I recognise that the proposal would result in the partial loss of the existing boundary hedge along the southern boundary of the site, removing potential screening. The Council considers it unlikely this would be replanted due to the limited space that would remain to the boundary. The appellant indicates it is likely to be re-instated. Even if it were not however, I do not consider this screening to be critical given my findings on the acceptability of the siting and design of the proposal.
11. In view of the above, I consider that the proposal would not harm the character and appearance of the area. It is therefore in accordance with policies DES4 and HOU11 of the District Plan. These policies, amongst other things, seek to ensure all development is of a high standard of design and layout to reflect and promote local distinctiveness, and residential outbuildings are appropriately sited and designed with regard to the character, appearance and setting of the existing dwelling and surrounding area. The proposal also complies with policy VILL3 of the District Plan, which seeks to ensure, amongst other things, that development in such villages relates well to the village in terms of location, layout and connectivity, is of appropriate scale, well designed and in keeping with the character of the village.

## Conditions

12. In addition to the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. Finishing materials are articulated on

the plans and indicated to match the main house. These are therefore secured by the approved plans condition.

13. The Council has suggested a condition to ensure the garage is used for ancillary residential purposes in connection with the host dwelling and not for commercial purposes or independent living accommodation. The garage building would be erected within the residential curtilage of Chirchfeld and there is no evidence before me to indicate it would be used as a separate dwelling. Planning permission would be required for any material change of use and so I do not consider this condition to be necessary.

### **Conclusion**

14. For the reasons given I conclude that the appeal is allowed.

*Ryan Cowley*

INSPECTOR



# Appeal Decision

Site visit made on 3 February 2023

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPi FCIArb MCIL**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> February 2023**

**Appeal Reference: APP/J1915/D/22/3312575**

**17 Dovedale, Ware SG12 0XL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs C Green against the decision of East Herts Council.
- The application (reference 3/22/1368/HH, dated 29 June 2022) was refused by notice dated 30 September 2022.
- The development proposed is described in the application form as follows: "*Rear double storey extension; first floor extension to be set back from ground floor extension; size of first floor is dictated by relation to neighbouring window with respect for right for light; materials to match*".

## Decision

1. The appeal is allowed and planning permission is granted for the "erection of part single and part two-storey rear extensions with additional windows to first floor rear elevation and ground and first floor side elevations", at 17 Dovedale Ware SG12 0XL, in accordance with the terms of the application (reference 3/22/1368/HH, dated 29 June 2022), subject to the conditions set out in the attached Schedule of Conditions.

## Preliminary points

2. Notwithstanding the description of the application that was given in the application form, the nature of the proposal can more clearly be expressed as set out in the Council's decision notice and in the appeal form, as the "erection of part single and part two-storey rear extensions with additional windows to first floor rear elevation and ground and first floor side elevations".

## Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

## Reasons

4. Ware is an important town in Hertfordshire with a range of services and facilities and extensive residential areas. The appeal site is located in a residential suburb in the northern part of the town. Dovedale is located in a

relatively dense part of the residential suburb, characterised by houses in short terraces, in residential streets and culs-de-sac, with some designated garage and parking areas.

5. The existing house at 16 Dovedale is located at the end of a short terrace of four two-storey houses, constructed in a conventional style, with small front gardens and longer back gardens. The terrace faces a cul-de-sac that is surrounded by similar properties. There is a small garage courtyard behind numbers 19 to 23 Dovedale but number 17 has a longer garden, although it narrows markedly towards the rear. Number 17, then, has a long side boundary, defined by a close-boarded fence, alongside the highway that gives access to the head of the cul-de-sac.
6. It is now proposed to construct an extension at the rear of the existing house, with a single storey section across the width of the rear elevation, combined with a two-storey section on the corner of the building. In addition, new windows would be created in the side gable elevation of the house, to light the centre of the building.
7. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. The achievement of good design standards includes both protecting existing residential amenities and providing good standards of accommodation in new development.
8. Those basic principles are also established by the Development Plan. In particular, Section 17 of the 'East Herts District Plan' (dated October 2018) is concerned with "Design and Landscape" and it is aimed at respecting or improving upon existing surroundings while making good use of urban land and accommodating changing needs. Policy HOU11 provides more specific criteria in relation to residential extensions and alterations (and the like).
9. In this case, the proposed two-storey part of the extension would increase the length of the flank wall of the existing house. The gable form would be maintained, however, with a subservient rearward extension that would have its eaves facing the boundary. Additional windows in the flank wall, facing the road, would also enliven the elevation and help to make the finished building more harmonious in the streetscene. The proposed two-storey extension would, moreover, project from the main rear elevation of the existing building only by a relatively limited amount, whereas the single-storey part of the extension would project further.
10. In itself, the single-storey part of the extension would have only a very limited impact on its surroundings and it is not objectionable.
11. Nor would the scheme as a whole have an undue impact on the amenities of neighbours, because of the limited height of the proposed single-storey element and the fact that the two-storey section would be set away from the joint boundary with the neighbour, as explained in the submissions.

12. I am convinced that the proposed two-storey extension would not be odd or out of character with either the host building or its surroundings and I accept that the surrounding area can satisfactorily accommodate such a change as that which is now proposed. The appeal scheme would amount to a modest extension to the existing dwelling but it would provide useful additional space and would, thereby, add to the stock of residential accommodation in the locality, albeit in a very limited way.
13. In short, I have concluded that the project would not be in conflict with the national legislation or the Development Plan, in principle, and that it is acceptable in planning terms. I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). Conditions are necessary, of course, to define the planning permission and to ensure that quality is maintained.

*Roger C. Shrimplin*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:  
drawing number 271 PL001 revision A (Site and Block Plans);  
drawing number 271 PL100 revision B (Existing Plans);  
drawing number 271 PL101 revision C (Proposed Plans);  
drawing number 271 PL200 revision C (Existing Elevations);  
drawing number 271 PL201 revision C (Proposed Elevations).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.



## Appeal Decision

Site visit made on 30 January 2023

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 February 2023**

**Appeal Ref: APP/J1915/D/22/3312681**

**Beards Oak, Ardeley, Hertfordshire SG2 7AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Hazel Georgiades against the decision of East Hertfordshire District Council.
- The application Ref 3/22/1608/HH dated 27 July 2022, was refused by notice dated 6 October 2022.
- The development proposed is two storey rear extension incorporating two rooflights, insertion of dormer window, alterations to front porch, creation of car port and alterations to fenestration.

### Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension incorporating two rooflights, insertion of dormer window, alterations to front porch, creation of car port and alterations to fenestration at Beards Oak, Ardeley, Hertfordshire SG2 7AN in accordance with the terms of the application, 3/22/1608/HH dated 27 July 2022, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, Drawing No's: 001 Rev P01, 002 Rev P01, 050 Rev P01, 100 Rev P01, 110 Rev P01, 120 Rev P01, 200 Rev P01, 210 Rev P01, 220 Rev P01 and 300 Rev P01.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the approved plans, identified in condition 2.

### Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.

### Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area and the appeal property itself.

## **Reasons**

4. The site is within a predominantly residential area, in a rural location. Properties in the area vary in terms of form and design. The appeal property is located within a spacious plot, set back from the highway. There is a feeling of openness within the area which adds to the character of the appeal site.
5. The ground floor of the proposed rear extension would form an 'L' shaped addition to the property. Along with the car port a small part of the ground floor extension would have a green roof.
6. The proposed rear dormer addition would be large covering the majority of the rear roof slope adjacent the proposed two storey extension. Both the dormer and the two storey extension are slightly set below the ridge line of the existing property. The two storey extension and dormer would add considerable bulk to the existing property which is modest in scale.
7. The appeal proposal includes roof slates to match the existing property, dark grey metal to match the roof slates, and white lime wash to the existing property in line with the proposed development. The materials used for the development could be secured through the imposition of a planning condition. As a consequence, the property would be read as a whole and not as an extension to the existing property.
8. The proposed extension and additions at the rear of the appeal site would not be obvious in the streetscene, due to the design, materials, siting and screening of the site by a large existing outbuilding within the appeal site and landscaping the works.
9. The Council did not raise concerns with regard to the proposed alterations to fenestration, front porch and creation of a car port, from the information I have before me I do not disagree.
10. I find that the proposed development would not harm the character and appearance of the area nor the appeal property itself.
11. There is no conflict with Policies HOU11, DES4 and GBR2 of the East Herts District Plan (2018) which seek amongst other things to ensure development is of high standard of design appropriate to the character and context of an area.
12. There is no conflict with the National Planning Policy Framework (2021) which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

## **Conclusion and Conditions**

13. For the above reasons I conclude that this appeal should be allowed.
14. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

*C Pipe*

INSPECTOR

| Application Number | Proposal   | Address  | Decision             | Appeal Start Date | Appeal Procedure       |
|--------------------|--|--|----------------------|-------------------|------------------------|
| 3/21/1326/FUL      | Demolition of stable block and partial demolition of equestrian block and the development of the remaining equestrian block to include 4 x 4 bedroomed and 4 x 3 bedroomed dwellings, including associated site landscaping.   | Elbow Lane FarmElbow LaneHertford HeathHertford SG13 7QA                   | Refused<br>Delegated | 13/02/2023        | Written Representation |
| 3/21/2813/FUL      | Change of use of stable into residential use to form a two bedroom residential annex, ancillary to the main dwelling. Increase the pitch of the roof and raise the ridge height. Creation of mezzanine level accommodation. New front and rear rooflight windows, first floor side windows, ground floor door and window openings. External walls finished with black feather edge timber boarding. Insertion of flue. | Moor HallMoor Hall Lane WestThorleyBishops Stortford CM23 4BJ              | Refused<br>Delegated | 07/02/2023        | Written Representation |
| 3/22/0058/HH       | Front storm porch  | 11 Orchard RoadTewinWelwyn AL6 0HE   | Refused<br>Delegated | 13/02/2023        | Fast Track             |
| 3/22/0563/FUL      | Change of use of agricultural barns to two 4 bedroom and two 2 bedroom residential dwellings with associated parking and landscaping.  | Fishers FarmErmine StreetColliers EndWare SG11 1ER                         | Refused<br>Delegated | 15/02/2023        | Written Representation |
| 3/22/0977/HH       | Two storey side extension. Insertion of 2 roof lights to side elevation.   | 6 Mercers AvenueBishops Stortford CM23 4AG                                 | Refused<br>Delegated | 09/02/2023        | Fast Track             |
| 3/22/1385/TEL      | Proposed 5G telecoms installation: a new 15 metre H3G street pole and additional equipment cabinets.   | Stansted Road Street WorksStansted RoadBishops Stortford CM23 2FP          | Refused<br>Delegated | 06/02/2023        | Written Representation |
| 3/22/1485/HH       | Partial demolition of lean-to workshop and boundary wall. Extension of workshop to provide a two storey artwork/sculpture studio and workshop, incorporating a covered work area, external stairs and new folding gates. Extension of existing dropped kerb.   | 47 Ware RoadHertford SG13 7ED  | Refused<br>Delegated | 28/02/2023        | Fast Track             |
| 3/22/1513/TEL      | Installation of a new monopole 15 metre in height together with 3 equipment cabinets at the base of the column and ancillary development.  | Land Adjacent To The A 1184London RoadSpellbrookBishops Stortford CM23 4AU | Refused<br>Delegated | 17/02/2023        | Written Representation |
| 3/22/1540/TEL      | Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.  | Great Hadham RoadBishops Stortford CM23 4NB                                | Refused<br>Delegated | 16/02/2023        | Written Representation |
| 3/22/1604/HH       | Demolition of existing rear extensions at ground and first floors. Construction of new replacement rear extensions at ground and first floors, along with general reprofiling of the rear garden.  | 34 Portland RoadBishops Stortford CM23 3SJ                                 | Refused<br>Delegated | 10/02/2023        | Fast Track             |
| 3/22/1646/HH       | Erection of workshop, carport and timber entrance gate.  | 12 Winters LaneWalkernStevenage SG2 7NZ                                    | Refused<br>Delegated | 22/02/2023        | Fast Track             |

Background Papers

None

Contact Officers

Sara Saunders, Head of Planning and Building Control - Ext 1656

## Public Inquiry and Hearing Dates

All Hertford Council Chamber unless specified

or

| Application<br>No | Case<br>Officer | Address   | Proposal   | Appeal<br>Status | Procedure<br>Type | Appeal Date |
|-------------------|-----------------|---|--|------------------|-------------------|-------------|
| 3/19/2287/FUL     | TBA             | Kecksys Farm Cambridge Road Sawbridgeworth CM21 9BZ                     | Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement.  | INPROG           | Hearing           | TBA         |
| 3/20/0177/FUL     | Rachael Collard | Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY                    | Change of use of land to a mixed use to use for the stabling/keeping of horses and as a residential caravan site for 4 Gypsy families, with a total of 6 caravans, including no more than 4 static caravans/mobile homes. Erection of 2 amenity buildings.   | INPROG           | Hearing           | 22/03/2023  |
| 3/20/1040/FUL     | Rachael Collard | Land At Millfield Lane Bury Green Little Hadham Ware SG11 2ED           | Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank.   | INPROG           | Public Inquiry    | 30/01/2023  |
| 3/20/1119/FUL     | Rachael Collard | Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY                    | Construction of manège and access track.   | INPROG           | Hearing           | 22/03/2023  |
| 3/20/2139/FUL     | Rachael Collard | Plot 64 Land Opposite Mill View Hare Street Buntingford SG9 0DX         | Change of use of the land to Gypsy and Traveller residential, with the siting of five caravans, of which no more than one would be a static caravan, erection of a shed, the provision of vehicular parking spaces and soft and hard landscaping, installation of a package treatment plant and associated foul drainage, widening of the existing vehicular access and repairs to the internal access road. | Pending Decision | Hearing           | 16/11/2022  |
| 3/22/0798/FUL     | Richard Freeman | Area 4 Land South Of Hare Street Road Buntingford Hertfordshire SG9 9HX | Residential development comprising 10 bungalows, associated car parking provision and ancillary works.   | LODGED           | Public Inquiry    | TBA         |
| 3/22/0813/FUL     | Amit Patel      | Quinbury Farm Hay Street Braughing Ware Hertfordshire SG11 2RE          | Continued erection of four dwellings previously approved under reference 3/14/1204/FP.   | LODGED           | Public Inquiry    | TBA         |

# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

**Cumulative Performance**  
(calculated from April 2022)

|   | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 | Nov-22 | Dec-22 | Jan-23 | Feb-23 | Mar-23 | Targets for Local Performance (set by East Herts) | National Targets (set by Government) |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---|--------------------------------------|
| <i>Total Applications Received</i>                            | 191    | 403    | 616    | 827    | 1020   | 1219   | 1417   | 1596   | 1787   | 1958   | 2133   |        |   |                                      |
| <i>Percentage achieved against Local and National Targets</i> | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 | Nov-22 | Dec-22 | Jan-23 | Feb-23 | Mar-23 |   |                                      |
| <b>Major %</b>  | -      | 67%    | 67%    | 75%    | 75%    | 77%    | 72%    | 77%    | 72%    | 73%    | 72%    |        | <b>Major %</b>                                    | <b>60%</b>                           |
| <b>Minor %</b>  | 75%    | 65%    | 64%    | 64%    | 71%    | 65%    | 66%    | 67%    | 66%    | 65%    | 63%    |        | <b>Minor %</b>                                    | <b>80%</b>                           |
| <b>Other %</b>  | 85%    | 85%    | 83%    | 83%    | 78%    | 82%    | 79%    | 78%    | 77%    | 75%    | 74%    |        | <b>Other %</b>                                    | <b>90%</b>                           |
| <b>Appeals</b>  | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 | Nov-22 | Dec-22 | Jan-23 | Feb-23 | Mar-23 |   |                                      |
| Total number of appeal decisions (Monthly)                    | 4      | 2      | 2      | 12     | 1      | 12     | 5      | 15     | 11     | 18     | 9      |        |   |                                      |
| Number Allowed against our refusal (Monthly)                  | 1      | 1      | 1      | 7      | 0      | 6      | 2      | 5      | 3      | 5      | 5      |        |   |                                      |
| Total number of appeal decisions (Cumulative)                 | 4      | 6      | 8      | 20     | 21     | 33     | 38     | 53     | 64     | 82     | 91     |        |   |                                      |
| Number Allowed against our refusal (Cumulative)               | 1      | 2      | 3      | 10     | 10     | 16     | 18     | 23     | 26     | 31     | 36     |        |   |                                      |