



James Ellis

Head of Legal and Democratic Services

**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 28 FEBRUARY 2023  
**TIME** : 11.00 AM

**PLEASE NOTE TIME AND VENUE**

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<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

*(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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### **Disclosable Pecuniary Interests**

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.

### **Public Attendance**

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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 - 11 January and 8 February 2023 (Pages 5 - 20)

To confirm the Minutes of the meeting of the Committee held on Wednesday 11 January and 8 February 2023.

### 5. Planning Applications for Consideration by the Committee (Pages 21 - 24)

(A) 3/19/1045/OUT - outline application in the name of Places for People for the development of 8,500 new homes and associated infrastructure\_(Pages 25 - 759)

Recommended for Approval.

### 6. 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.

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 11 JANUARY 2023, AT 7.00 PM

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PRESENT: Councillor B Deering (Chairman)  
Councillors D Andrews, T Beckett,  
R Buckmaster, B Crystall, M Brady,  
R Fernando, I Kemp, S Newton, T Page,  
P Ruffles and T Stowe

ALSO PRESENT:

Councillors G Williamson

OFFICERS IN ATTENDANCE:

Richard Freeman	- Interim Development Management Team Leader
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)

- Claire Spendley - Senior Environmental Health Officer
- Victoria Wilders - Legal Services Manager

296 APOLOGIES

An apology for absence was submitted on behalf of Councillor Redfern. It was noted that Councillor Brady was substituting for Councillor Redfern.

297 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements. He made a number of safety related announcements for the benefit of the large number of public in the room.

298 DECLARATIONS OF INTEREST

Councillor Newton said that whilst it did not relate to application 3/21/2601/FUL, she wanted to mention the following for the purposes of transparency and openness. Her family owned land north of Ware Park Farm which was subject to a screening request in relation to a solar farm development by an independent company in 2022. She said that no full application had been submitted by this company yet and she wanted to put on record that this had no bearing on her ability to determine application 3/21/2601/FUL and she had come to this meeting with an open mind.

299 MINUTES - 7 DECEMBER 2022

Councillor Ruffles proposed and Councillor Page seconded, a motion that the Minutes of the meeting held on 7 December 2022 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillor Beckett abstained from voting as he had not been present at the meeting on 7 December 2022.

**RESOLVED** – that the Minutes of the meeting held on 7 December 2022, be confirmed as a correct record and signed by the Chairman.

- 300 3/21/2601/FUL - ERECTION OF A SOLAR PHOTOVOLTAIC FARM WITH AN OUTPUT CAPACITY NOT TO EXCEED 49.9MW OF ENERGY, WITH SUPPORTING INFRASTRUCTURE AND BATTERY STORAGE, INVERTERS AND TRANSFORMERS, FENCING AND LANDSCAPING WORKS AT WICKHAM HALL ESTATE, HADHAM ROAD, BISHOP'S STORTFORD
- 

The Head of Planning and Building Control recommended that in respect of application 3/21/2601/FUL, planning permission be granted subject to the conditions detailed in the report.

The Interim Development Management Team Leader introduced the application and presented a detailed series of plans and visuals in respect of the application. He summarised the planning history and detailed the key features of the scheme. Members were referred to

the additional representations summary and the reworded conditions.

Members were advised that the solar panels, associated infrastructure and ancillary equipment would be removed after the lifespan of the solar panels and the proposed biodiversity improvements were permanent. The Interim Development Management Team Leader said that the biodiversity net gain target was 10 percent and this application would result in an 82 percent net gain as 10,000 trees would be planted along with improvements to footpaths and hedgerows.

The Interim Development Management Team Leader set out the material planning considerations and summarised several key considerations for Members. He said that water would naturally integrate into the ground between the solar panels and there would be very little highways impact.

Mr Horner addressed the committee in objection to the application. Mr Hilton and Mr Urquhart spoke for the application.

Councillor Klimowicz addressed the committee on in her capacity as the Vice-Chairman of Albury Parish Council. Councillor Williamson addressed the committee as the local district councillor for Little Hadham ward.

Councillor Page said that he was also a local ward Member and made the point that he could not attend this meeting as a Member of the Development

Management Committee with his mind made up. He asked how construction traffic would be managed and asked for confirmation as to whether there would be any detrimental effect in respect of historic heritage assets.

Councillor Page said that the conditions being applied in respect of flooding could not be seen as the Lead Local Flood Authority (LLFA) being supportive of those conditions. He asked for confirmation as to how the applicant would be monitored in terms of the application of the conditions.

The Interim Development Management Team Leader said that the LLFA had not removed their objections and had recommended conditions 17, 18, 19 and 20 that were included in the recommendation.

The Interim Development Management Team Leader said the conservation and urban design team had not objected to the application. He said that a transport statement had been submitted that set out how the construction would occur and condition 5 was for the submission of a construction management plan. He drew attention to condition 10 and said that there had been no objection from Hertfordshire Highways.

Councillor Beckett asked about conditions in respect of archaeological digs prior to the development of the land. He mentioned the comments of the crime prevention design advisor in respect of certified fencing. He asked how the decommissioning enforcement plan would be triggered.

The Interim Development Management Team Leader said that a desktop survey had been undertaken by the applicant and the council's archaeological team were satisfied subject to trench work conditions.

Members were advised that crime prevention and CCTV was covered in the report and the conditions and a balance had been struck between controlling crime and ensuring a diversity of species. A solid fence would have a much greater landscape impact.

The Interim Development Management Team said that conditions 1, 2 and 3 covered the matter of the decommissioning of the proposed solar farm. He said that enforcement action would be taken if there were any breaches of planning control or breaches of the conditions.

Councillor Newton commented on paragraph 2.4 of the report and asked for clarification regarding the loss of footpaths and bridleways. She asked for some clarity in respect of the grading of the agricultural land.

The Interim Development Management Team Leader said that there would be no loss of bridleways or footpaths and existing ones would be maintained. He updated the committee in respect of the grading of the agricultural land and said that the mesh fencing would ensure that deer were excluded from the site and would ensure that smaller animals could pass through the site.

Councillor Crystall asked for some clarity in respect of conditions 3 and 4 and the returning of the site to its

current situation after the lifespan of the solar farm. He also asked for some clarity in respect of the status of written ministerial statements. Councillor Buckmaster asked for some clarity in respect of the permanent rights of way during the construction phase for the solar farm. She asked about condition 4 in respect of the restoration of soil quality.

The Interim Development Management Team Leader said that matters regarding the decommissioning of the solar farm were covered by condition 4 and Members were reminded that there was no right to a view in planning terms and this was not a material consideration.

The Interim Development Management Team Leader said that written ministerial statements were material planning considerations and Members should be aware of the hierarchy of the available policy guidance. The Service Manager (Development Management) said that planning policy was moving towards further supporting renewable technology.

Councillor Kemp commented on several issues that were pertinent to the application. The Interim Development Team Leader stated that Hertfordshire Fire and Rescue was not a statutory consultee and fire control measures generally were controlled outside of the planning system.

The Interim Development Team Leader said there was no statutory requirement for the applicant to consult and this duty fell to the local planning authority. The Service Manager (Development Management)

explained that there was no requirement for sequential testing for a solar farm. Members were advised that there was no evidence of criminal vandalism of solar farms.

Councillor Kemp proposed and Councillor Crystall seconded, a motion that application 3/21/2601/FUL be granted planning permission, subject to the conditions detailed in the report and the amended conditions detailed in the additional representations summary, with the following additional conditions:

- A diary system be set up with reminders for the Senior Planning Officers in respect of the decommission of the site and the enforcement of the conditions.
- A condition in respect of permission paths be worked up in consultation with the Chairman and Vice-Chairman of the Committee.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that in respect of application 3/21/2601/FUL, planning permission be granted subject to the conditions detailed in the report and subject to the additional informative included in the additional representations summary, with the following additional conditions:

- A diary system be set up with reminders for the Senior Planning Officers in respect of

the decommission of the site and the enforcement of the conditions.

- A condition in respect of permission paths be worked up in consultation with the Chairman and Vice-Chairman of the Committee.

301 ITEMS FOR REPORTING AND NOTING

**RESOLVED** – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates; and
- (D) Planning Statistics.

302 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.26 pm

Chairman .....
Date .....



MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 8 FEBRUARY 2023, AT 6.00  
PM

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PRESENT: Councillor B Deering (Chairman)  
Councillors D Andrews, T Beckett,  
R Buckmaster, B Crystall, I Kemp,  
S Newton, C Redfern, P Ruffles, S Rutland-  
Barsby and T Stowe

ALSO PRESENT:

Councillors E Buckmaster, J Dumont,  
J Goodeve and L Haysey

OFFICERS IN ATTENDANCE:

Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)
Kevin Steptoe	- East Herts Garden Town Lead Officer
Victoria Wilders	- Legal Services Manager

333 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Fernando and T Page. It was noted that Councillor S Rutland-Barsby was substituting for Councillor T Page.

334 CHAIRMAN'S ANNOUNCEMENTS

Councillor Deering thanked Councillor Dumont for attending to observe the meeting as one of the substitute Members.

335 DECLARATIONS OF INTEREST

Councillor R Buckmaster declared she had no knowledge of the email Councillor E Buckmaster had sent to the Development Management Committee before it was sent out.

336 GILSTON AREA OUTLINE APPLICATIONS 3/19/1045/OUT AND 3/19/2124/OUT - PUBLIC SPEAKING ARRANGEMENTS AT DEVELOPMENT MANAGEMENT COMMITTEE

The Head of Planning and Building Control submitted a report in respect of the public speaking arrangements to be applied at the meeting (or parts of the meeting) of the Development Management Committee where the Gilston Area outline residential development applications were to be considered.

The Garden Town Leader Officer set out the existing speaking rules for public speaking at Development

Management Committee. He also set out the speaking rules that had been in place for the special meeting of the Committee held on 22 February 2022.

Members were advised that the decision which they were being asked to make would relate to the speaking rules which would be in place where the application from Places for People was considered by the committee at its 28 February 2023 (ref 3/19/1045/OUT) and at a future meeting for which the date was yet to be agreed when the application in the name of Taylor Wimpey for the Gilston Area Village 7 (ref 3/19/2124/OUT) was considered

The Garden Town Lead Officer explained that the applications were 3/19/1045/OUT and 3/19/2124/OUT and the proposed speaking rules were as detailed in the report.

Councillor Deering addressed the Committee in respect of his thoughts regarding the existing speaking arrangements and the proposed amended arrangements for the meeting due to be held on 28 February 2023.

Councillor Kemp set out his thoughts on the proposed arrangements. He asked about the possibility of a timed slot for the leaders of the neighbourhood plan group. He also asked about the possible right of reply and the request for further interaction during the meeting.

Councillor Deering explained that there was no right of reply in the committee procedure rules and he

believed that the current procedures worked very well. The Legal Services Manager explained that the only matter for Members to determine this evening was the duration of speaking.

The Garden Town Lead Officer said there was a distinction between Neighbourhood Plan Groups and the relevant Parish Councils. Given the interaction with the Hunsdon, Gilston and Eastwick Neighbourhood Plan Group, it was the view of Officers that the same speakers would be able to articulate the points of both sets of organisations. The view of Officers was that any distinction, if there was any, was not sufficient for Members to introduce further speaking arrangements for the Neighbourhood Plan Group.

The Garden Town Lead Officer said there was a discretionary limit for local ward District Councillors, and this was at the discretion of the Committee Chairman. Members had a general debate in respect of the speaking time and the amount of time they felt was appropriate.

The Legal Services Manager said it was for the Committee to set the time they felt was appropriate and the time allowed should be reasonable and proportionate.

The Garden Town Lead Officer emphasised that whatever arrangements were agreed would need to be applied equally to each of the main categories of speakers. He explained that one of these categories would be reserved solely for Eastwick and Gilston and Hunsdon Parish Councils, in recognition of their

significant interaction with the development proposals, with a smaller additional allowance for other Parish Councils.

Councillor B Deering proposed and Councillor C Redfern seconded, a motion that the public speaking arrangements to be applied at the meeting (or parts of the meeting) of the Development Management Committee where the Gilston Area outline residential development applications (ref 3/19/1045/OUT and 3/19/2124/OUT) were considered, would be as follows:

- those in favour, 12 minutes in total;
- those in objection, 12 minutes in total;
- Eastwick and Gilston and Hunsdon Parish Councils, 12 minutes in total;
- all other Parish Council representatives, 5 minutes in total.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the public speaking arrangements to be applied at the meeting (or parts of the meeting) of the Development Management Committee where the Gilston Area outline residential development applications (ref 3/19/1045/OUT and 3/19/2124/OUT) were considered, would be as follows:

- those in objection, 12 minutes in total;
- those in favour, 12 minutes in total;
- Eastwick and Gilston and Hunsdon Parish Councils, 12 minutes in total;

- all other Parish Council representatives, 5 minutes in total.

337 ITEMS FOR REPORTING AND NOTING

**RESOLVED** – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates; and
- (D) Planning Statistics.

338 URGENT BUSINESS

There was no urgent business.

The meeting closed at 6.42 pm

Chairman .....  Date .....
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## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 28 February 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 10 am 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  
[jan.goodeve@eastherts.gov.uk](mailto:jan.goodeve@eastherts.gov.uk)

**Contact Officer** Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656  
[sara.saunders@eastherts.gov.uk](mailto:sara.saunders@eastherts.gov.uk)

**Report Author** Peter Mannings, Democratic Services Officer, Tel: 01279 502174  
[peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)

Application Number	3/19/1045/OUT
Proposal	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 in six separate Village Developable Areas including market and affordable homes; retirement homes and extra care facilities; provision for gypsies and travellers pitches/ travelling showpeople plots; 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; car parking; 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
Location	Land North of The Stort Valley and The A414, Gilston, Hertfordshire
Parish	Eastwick, Gilston, High Wych and Sawbridgeworth Parishes
Ward	Hunsdon and Sawbridgeworth

Date of Registration of Application	20 May 2019
Target Determination Date	28 February 2023
Reason for Committee Report	Major application
Case Officer	Jenny Pierce

## 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 The Proposed Scheme

1.1 The site forms part of the development strategy in the East Herts District Plan 2018 as detailed in Policies DPS1, DPS2 and DPS3, and Gilston Area Policies GA1 and GA2. The site is allocated for residential-led mixed use development of 10,000 units. This application is the larger of two village development applications which together make up the site allocation as a whole as follows:

- 8,500 homes distributed amongst six new villages, submitted by Places for People (this application);
- 1,500 homes known as Village 7, originally submitted by City and Provincial Properties, now promoted by Taylor Wimpey (planning reference 3/19/2124/OUT).

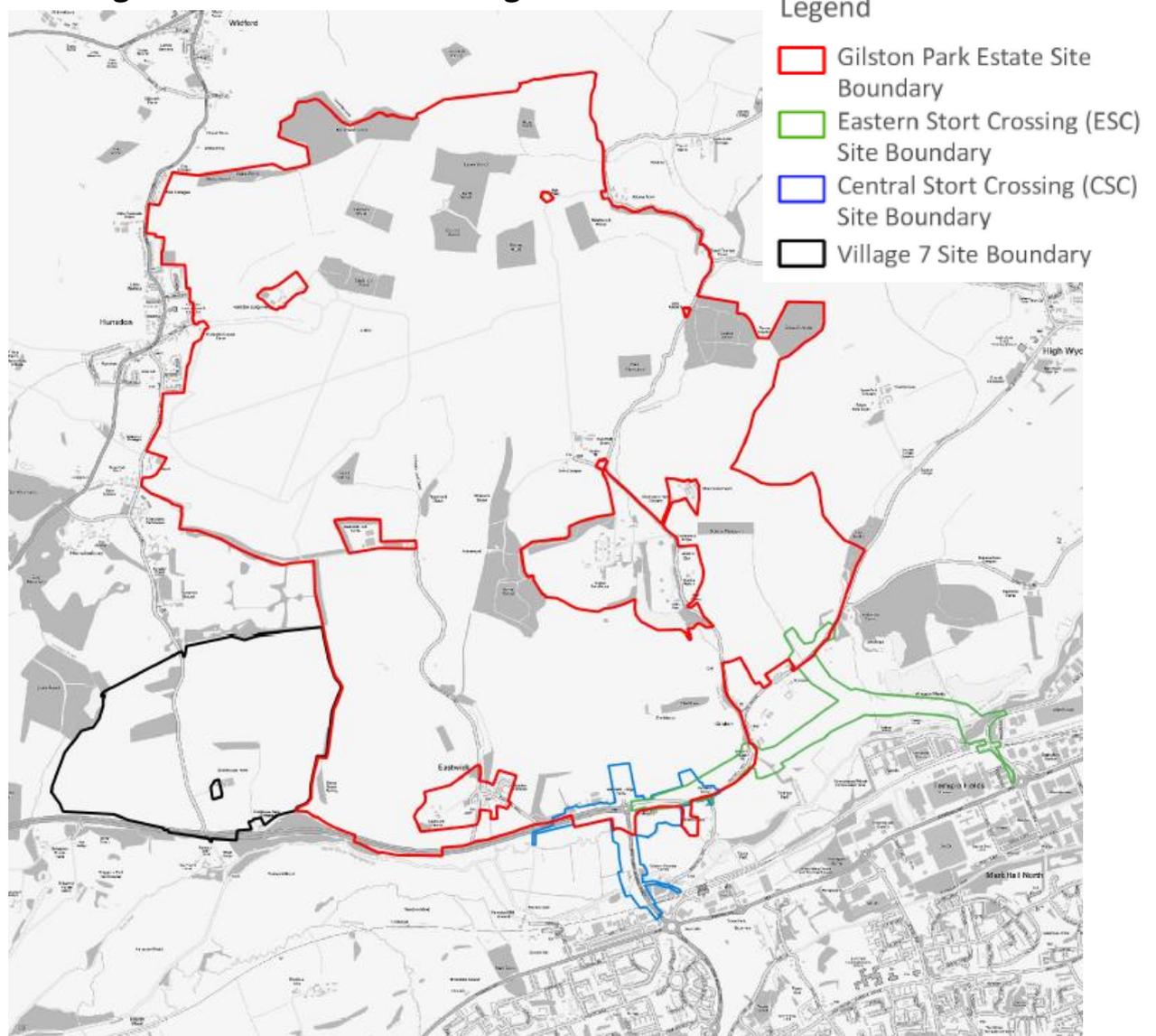
1.2 This site is supported by three other applications, which were approved in March 2022 that relate to supporting highway infrastructure:

- Central Stort Crossing submitted by Places for People, comprising alterations to, and including widening of the Fifth Avenue crossing (planning reference 3/19/1046/FUL);
- Eastern Stort Crossing, submitted by Places for People, comprising a new road and bridge link connecting the site to a newly aligned Eastwick Road and to River Way, Harlow (planning reference 3/19/1051/FUL); and
- Listed Building Consent for amendments, including repair work to the Fiddlers Brook Bridge (planning reference 3/19/1049/LBC).

1.3 The outline application is supported by a single project-wide Environmental Impact Assessment which considers the impacts of the development on its own and including the above infrastructure applications; this is considered in more detail in section 13.6 of this report. The Environmental Statement also assesses the cumulative impacts from Village 7.

1.4 Figure 1 below, illustrates the Villages 1-6 Outline application area in red outline, with the land associated with the two Crossing applications shown in blue and green. Village 7, which is subject to a separate application presented by Taylor Wimpey for 1,500 homes to the west of this application area, is shown in black outline. Because both applications respond to Policy GA1, which is an allocation for a total of 10,000 homes, there are several inter-relationships between the two outline applications. These matters are explained in detail where necessary in later sections of this report.

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



### **Outline Application Proposal**

1.5 The application seeks outline permission for a variety of land uses associated with a new community, including:

- 8,500 homes, at least 23% of which are affordable units, including retirement and at least 110 extra care accommodation
- Land safeguarded for Gypsies and Travellers and Travelling Showpeople, that can accommodate up to 7 Gypsy and Traveller pitches, and up to 8 Travelling Show Plots)
- 74,200sqm of education and community floorspace (including schools, nurseries, crèches, health centres and community centre)
  - land reserved for six primary schools providing up to 17 forms of entry with early years provision

- land for two secondary schools providing up to 20 forms of entry, with sixth form provision
- Up to 25,100sqm retail and related uses and leisure floorspace
- Up to 29,200sqm business and commercial floorspace
- Up to 3,000sqm leisure floorspace provided outside developable areas of villages to support outdoor sport, leisure and recreation
- Open spaces, parks and public realm
- Provision of supporting infrastructure such as:
  - sustainable urban drainage systems
  - utility and energy facilities and infrastructure
  - waste management facilities
  - vehicular bridge links
  - car parking (including multi-storey, under-croft and surface)
  - creation of new vehicular and pedestrian accesses into the site
  - 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
  - temporary works or structures required by the development.

1.6 The outline scheme makes provision for the creation of new pedestrian, cycle and bus infrastructure, new roads and bridges plus amendments to existing local roads, the undergrounding and diversion of power lines, lighting and engineering works and infrastructure to support the built development within the description of development.

### **Means of Access**

1.7 In addition, the application includes in detail four access junctions and a modified access into the Eastwick Lodge commercial area. These proposals are discussed in detail later in the report:

- Interim Village 1 Sustainable Access from the Eastwick Lodge junction
- Interim Village 1 Residential Access (“all modes access”) from the proposed realigned Eastwick Road:
- Interim Village 2 Access from the existing Eastwick Road, north-east of Pye Corner; and
- Village 6 Access from the A414.
- Eastwick Lodge Commercial Area access from the A414

1.8 The outline application proposes the two Village 1 and Village 2 access junctions in interim form. This is partly related to the phasing of the delivery of different parts of the development and partly because where the junctions form part of a larger junction with a new road to be constructed they are completed by virtue of the delivery of the Central and Eastern Stort Crossings. For example, in its interim form

the Village 2 access is required to provide access for new homes in Village 2 and therefore an interim stage is proposed where the access connects to the existing Eastwick Road. When the ESC is constructed, Road 2 of the ESC will complete the southern arm of the junction and the access to Pye Corner will be closed off. This is explained in section 13.8 below. The interim and final designs for the access points junctions for Village 1 and Village 2 were considered as part of the two River Crossing applications, approved in March 2022. The Outline application details the proposed final layouts of the Village 6 and Eastwick Lodge Commercial Area junctions. More detail about each junction is provided in section 13.8 below.

### **Plans for Approval**

- 1.9 As referred to above, the Outline Application is supported by a number of plans and documents for approval which are to be considered through the determination of this application. The approval of these plans and documents will ensure their content informs the masterplanning and reserved matters stages as explained below. Section 13.3 describes the content and purpose of documents a. to i. below. Section xx also describes plans j. to l.:

#### Drawings

- a. Development Specification (contains detailed criteria and principles for development, and explains the Parameter Plans in detail and the defined limits for the development)
- b. Strategic Design Guide (contains high level design principles to inform the masterplanning process)
- c. Placemaking Strategy (contains the vision for the development)

#### Plans

- d. Parameter Plan 1: Existing Vegetation and Buildings
- e. Parameter Plan 2: Village Corridors, Constraints and Developable Areas
- f. Parameter Plan 3: Green Infrastructure and Open Space
- g. Parameter Plan 4: Access and Movement
- h. Parameter Plan 5: Principal Land Uses
- i. Parameter Plan 6: Maximum Building Heights
- j. Central Stort Crossing Interim Junction Tie-In General Arrangement Plan
- k. Village 2 Interim Phase General Arrangement Plan
- l. Village 6 Access General Arrangement Plan
- m. Tree Protection Plan Village 1 Access
- n. Tree Protection Plan Village 2 Access
- o. Tree Protection Plan Village 6 Access
- p. Village 1 Access and CSC Interim Scheme Planting Plan 1/5
- q. Village 1 Access and CSC Interim Scheme Planting Plan 2/5
- r. Village 1 Access and CSC Interim Scheme Planting Plan 3/5
- s. Village 1 Access and CSC Interim Scheme Planting Plan 4/5
- t. Village 1 Access and CSC Interim Scheme Planting Plan 5/5

- u. Village 2 Planting Plan
- v. Village 6 Planting Plan
- w. Gilston River Crossings and Village Development Access Planting Schedule

- 1.10 Four other plans have been provided for illustrative purposes:
- i. Village 1, 2 & 6 Access and River Crossings Landscape Masterplan
  - ii. Village 6 Access Illustrative Planting Section
  - iii. Application Site Boundary Plan
  - iv. Existing Site Features Plan

### **Future Stages - Masterplanning**

- 1.11 The Gilston Area Concept Framework prepared collaboratively by the developers, planning authority and the community set out that the outline application should be followed by a masterplanning stage; with a masterplan prepared for the areas of landscape between Village Developable Areas known as the Strategic Landscape Masterplan ("SLMP"); and one Village Masterplan ("VMP") prepared for each Village Developable Area. The Gilston Area Charter Supplementary Planning Document (SPD), prepared collaboratively with the applicant and the community, describes what each masterplan should contain in general terms. The scope of what the masterplans are to detail are set out in a condition, which also captures other condition requests from statutory bodies where appropriate. Each masterplan will be accompanied by a detailed Design Code and Regulatory Plan which will provide more detail in respect of design that will apply to each individual application to provide details for the matters that are reserved as described in the paragraphs below.

### **Future Stages - Reserved Matters**

- 1.12 The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO") sets out requirements for outline applications and defines appearance, landscaping, layout, scale and means of access as follows.
- Appearance – defined in the DMPO as *"the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture."* The application material includes a Strategic Design Guide which sets design principles both across the site and for each village, to inform the Village Masterplans, the Strategic Landscape Masterplan and future Reserved Matters Application stages.
  - Landscaping – defined in the DMPO as *"the means of treatment of land for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated"* including hard and soft landscaping, planting, screening, and surface materials. The Strategic Design Guide and Development Specification set high level design principles for landscaping which are to inform the Village

Masterplans, the Strategic Landscape Masterplan and future Reserved Matters Applications.

- Layout – defined in the DMPO as *“the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*. Although the detailed layout is reserved at this outline stage, the application seeks the approval of parameters related to the location of built development (Village Developable Areas and zones for the location of certain land uses, for example, education and mixed uses) and open space in Parameter Plans 3 and 5. Future detailed reserved matters applications would need to accord with the approved Parameter Plans.
- Scale – defined in the DMPO as *“the height, width and length of each building proposed within the development in relation to its surroundings”*. Parameters for the maximum height of buildings are set out in Parameter Plan 6 which show how building heights will be controlled across the site and key locations, and to which future Reserved Matters Applications will need to accord..
- Access – defined in the DMPO as *“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network”*. Strategic access to the site from the A414 and Eastwick Road has been applied for in detail as described at paragraph [1.7 above]. Parameters for access and movement, including the location of the Strategic Transport Corridor, subject to a defined limit of deviation, are set out on Parameter Plan 5, and to which future Reserved Matters Applications will need to accord.

1.13 While detailed matters of appearance, landscaping, layout and scale are ‘reserved’ for future consideration pursuant to future reserved matters applications, the application provides information on each of these above matters in the Development Specification and the Parameter Plans, which will be fixed by virtue of this application, against which future reserved matters applications must comply. Section 13.3 below provides details about what each Parameter Plan contains

## **2.0 Site Description**

2.1 The application site comprises open land currently in predominantly agricultural use. The site extends from the A414 and Eastwick Road to the south to Hunsdon village in the north-west, with the northern extent of the application area demarked on the ground by a series of woodland blocks (Black Hut Wood, Queen’s Wood, Battles Wood and Maplecroft Wood, Golden Grove and Sayes Coppice). The western extent of the site runs around and encompasses the former WWII Hunsdon airfield

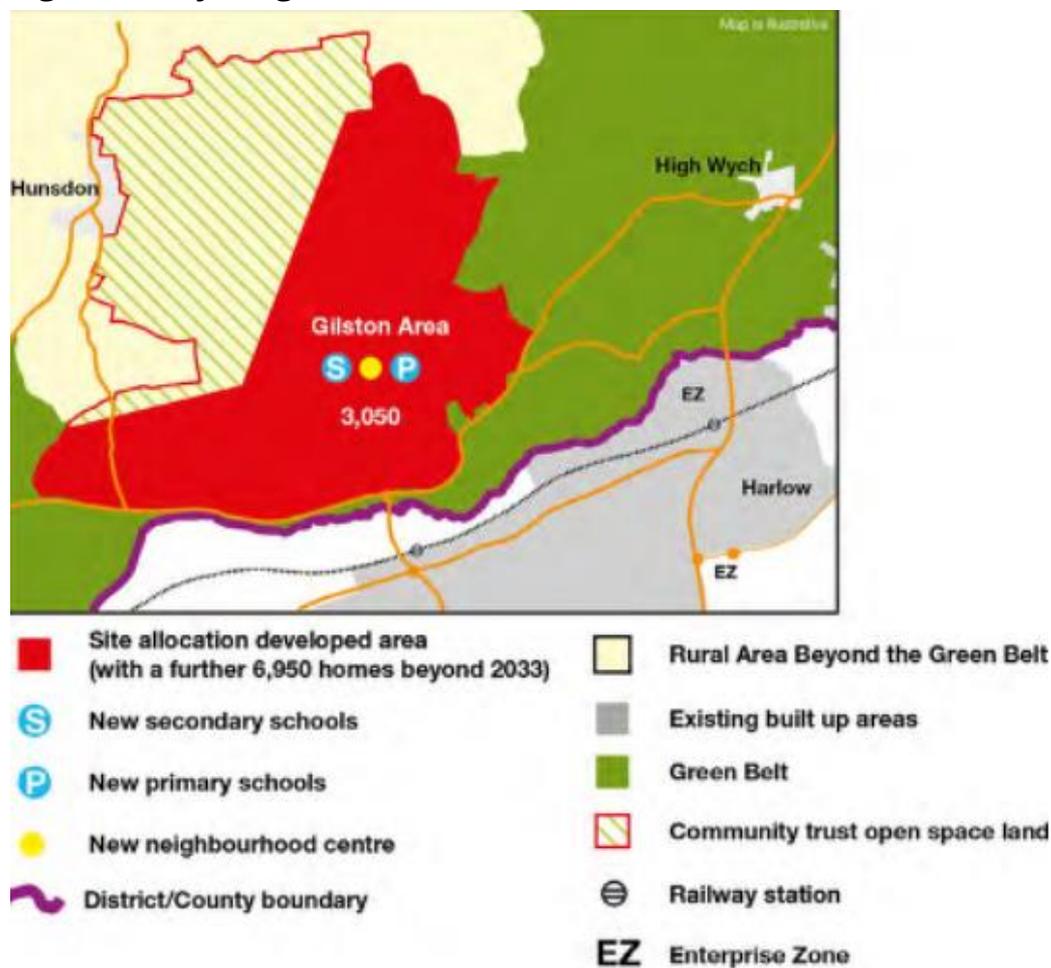
(including several listed/protected structures), follows the alignment of Public Right of Way Eastwick and Gilston 009 past Hunsdon House (a Grade I listed building) then southwards along field boundaries and the Stone Basin Spring watercourse to the A414.

- 2.2 Beyond the site boundary to the north west and west lie the villages of Widford, Hunsdon, Hunsdonbury and Grade I listed Hunsdon House and St Dunstan's Church. The site surrounds and excludes land associated with Gilston Park, a Grade II\* Listed Building which has been converted into multiple residential properties and supplemented in the early 2,000s by the conversion and addition of new residential properties set within the associated estate park. Similarly, the application area surrounds and excludes the villages of Gilston and Eastwick, the Grade I listed St Mary's Church (north of Gilston Park) and several isolated properties.
- 2.3 To the east, the site wraps around the eastern edge of Sayes Coppice, then largely follows the ward boundary of Much Hadham and Hunsdon Wards towards Eastwick Road. Beyond the site to the east is the village of High Wych leading to the town of Sawbridgeworth. To the south east, the site boundary runs along Pye Corner towards Terlings Park (a recently built estate of 200 homes) and the existing Eastwick Road to the south, where the site overlaps with part of the red line areas of the Central Stort Crossing and Eastern Stort Crossing which comprise a further 19 and 26.9 hectares respectively.
- 2.4 Beyond the site to the south is the town of Harlow. A Mark II New Town, the town now has a population of over 83,000. The northern edge of Harlow is mostly industrial in nature with large warehouse style retail and commercial enterprises, apartments recently converted from office complexes, some light industrial uses and the West Anglia Mainline railway line. The town includes multiple key destinations including the Harlow North and Harlow Mill rail stations, retail and leisure uses off Edinburgh Way, a thriving town centre and multiple employment areas including Enterprise Zones accommodating large, medium and small businesses.
- 2.5 The landscape varies across the site, rising from the River Stort towards the Hunsdon airfield, where the site is largely flat. Four watercourses run north to south through the site, forming natural valleys: Golden Brook through the north of the site towards Gilston Park; Fiddler's Brook which runs from Gilston Park past Gilston village into the River Stort; Pole Hole Brook which runs through the eastern part of the site; and Eastwick Brook which runs through the western part of the site.
- 2.6 The adoption of the East Herts District Plan in 2018 removed the Gilston Area from the Green Belt. However, beyond the site to the south, west and east, the Green Belt is retained between the site and Harlow, as shown in Figure 2 below. The District Plan Gilston Area site allocation comprises a 'developed area' as shown in red within which built development is to be located, and an area of open space to the north

west of the developed area to be transferred to a community trust or other mechanism that ensures long term stewardship and governance for the benefit of the community (Policy GA1 V.(k).

2.7 The overall size of the site is approximately 993ha in area, of which approximately 332ha is proposed as Village Developable Areas which will become six new villages. The site is essentially divided into two parts by an overhead power line which runs diagonally across the site. The developable part of the site is located to the south and east of the pylons, while land to the north and west of the pylons is to be retained as open space managed by the Stewardship entity. This is illustrated in Figure 3 below and corresponds with the District Plan allocation 'developed area'.

**Figure 2: Key Diagram for the Gilston Area in the East Herts District Plan**



**Figure 3: Village Developable Areas**



### **3.0 Context of this Application, the Gilston Area and Harlow and Gilston Garden Town**

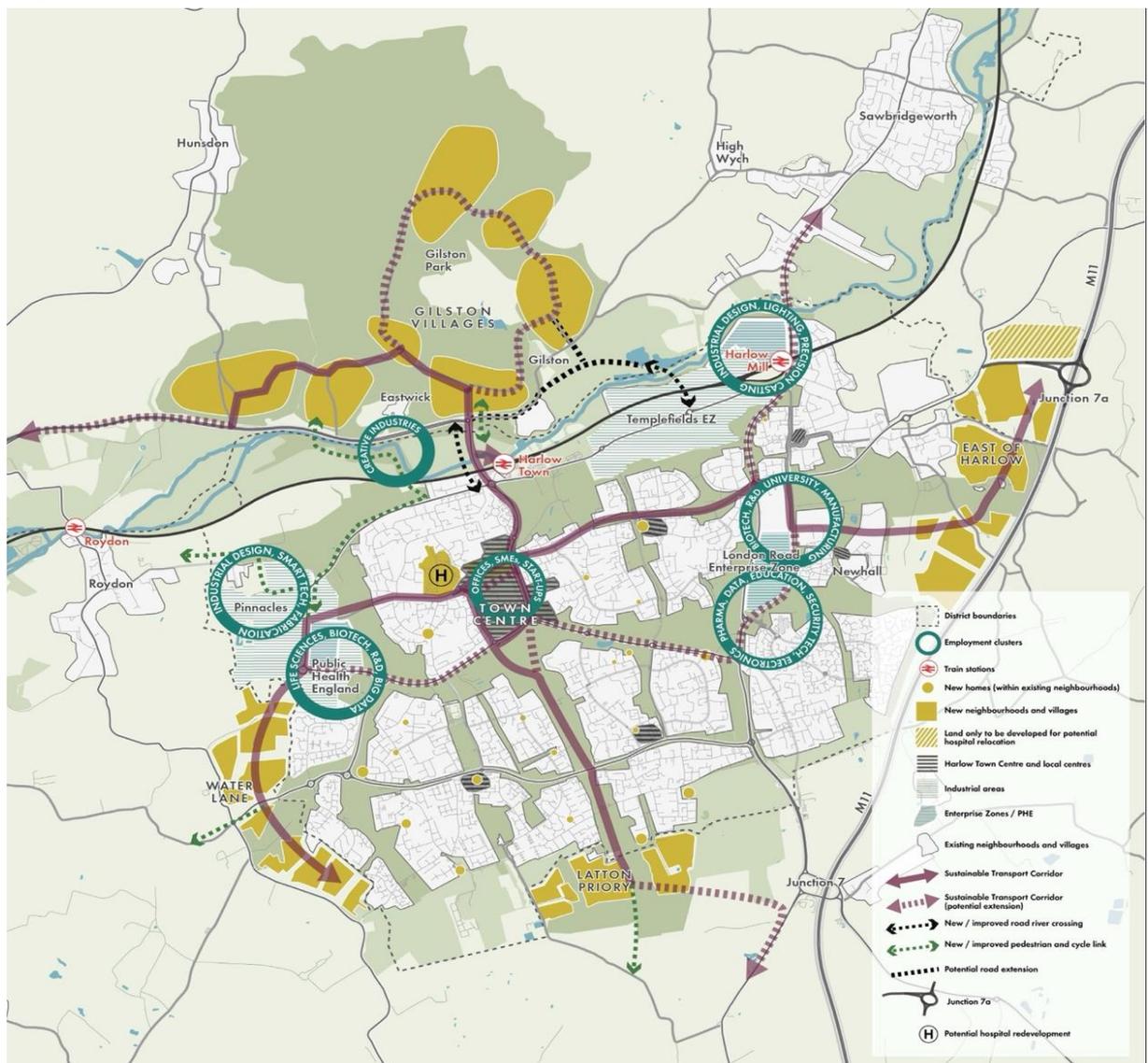
3.1 In January 2017 the Ministry for Homes, Communities and Local Government designated the Harlow and Gilston Area as a Garden Town. The Harlow and Gilston Garden Town (HGGT) involves partnership working between East Herts, Epping Forest and Harlow District Councils (being local planning authorities for land comprising 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.

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 include: 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 3,050 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 land owner (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 but the same land owner has since applied to the Court of Appeal for permission to appeal the decision of the High Court. No timeframe has yet been issued for the Court of Appeal to determine the application.

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



(HGGT Vision, 2018)

- 3.4 Working together the Garden Town partners have published a Garden Town Vision. This sets out that the pioneering New Town of Gibberd and Kao 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. The partners have also set up a Quality Review Panel (QRP) which can be convened to consider policy documents and development proposals coming forward in the HGGT area. The QRP has considered the illustrative masterplans put forward by the applicant at an early stage and also an early version of the emerging masterplan proposals.
- 3.5 The QRP have assessed the emerging Gilston Area development proposals twice since they have been in preparation and under consideration by the Council as formal applications. The first Panel assessment was undertaken in July 2018 and then it met again in April 2020. In October 2021, there was a further assessment by the QRP of the emerging master planning work. That work has subsequently been halted pending the consideration and determination of the outline planning applications.
- 3.6 At the time of the July 2018 QRP assessment, the planning application proposals had not yet been submitted to the Council. The East Herts District Plan was also awaiting finalisation and adoption. At that time, the QRP focussed on previously produced master planning work for the site. The Panel considered what were joint proposals at that stage by both the landowners for V1-6 and V7. The QRP applauded the significant amount of work that had been undertaken at that time, noting the analysis and design development underpinning the work.
- 3.7 At that stage there was significant further work still to be done in the view of the QRP, defining a vision for the Gilston Area site overall and the differing characteristics of each village. It noted the requirements placed on the buffer zone intervening between each village and highlighted the need to ensure that the impact of the proposed sustainable transport corridor was acceptable. The Panel also referred to the scope for refinement in relation to connections and routes, green corridors and spaces, village centres and non-residential uses. In relation to the village concept, the Panel advised that more detailed work should be undertaken to support the concept and to ensure that delivery of it can be achieved. The Panel noted the ambitious sustainable transport targets, urging that careful consideration is given to the design and implementation of the transport infrastructure to ensure that the developments are attractive and that the use of the sustainable routes is encouraged.
- 3.8 It sought further details on phasing and land management and the early phasing of retail and non-residential uses, interim and meanwhile uses. With regard to the economic function of the villages, it advised careful consideration to ensure that this did not harmfully impact on placemaking and was coordinated with economic delivery across the Garden Town.

- 3.9 When the Panel met to assess the scheme again in April 2020, it only had the proposals being advanced by the applicant in this case, for villages 1-6, before it. The Panel remain concerned, with regard to the lack of work on the vision for the place, to ensure that it met its landscape led and sustainable travel objectives. It again advised coordination to ensure that commercial outcomes at Gilston in villages 1-6 were aligned with those for the Garden Town.
- 3.10 The Panel articulated concern that master planning work was to follow and that this more detailed assessment would be the process through which the ability to deliver the village concept could be more thoroughly investigated. Its view was that, in advance of the master planning work, more detailed parameter plans would be appropriate to secure further certainty at this stage.
- 3.11 Officers have noted and fully considered the advice of the QRP. The design approach in relation to the Gilston Area sites has been emerging through the District Plan, the Gilston Area Concept Framework and the Gilston Area Charter. These have established the approach whereby design thinking will increase incrementally in detail through the outline application, subsequent master planning work and through into reserved matters applications. Master planning work did commence in late 2020 and through into 2021. However, both the applicant and the LPA considered that resources were more appropriately deployed toward the consideration of the outline applications, and master planning work was paused as a result. So, with the qualification that some master planning work has been undertaken, the design approach anticipated is being followed in this case. The limitations that this places on the consideration of some matters of detail in advance of the outline applications is acknowledged. However, it is considered that matters to be secured through conditions to be proposed, through a s106 legal agreement and through subsequent master planning process are such that the design process overall is sufficiently robust to ensure that all these matters of detail, where they are not resolved here, are subject to full and detailed assessment at the appropriate time.
- 3.12 As above, it was noted that in Oct 2021, the QRP met to consider the emerging master work undertaken at that time. The Panel advised on a number of detailed matters relating to that work. Further referral to those matters is not set out here as these points will be picked up again when the master planning work recommences.
- 3.13 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 required for the Gilston Area development and the wider HGGT. Approximately £171 million is available until 2025 ("the Grant"), in principle (subject to detailed contractual requirements and milestones in relation to the proposed development), with £129 million of that earmarked for the crossings schemes and

other alternative projects in the Gilston Area and £42 million for road improvements relating to the delivery of the STC. By forward funding infrastructure such as the crossing schemes and community facilities such as schools, the Homes England Grant will support and accelerate the development of homes and the delivery of infrastructure within the Gilston Area and within the wider HGGT.

- 3.14 By considering and granting planning permission for the Crossings applications in March 2022, it has been possible for the applicant to commence work on the detailed designs of the Central Stort Crossing (enabling progress to be made despite the legal challenges). This progress helps to ensure that delivery of this infrastructure can commence once permission is granted on the Outline application. Timing is important as the availability period for drawing down the Funding ends on March 2025 unless the period is extended.
- 3.15 The Grant is made on the basis that it will not be repaid to Homes England provided that equivalent or higher quantum of developer contributions are secured and recovered by the Local Planning Authorities via planning agreements associated with the Outline Villages 1-6 development, Village 7 and other HGGT developments. Such developer contributions (which do not arise in connection with the Crossings but the outline housing applications) would be paid into and ring-fenced into a Rolling Infrastructure Fund (RIF). The RIF can then be used to fund other HGGT infrastructure moving forward in accordance with any planning obligations and relevant policy considerations.
- 3.16 The HIG funding presents a unique opportunity to secure the delivery of the essential transport infrastructure alongside the delivery of the housing schemes forming part of the GA1 allocation. It also helps to improve the viability of the application as it assist with cash-flowing the significant upfront infrastructure, including the crossings. It is not however, 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. Therefore, the availability of it (or not) has not been and should not be taken into account.

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

### **Original application - 2019**

- 4.1 The Outline application was subject to consultation between 14 June and 9 August 2019 alongside the Crossings applications. Representations were received from a wide range of stakeholders and Officers wrote to the applicant on 21 February 2020

setting out a series of initial comments and requests for further information. In this report this is referred to as the original 2019 application.

### **2020 Amended Scheme**

- 4.2 Following a period of engagement between the Applicant team and stakeholders a series of amendments to the planning applications were submitted in November 2020, with a consultation period running between 19 November 2020 and 24 January 2021. The proposed changes were presented to the local community and other interested parties via three webinar events (due to Covid 19 restrictions). In this report this stage is referred to as the 2020 amended scheme.
- 4.3 The basis of the Outline application remained unchanged; a minor alteration was proposed to the description of the development to include the provision of Gypsy and Traveller pitches and Travelling Showpeople plots, which resulted in minor updates to the red line application site boundary. The main changes submitted in November 2020 can be summarised as follows:
- **Strategy Commitments and Placemaking Strategy**
- 4.4 The application, as originally submitted, contained nine strategy documents which covered different aspects of the proposed character, function and objectives of the development. These strategy documents were for information purposes only, not to be approved. Therefore, the well-considered and ambitious objectives set out therein were to have no bearing on the application. As such, the Applicant agreed to submit the Placemaking Strategy document as an approvable document and the commitments from the other eight strategies were inserted within the Development Specification, which is the primary approvable document against which future detailed masterplans and Reserved Matters applications must accord.
- **Parameter Plans and Development Specification**
- 4.5 Minor amendments to the Development Specification and Parameter Plans were made to reflect the outcome of discussions with stakeholders. A specific amendment was made to the southern edge of Village 6 to incorporate more land within the developable area of the Village to accommodate safeguarded land for Gypsies and Travellers/Travelling Showpeople and additional employment floorspace. The design parameters controlling development around heritage assets have been amended following engagement with Historic England. Specifically, part of the developable area of Village 4 immediately south of St Mary's Church has been removed entirely, and the Sensitive Development Areas around the Mount and Eastwick Scheduled Ancient Monuments have been extended. The heritage design principles for each key asset on site have been refined. Increases have been made to village buffers, specifically around Channoeks Farm, to the rear of properties in Pye Corner and between Villages 1 and 5.

- 4.6 As originally submitted, the application proposed a single access in to the GA1 area at Village 1, comprising a continuation of the Central Stort Crossing (CSC) northwards into the village. As a result of consultation and engagement on the applications, the proposals were amended with the principal change being a restriction to the use of the direct Village 1 access to sustainable modes only, with consequent amendments to its detailed design. This was complemented by the addition of a proposed further all-modes access to Village 1, which will be located to the east of the Eastwick Junction. This is explained in detail in section 4 of the CSC and Eastern Stort Crossing (ESC) officer reports to which members are referred. The two reports can be viewed on the planning application public portal under application references 3/19/1046/FUL and 3/19/1051/FUL respectively.
- 4.7 In light of the updates proposed to the Village Development (as well as those made to the applications for the river crossings) an addendum to the Environmental Statement was submitted. This included a Transport Assessment Addendum which responds to comments received from the highway authorities.

#### **2022 July Viability Appraisal Submission**

- 4.8 In July 2022 the Applicant submitted further amendments to the application in the form of a Viability Appraisal Submission in respect of affordable housing levels proposed and other amendments to application documentation. The application material was made available for public consultation between 15 July and 26 August 2022. This Officer Report refers to this stage as the 2022 Viability Submission.
- 4.9 The Council received a report from BPS Surveyors, acting on behalf of the Council, which raised several queries and challenges relating to the Applicant's Viability Submission. The report was published on 26 August and the consultation period extended until 14<sup>th</sup> September 2022.
- 4.10 The main amendment proposed was a reduction in the level of affordable homes from 40% to, at that stage, 21.3%. The Applicant set out a proposed list of infrastructure to be delivered or contributed towards, which varies from the Heads of Terms submitted with the Original 2019 Application and the 2020 Amended Scheme. The result of additional infrastructure, rising building costs and the earlier delivery of previously proposed infrastructure negatively impacted the development's ability to support previously proposed level of affordable housing and proportion of affordable rent and intermediate house tenures.
- 4.11 Amendments were also proposed to the Development Specification and the Strategic Design Guide, which were consulted upon as part of the Viability Submission consultation material. Track change versions of the two documents were supplied to enable easier identification of the changes. The majority of these proposed amendments are minor in nature but were included for completeness,

while some are more significant in terms of the overall commitments of the outline application.

### **2022 December Viability Amendments**

- 4.12 Following receipt of representations and detailed consideration of the 2022 Viability Submission, the Applicant submitted amendments to the viability appraisal in December 2022 with consequent amendments made to the Development Specification. The main amendment at this stage was a refinement to the proposed mitigation triggers and S.106 obligations, resulting in an increase to the level of affordable housing to a minimum of 23% across the Villages 1-6 development. As noted later in the report, future upwards only viability reassessments will be secured pursuant to the S.106 agreement in order to seek to capture an uplift in affordable housing should viability improve. Minor amendments were also proposed to Parameter Plan Six in relation to maximum building heights including additional clarification added to the plan key. A new Environmental Statement Addendum was submitted to reflect the revisions to Parameter Plan 6 and the Development Specification as well as policy, practice and contextual changes. This included an update to the Landscape and Visual Impact Assessment. Consultation was undertaken on these amendments between 8<sup>th</sup> December 2022 and 12<sup>th</sup> January 2023.

## **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) (“EIA Regulations”) as an ‘urban development project’ likely to have significant effects on the environment by virtue of its nature, size or location. An EIA 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 residential 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. PfP also submitted the EIA Scoping Report to Harlow District Council due to the cross-boundary nature of the two crossings. Harlow District Council responded in October 2017 with its own EIA Scoping Opinion.
- 5.2 In September 2018, PfP advised the Councils that it was now their intention to submit an outline application for 8,500 homes (Villages 1-6) and full applications for the two river crossings. Whereas a separate application for 1,500 homes (Village 7) would be submitted by the owners of Village 7 land later. As such, PfP produced an EIA Scoping Update to describe how the description of the development and the proposals now

differed to those originally scoped. This Scoping Update set out that the Environmental Statement (“ES”) to be submitted with its application would be based on the most up to date EIA Scoping Opinion in line with the EIA Regulations, as the revised description of development remained materially the same as the previous proposed development. The PfP Scoping Update indicated that following the principles set out in Planning Inspectorate Note 9, the ES would be based on worst case scenario assumptions or taking a precautionary approach and take account of all planned development, including the separate Village 7 proposal to ensure that there would be sufficient information to enable the ‘likely significant’ effects on the environment to be assessed. Furthermore, a large number of the baseline studies that had been undertaken for the Villages 1 to 6 and river crossing proposals also included the Village 7 element of the original scheme. This information was considered to be relevant context for the assessment and would be (and indeed has been) carried through to the ES to ensure cumulative impacts of all developments including Village 7 were assessed.

- 5.3 The EIA Scoping Update confirmed that the methodology used for the EIA process continued to apply. The Village Development and two crossing applications are interlinked; the full Gilston Area allocation requires supporting infrastructure provided by the two Stort Valley Crossings. As such, the proposals put forward in the four PfP applications (the CSC, the ESC, the outline residential development for Villages 1-6 and listed building consent) are collectively known for the purposes of the EIA process as ‘the Development’ and the effects of the Development would therefore be considered and reported collectively for EIA purposes. The Development (comprised of four separate applications) has been subject to a single ‘project-wide’ EIA. The significant effects and mitigation arising from the Development were assessed collectively (based on the anticipated delivery of each element by agreed milestones). Where necessary, the effects and associated mitigation that has particular relevance to the CSC proposal are highlighted. The effects of Village 7 and other developments in the HGGT area, are addressed as cumulative development. The Council agreed this approach and issued a revised Scoping Opinion.
- 5.4 An ES was submitted by PfP with the applications (3/19/1045/OUT, 3/19.1049/LBC, 3/19/1046/FUL (HW/CRB/19/00220), and 3/19/1051/FUL (HW/CRB/19/00221)) in May 2019 and registered in June 2019. In line with the EIA Scoping Opinions issued by the Councils, the ES assessed the effects of the proposed development on the following environmental receptors and matters:
- Socio-Economics and Community Effects
  - Human Health
  - Transport and Access
  - Air Quality
  - Noise and Vibration

- Cultural Heritage: Archaeology
- Cultural Heritage: Built Heritage
- Landscape and Visual
- Biodiversity
- Agriculture and Soils
- Ground Conditions
- Water Resource and Flood Risk
- Services and Utilities
- Light
- Climate Change

- 5.5 On behalf of the LPA, East Herts Council appointed Barton Wilmore (BW) to assist the Council in ensuring the reliability of the ES, whether the assumptions made are reasonable and correct and to confirm whether it satisfies the requirements of the EIA Regulations.
- 5.6 The review undertaken by Officers supported by consultants BW identified the requirement for a number of points of clarification and potential requests for 'further information' under Regulation 25 of the EIA Regulations. Officers wrote to the applicants with initial feedback on the originally submitted application in February 2020 setting out these requests for clarification and further information. However, as amendments were required to the application, it was agreed that these EIA clarifications and requests for further information would be addressed through corresponding amendments to the ES. The amended application and supporting information, including an ES Addendum, were submitted in November 2020 and were subject to consultation as part of the consultation on wider amendments to the application.
- 5.7 Following a further review by Officers and BW, Officers requested 'further information' be sought in relation to the noise assessment for the Village 1-6 development, specifically in relation to proposed safeguarding of land for Gypsy and Traveller and Travelling Showperson use in the southern part of Village 6 and north-eastern area of the site beyond Village 4, as identified on Parameter Plan 5: Principal Land Uses. An updated LVIA was also included in relation to the Village 4 site. The Applicant submitted the requested further information within a Further Information Report in April 2021, which was made available for public comment in accordance with Regulation 25 of the EIA Regulations as part of the 2020 amended submission.
- 5.8 A further amendment was made to the ES in response to updated topographical surveys undertaken across the site, resulting in a revision to Parameter Plan 6: Building Heights and the Village 2 access. An ES Addendum was submitted to the Council that included updated assessments relating to built heritage, landscape and visual impacts and climate change and greenhouse gases. Supplementary information was provided in relation to water resources, flood risk and ecology. An

updated air quality transect assessment was also carried out to inform a revised information for the Habitat Regulations Assessment report, included in the December 2022 Viability Amendments consultation.

- 5.9 The 2019 ES, 2020 ES Addendum, 2021 Further Information Report and 2022 ES Addendum are collectively termed the 'ES (as amended)'. East Herts Officers are satisfied that the environmental information provided in the ES (as amended) provides sufficient information to assess the likely significant effects of the proposed Outline development, together with the Crossings (as part of the same project), on the environment. The ES (as amended) is satisfactory and is compliant with the requirements of the EIA Regulations.
- 5.10 The ES (as amended) has considered whether there are any likely significant effects on the environment from the Development (which includes the effects of the Outline application and the Central Stort Crossing and Eastern Stort Crossing cumulatively and in combination). Addressing the Outline proposal for Villages 1-6 and the two Crossings as a single "project" is considered the most robust approach given that the schemes are linked. As such these three elements considered in ES terms as one project, titled 'The Development'. Where necessary, the ES (as amended) highlights impacts that have particular relevance to the Outline proposal, therefore the ES (as amended) 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 taking into account the cumulative impact of other planned developments.
- 5.11 The ES (as amended) 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:
- 5.11.1 'the Development' (Villages 1-6 and the two crossings) as a stand-alone development, and
  - 5.11.2 the Development' including the related Village 7 application as part of the overall GA1 site allocation, and
  - 5.11.3 'the Development' taken cumulatively with other consented and planned proposals within the East Herts District Plan, applications within the Harlow area, development allocations within the Harlow Local Development Plan and development allocations within the emerging Epping Forest Local Plan.
- 5.10 It is considered reasonable and appropriate for Village 7 to be assessed as part of the cumulative effects as opposed to being part of the Development applied for under this application. There are a number of reasons for this, including: the

cumulative effects assessment information provided is comprehensive and sufficient to assess the likely significant effects; Villages 1-6 and the Crossings are capable of coming forward and being delivered without Village 7 and it is helpful to have the main effects for Village 1-6 separately identified from those of Village 7 when determining this application; V1-6 is within separate ownership from Village 7 and, whilst the two landowner developers are collaborating over matters such as design and section 106 obligations to help ensure the allocation does not come forward in a piecemeal fashion, they have each submitted separate applications and will be marketing and bringing forward their developments independently; the application for Village 7 has also been subject to its own environmental statement and consequently there has been no “salami slicing” to avoid EIA and the purposes of EIA have not been circumvented or frustrated through this approach.

- 5.11 The EIA has been carried out using the ‘precautionary principle’, considering the impact of the Development as a whole. For example, ecological surveys have been carried out with plans provided covering the application areas of the outline application, the Central Stort Crossing and the Eastern Stort Crossing, but the information is presented in one chapter, with associated appendices in the ES (as amended). This means it is possible to assess the impacts arising from the Outline proposal with the benefit of understanding the impacts in context with the two other components of the Development (the Villages 1-6 Outline along with the CSC and ESC) and as a whole. Chapter 22 of the ES Addendum (as amended) summarises the likely significant effects, mitigation measures and residual effects of each part of the Development, for the demolition and construction phase and the completed development as well as the cumulative effects.
- 5.12 In addition to the embedded mitigation, appropriate mitigation measures specific to the Outline application proposal are recommended where adverse effects have been identified in the form of a mitigation route map<sup>1</sup>. It is for the LPA to assess whether the proposed mitigation measures are appropriate and to determine the way in which such measures are secured such as by way of planning conditions and/or planning obligations as necessary. The LPA can of course decide that additional conditions and mitigations to those suggested in the ES (as amended) are imposed upon the grant of any permission. For clarity, the conditions forming part of the recommendation and detailed in the Schedule of Conditions at the end of this Report are considered to provide effective mitigation for the outline application proposal, are necessary for planning reasons and are otherwise reasonable.
- 5.13 The ES (as amended), 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 taken into account when arriving at a decision on

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<sup>1</sup> ES Addendum, Volume III, Appendix 22.1: Mitigation Route Map

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 Outline application proposal and the necessary mitigation. That an EIA is provided does not absolve the LPA from making its own reasoned judgement based upon not only the information presented but other material planning considerations. The 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 (as amended) (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.

## **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 of the three planning applications submitted by the Applicant Places for People.
- 6.2 The applicant’s December 2022 Viability Submission contained an update to their HRA information. This relates to a new air quality transect covering part of Epping Forest closest to the development, known as Epping Thicks SSSI unit105. This part of the SAC was included in the Council’s HRA reported to the committee in February 2022, with an air quality transect that took account of development related traffic and cumulative (in-combination) traffic on the M25 in proximity to the SSSI unit. The applicant’s new data comprises an air quality transect of the same SSSI unit but taken from the nearest road, the B1393. The new air quality modelling is based on the same transport assessment inputs and takes account of the same conservation objectives as previously considered. The HRA at Appendix A has been updated to add the outputs of the new air quality transect. The HRA update also includes the HRA update which was previously reported to the committee as Appendix B to the two crossing reports for completeness. The HRA in all other respects remains the same and the conclusions reached likewise remain as previously reported.
- 6.3 The Habitats Regulations Assessment (HRA) comprises a screening assessment and appropriate assessment on the potential impacts of the three applications comprising the Development being the same as described in the Environmental

Statement): the Villages 1-6 outline application, the Central Stort Crossing and the Eastern Stort Crossing, 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.

6.4 Appendix A forms a part of this report and contains the HRA in full. Table 1 below contains a summary of the key 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 1: Screening 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. CEMP 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 V1-6 Outline required to provide strategic accessible natural 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 Quality/Quantity Impacts	No Likely Significant Effects		

6.5 Any likely significant effects which were identified or could not be ruled out following screening were subject to an 'appropriate assessment' as to whether they would have an adverse effect on the integrity of a National Network Site, taking into account

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. This ensures that the appropriate assessment considers the 'worst case' scenario of impacts arising from the outline Villages 1-6 application on its own and when considered in-combination with the Crossings applications as well as in combination with other schemes.

- 6.6 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.
- 6.7 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 are expected to be effective (with no reasonable scientific doubt), the Councils are satisfied that the proposed outline planning application, 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.

## **7.0 Equalities and Human Rights**

- 7.1 Under the Equality Act 2010, planners acting for a public authority are required to have due 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: -
- 7.4.1 *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.
- 7.4.2 *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 some agricultural tenants and tenants of Eastwick Lodge Farm businesses will be required to relocate, some of which may be possible to new employment areas within the site. It is also noted that land assembly, potentially including by compulsory acquisition, will be required in connection with implementation of the two Crossings but not the outline application, 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 Outline application, along with the two Crossings 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.

7.4.3 *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 elements of the proposal including the Crossings 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 taken into account 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 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 Outline 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 Outline 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 Outline 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, as were the East Herts Council District Plan, SPDs and Health and Wellbeing Strategy documents. Furthermore, the access points have has been subject to a Stage 1 Road Safety Audit<sup>2</sup>, which appraises the design and gives recommendations for implementation at the detailed technical design stage to ensure the safety of pedestrians and cyclists. 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 following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
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	Granted permission	18 <sup>th</sup> March 2022
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.	Granted permission	18 <sup>th</sup> March 2022
3/19/1049/LBC	Repair works and replacement white post and 3-rail balustrade to bridge.	Granted permission	18 <sup>th</sup> March 2022

8.2 The Central Stort Crossing and the Eastern Stort Crossing represent the first strategic planning applications to be determined within the HGGT area.

## 9.0 Main Policy Issues

- 9.1 The East Herts District Plan was adopted in 2018 (“EHDP”). Policy GA1 (The Gilston Area) is the principle policy covering the application, though the Plan is to be read as a whole and relevant policies are therefore included in Table 2 below.
- 9.2 In addition, the Gilston Area Neighbourhood Plan (GANP) (made on 28<sup>th</sup> July 2021) forms part of the development plan. The GANP covers a large proportion but not all the land associated with the outline application area. For example, the north-eastern area adjacent to Village 4, the CSC south of Eastwick Road and ESC east of Pye Corner are outside the GANP area. The GANP is in general conformity with the adopted East Herts District Plan.
- 9.3 The Hertfordshire Minerals Local Plan and Waste Local Plan (M&WLP) is also part of the Development Plan. Where relevant the M&WLP is summarised and considered throughout the report.
- 9.4 The National Planning Policy Framework sets principles and requirements in relation to the consideration of planning applications.

**Table 2: Development Plan Policies and the NPPF**

EHDC Policy	GANP Policy	NPPF
Principle of development (Section 13.1)		
<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 (Section 13.2)		
<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 (Section 13.3)		
<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

<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>	
<p>Supporting Economic Growth (Section 13.4)</p>		
<ul style="list-style-type: none"> <li>• GA1: The Gilston Area</li> <li>• Neighbourhood Centres</li> <li>• Employment Areas</li> </ul>	<ul style="list-style-type: none"> <li>• Policy BU2 Village Cores/Centres</li> <li>• Policy BU3 Employment Areas</li> </ul>	
<p>Delivery of Community Infrastructure (Section 13.5)</p>		
<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> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• AG9: Phasing of Infrastructure Delivery</li> <li>• Policy C1 Community Facility Provision</li> </ul>	<p>Section 7, 8, 12</p>
<p>Protecting and Enhancing the Natural Environment (Section 13.6)</p>		
<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>• LA1: Landscape Within the New Village Boundaries</li> <li>• TRA2: Access to the Countryside</li> </ul>	<p>Section 15</p>
<p>Climate Change, Flood Risk and Sustainable Drainage (Section 13.7)</p>		
<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> <li>• CC2: Climate Change Mitigation</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 Infrastructure on Existing Communities</li> </ul>	<p>Section 14</p>

	<ul style="list-style-type: none"> <li>LA1: Landscape Within the New Village Boundaries</li> </ul>	
Transport Considerations (Section 13.8)		
<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
Protection and Enhancement of the Historic Environment (Section 13.9)		
<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
Land contamination and pollution (Section 13.10)		
<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> <li>DEAL WITH PYLONS IN THIS SECTION?</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
Long Term Stewardship (Section 14)		
<ul style="list-style-type: none"> <li>Policy GA1</li> </ul>	<ul style="list-style-type: none"> <li>GANP Policy D2 Community Ownership and Stewardship</li> </ul>	-
Infrastructure Delivery (Section 15)		
<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 Section 4

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

**Table 3: Relevant Planning Documents and Guidance**

Document	Author	Summary
Gilston Area Charter SPD	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 Councils 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>

8.9 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 4 below.

**Table 4: 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 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.</p>
<p>Harlow and Gilston Garden Town Design Guide (2018)</p>	<p>On behalf of the Harlow and Gilston Garden Town Authorities</p>	<p>Document sets out the expectations and aspirations for the delivery of high quality and sustainable developments.</p> <p>Of particular relevance are pages 24-25 on sustainable movement and pages 39-41 on strategic site guidance for the Gilston Area.</p>
<p>HGGT Infrastructure Delivery Plan (IDP) 2019</p>	<p>On behalf of the Harlow and Gilston Garden Town partner Councils</p>	<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 Gilston Area and other 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>
<p>HGGT Transport Strategy 2021</p>	<p>On behalf of the Harlow</p>	<p>Sets out how the HGGT will achieve the challenge of future travel demand linked to planned</p>

	<p>and Gilston Garden Town Council Partners</p>	<p>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 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> <ul style="list-style-type: none"> <li>• A user hierarchy – prioritising active and sustainable travel – walking, cycling and public transport.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<p>HGGT Sustainability Guidance and Checklist (2020)</p>	<p>On behalf of the Harlow and Gilston Garden Town Council Partners</p>	<p>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.</p>

## 10.0 Summary of Consultee Responses

10.1 This section summarises the responses of statutory bodies; full responses are available on the application portal. Some consultees have responded to each stage of the application (as originally submitted in 2019, the amendments submitted in 2020 and the Viability Submission in 2022). For the avoidance of doubt each summary indicates where a party has made more than one representation. Please note, that this report does not explicitly address every point made in representations, but regard has been had to each in the preparation of the report. Where conditions have been suggested these have been incorporated in the draft conditions schedule in Appendix D, sometimes consolidated with other similar matters.

### Affinity Water

10.1 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. It is also in close proximity to the Affinity Water Hadham Mill source to the north of the development site and to an adit which extends westwards from the Affinity Water Sawbridgeworth Pumping Station located to the east of the development. These are public water supplies comprising several chalk abstraction boreholes operated by Affinity Water Ltd.

10.2 As such, 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.

10.3 No response was submitted to the 2020 amendment consultation. In their response to the Viability Submissions, Affinity Water note that they have no new comments to make, and that they expect any concerns raised previously to be addressed at or before the detailed application stage.

### Ancient Monument Society now Historic Buildings and Places

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

Broxbourne Borough Council

- 10.5 Responded to the original application consultation raising concerns in relation to transport impacts from the application on the A10 through Broxbourne borough, based on modelling undertaken for local plan purposes, which pre-dates the submission of the application. Broxbourne Borough Council has no comments to make in respect of the master planning or other details of the proposal considering they are local matters for East Herts. They stress that the strategic transport model shows that in scenarios with and without the Stort Crossings the A10 reaches over 100% capacity. They advocate a strategy to move to sustainable modes of travel but are concerned that the long term impacts of Gilson could undermine this strategy. Uncertainties regarding total number of homes delivered and transport modelling should be overcome. The poor air quality of the A10 should be taken into consideration regarding nitrogen dioxide and that Broxbourne Council are required to deliver a plan to identify compliance with legal limits, which Gilson could contribute to without mitigation which should be in a s106 agreement. They request a financial contribution based on trip generation figures in the region of £500,000 to mitigate impacts to 2033, with mitigation later to be based on necessary mitigations in the form of further, unclarified, contributions beyond 2033 based on identified impacts and necessary mitigations.

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.

Campaign to Protect Rural England (CPRE) Hertfordshire

- 10.20 CPRE made representations to the original application only, objecting to the application due to the loss of Green Belt, considering that the proposed density of the scheme does not make optimal use of the land. Reference is made to the Government's declared climate emergency and local declarations for carbon neutrality by 2030. The scheme should aim to achieve biodiversity net gain and be net zero carbon allowing for lifetime carbon use as well as the embodied carbon of new buildings, roads, cars etc. Density should increase to minimise built footprint as well as carbon footprint. The design should be linear rather than a series of villages.
- 10.21 CPRE consider the scheme fails to meet Garden City Principles such as community ownership, land value capture and long-standing stewardship, recommending a master developer mechanism is required and a Trust established with land invested to raise bonds to allow investment in early infrastructure; that public transport should be the most attractive option with layouts future-proofed and adaptable to

future east-west mass rapid transit schemes; that the development should be self-sustaining in terms of employment opportunities; that there should be open community engagement and an independent design process; and that the scheme should be integrated with Harlow to assist in its regeneration; that early and advance infrastructure is delivered along with genuinely affordable housing rather than those capped at 80% market rents.

Canal and Rivers Trust

- 10.22 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.
- 10.23 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 in order 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.
- 10.24 In their response to the Viability Submission the Trust raises concern that the submission removes the towpath contribution from the proposed package of mitigation for the development, as the applicant considers the contribution does not meet the tests required in the Community Infrastructure Regulations 2010 (as amended) ("CIL Regulations") ((a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development). The Trust maintains that the contribution request does meet the CIL Regulations and is necessary to mitigate the impacts of the development relating to the impact on the river and towpath users, impact on the structural integrity of the river wall and impact on the ecology of the waterway corridor. Furthermore, the contribution is necessary to achieve the ambition of achieving a high mode share of active and sustainable travel, and sustainable communities in line with the HGGT Vision and Garden City Principles.

Council for British Archaeology

- 10.25 Object on grounds that harmful impacts on archaeology and heritage have not been sufficiently minimised, and fails to integrate the potential for public integration with the site's archaeology. They object to the demolition of undesignated buildings in advance of masterplanning providing clear justification for their loss. They recommend a strategy be provided to set out how archaeological heritage is to be managed.

Defence Infrastructure Organisation

- 10.26 Confirm they have no objection as the site is outside Ministry of Defence Statutory Safeguarding Areas.

East of England Ambulance Service

- 10.27 Seeks a financial contribution of over £2m to the provision of additional ambulance equipment to support the population arising. They provide criteria to be followed for any retirement homes/extra care facilities provided.

EHDC Community Wellbeing and Partnerships Team

- 10.28 The Team welcomes the applicant's Health and Wellbeing Strategy and have a high confidence in the comprehensiveness of the approach, in particular the Healthy New Town approach and the preventative public health approach being proposed, including through the delivery of public green space and active travel networks in reducing air quality impacts. Proximity to green space within the village development will add to a sense of community ownership and improving physical activity and mental wellbeing. The Team recommend that collaboration occurs with the Council and County Council to understand the profile of new communities to target community development strategies in the future. Advice is provided on community safety and dementia friendly design measures.

EHDC Engineering Advisor

- 10.27 Requested more information regarding the potential palette of sustainable drainage features. After a signposting exercise, the Engineer was satisfied that sufficient information was provided and a suitable condition could be added to any grant of permission to ensure the most appropriate method of sustainable drainage will be used across the site, in consultation with the Local Planning Authority and in accordance with the requirements of CIRIA 753 'The SuDS Manual'.

EHDC Environmental Health

- 10.29 Initially raised concerns relating noise impacts for new homes near the A414. In subsequent representations submitted following receipt of detailed noise assessments provided in the ES Addendum they do not wish to restrict development at the site subject to the imposition of conditions relating to contaminated land and construction management. \*Officer note for report – a final set of conditions was agreed with the Environmental Health Advisor. These are set out in the draft condition schedule.

EHDC Housing Service

- 10.28 The Housing Service provided comments on the original application requesting some additional clarification on some of the proposed housing types and tenures and

providing advice in relation to the provision of self-build housing and specialist housing. The representations made to the Viability Submission note that it is disappointing that the level of affordable housing has reduced significantly. Likewise, the tenure split of 60/40 affordable rent/shared ownership is not in line with the Council's evidence of need. However, noting the viability appraisal, the service recommends that the 23% affordable housing provision should be the minimum provided across the site, with an upward looking review mechanism that should also include opportunities to review tenure split and property types to ensure smaller family sized properties are provided as affordable units. The service recommends that the legal agreement secures no more than 19% one bed flats and two bed flats should not exceed 11% of the affordable rented dwellings or shared ownership dwellings. One bed flats should be suitable for two persons, two bed dwellings should be suitable for four persons, three bed dwellings should be suitable for five persons and four bed dwellings should be suitable for seven plus persons. Advice is provided relating to wheelchair adaptable and accessible dwellings and providing 'tenure-blind' designs.

EHDC Landscape Officer

10.29 The landscaping officer provided comprehensive observations on 08/01/2021 in relation to the revised submission. The comments covered landscape matters that included (but were not limited to) landscape character and visual amenity, arboriculture, green infrastructure (GI) and open space networks. Summary of key comments (note many have subsequently been resolved through further refinements to the proposals):

- Importance of appropriately addressing the overlap and symbiosis between the Strategic Landscape Masterplan (SLMP) and Village Masterplans. This needs to be set out clearly in the scoping/brief for the masterplanning stages.
- There is reference to the provision of lighting within the village parks. This approach is not supported where village parks are located within the strategic landscape areas and needs testing at the Masterplanning stages.
- The principles for lighting should be stronger and seek to minimise light spill everywhere, not just for sensitive receptors.
- It is not clear how far the parameter of 10-40m for the village green corridors has been tested to give satisfaction that all the necessary functions (pedestrian and cycle routes, sustainable drainage system etc) can be achieved. It is therefore advised that there needs to be greater flexibility for these corridors to be wider at the Masterplanning stages.
- It is advised that Sustainable Urban Drainage should be delivered at all open space typologies and scales, in order to ensure that within the village developable areas, water is captured at the top of the management train, as close to the source as possible and water management solutions are integrated with hard landscape areas.

- The Development Specification states that each home will be within 1,000m of an allotment, this is not compliant with HGGT Sustainability Guide that recommends 800m.
- The Stort Valley should be addressed holistically in order to retain its identity as an extensive and unified landscape feature, its connectivity and function.
- Parameter Plan 2 shows the sustainable transport corridor overlapping a veteran tree at fiddlers brook - veteran trees should be protected in the first instance and their removal, and the provision of compensation measures, should only be considered as a last resort.
- Flexibility along the 'village developable area' edge is vital to ensure that at the masterplanning stages the village development does not present a hard and/or straight settlement edge but sits comfortably within its landscape and visual setting.
- It is proposed to provide a 2.5m buffer each side of the hedgerow, a wider buffer of 5m is preferable.
- The buffer around trees should be revised to reflect Natural England's standing advice.
- Greater clarity needed on the strategy for how people and wildlife will be managed within the green infrastructure network, particularly in regards to movement.
- The important role of Public Rights of Way (PROW) in the green infrastructure strategy should be reflected more strongly within the Development Specification and the Parameter Plans.
- The Landscape Visual Impact Assessment should be updated to address the gypsy and traveller and travelling showpeople sites.
- The residential area should be removed from within the pylon easement as development cannot take place here.
- The approach to building heights does not reflect a truly holistic landscape lead approach and needs to be tested more thoroughly at the masterplanning stage. In broad terms villages at lower elevations towards the valley floor may have the ability to accommodate taller buildings than villages at higher more exposed elevations.
- Consideration should be given to creating more space for soft landscape mitigation and enhancements at the Eastwick Road junction with the Village 1 access.
- The opportunity to shift the village 2 interim access slightly east to enable the retention of the hedgerow should be explored.
- The approach to the layout and design for the village 6 access should be more landscape led.
- The distribution of densities should be based on an understanding of landscape sensitivity and informed by technical landscape and visual analysis at the masterplanning stages.
- The "Strategic Principles" should commit more strongly to providing homes access to green open space, that village masterplans will respect local landscape

character and that existing drainage catchments and watercourses shall be utilised for sustainable urban drainage.

- The “Village principles” should more clearly define ‘soft edges,’ ‘shared frontages’ and ‘green buffer’ etc. The village 3 principles need to better reflect good urban design principles such as those in the HGGT guidance.
- The prominence of development will need to be based on an understanding of landscape sensitivity and informed by technical landscape and visual analysis at the masterplanning stages.
- Various aspects of the Landscape Visual Impact Assessment require further information or revising (detailed assessment provided in full comments).
- The Arboricultural Impact Assessments are based on desk surveys and have been updated as far as they can at this stage. It is understood that they will be further updated once access to the land is gained, and to inform the Masterplanning stages.

#### EHDC Leisure Services

- 10.30 State that sports facilities should be constructed to Sport England standards or relevant National Governing Bodies or Fields in Trust standards. Provision should be phased to match development needs, and provided early where possible. The representations advise space and design criteria related to each leisure facility type.

#### EHDC Planning Policy

- 10.31 The Planning Policy Team responded to the 2020 amendments consultation setting out the East Herts District Plan policy requirements relating to the delivery of Gypsy and Traveller and Travelling Showpeople accommodation. The Team prepared a further response to the Viability Submission consultation, providing an updated position in the context of the recently completed Gypsy and Traveller Accommodation Needs Assessment (GTANA) approved by the Council on 27 July 2022.
- 10.32 The Planning Policy Team welcomes the proposed amendments to the Development Specification which now includes reference to Travelling Showpeople in addition to Gypsies and Travellers. However, the Team advises that scoping exercises be carried out to demonstrate the feasibility of the two areas of land proposed to be safeguarded to meet the needs set out in Policy GA1 of the East Herts District Plan. This is particularly important given the proposed location of the area of land adjacent to Village 4, being within an area identified as Landscaped Area which is not identified for development purposes on Parameter Plan 3. It is further requested that the land area proposed within V6 is increased by 0.1Ha to provide for a total site of 1.6Ha to meet the space requirements of 8 Travelling Showpeople plots, noting that as the proposed safeguarded land is located within a mixed use residential and employment zone on Parameter Plan 5 that no land use conflict was anticipated.

- 10.33 The response clarifies that Policy HOU9 of the District Plan has priority over Policy GA1 and provides detailed information relating to the identified needs, specifically in relation to the matter of the timing of the delivery of the Gypsy and Traveller pitches and Travelling Showpeople plots. The GTANA identifies a need to expedite the delivery of 15 Gypsy and Traveller Pitches and 8 Travelling Showpeople plots on the Gilston Area allocation to meet the immediate needs identified and to assist towards the District's 5-year land supply position. The response advises that the detailed masterplanning of the strategic allocation should ensure that impediments to prompt delivery are overcome to meet the immediate needs identified. Recognising the scale of the development and phasing of the site the response requests that development be phased in such a way that traveller uses can be successfully delivered in advance of later village development phases through potential access to areas utilising the existing road networks, whilst also ensuring that traveller uses can successfully integrate into the planned development in due courses.
- 10.34 The response advises that given the requirements identified in the GTANA, that the S.106 attached to any permission must secure the effective delivery of the safeguarded land for Gypsy and Traveller pitches and Traveling Showpeople plots and that the land be made available to meet the accommodation needs which have been locally identified in East Herts specifically.

EHDC Strategic Masterplanning, Conservation and Urban Design

- 10.35 The Conservation and Urban Design team have previously commented on this application in comprehensive observations dated 08/08/2019 (related to the original submission), and 27/01/2021 (related to the revised submission); as well as further comments again on 11th January 2023.
- 10.36 Officers broadly welcome the latest submission, which has addressed numerous significant issues and requests for further information in relation to the original submission. For example, amendments to Parameter Plan 6 which relates to building heights now takes a more straightforward approach in how it depicts these matters for approval and is considered to be more legible as a result. The issues with the limit of deviation have also been addressed, and associated changes have been made to the Development Specification. Notwithstanding this there are still some issues have not been resolved and whilst many could be addressed through the masterplanning process or through the reserved matters stage, the preference would be for these to be addressed at this outline stage.
- 10.37 In terms of heritage, the proposed development will lead to varying individual impacts on heritage assets, both within the site boundary and nearby. It should be noted that the heritage impacts were assessed and accepted through the site allocation process for policy GA1. As such, as long as these proposals cause no harm above and beyond the level considered within the evidence base for the site allocation, then they can be determined on the basis of the GA1 policy. In this way,

the GA1 policy established a baseline level of accepted harm that is considered to be outweighed by the wider public benefits of the allocation. In the 27/01/2021 comments officers noted certain aspects of the proposals that resulted in harm that went above this accepted baseline. In these instances, this harm should be weighed into the overall planning balance, against the public benefits of the scheme.

- 10.38 If the application is approved, conditions are recommended in relation to controlling the scope and scale of the masterplans and design codes; matters related to phasing and infrastructure triggers; early delivery of various landscaping/greenspaces and their maintenance; further LVA work at the masterplanning stage; the delivery and approval process for public art; the protection of hedgerows; trees to be removed or retained in each parcel/strategic engineering/landscape element; how the sports provision has been designed to avoid impacting the setting of the listed Gilston Park House; the submission of a buildings heights plan at the village masterplan stage; and a requirement for sustainability strategies to be submitted with all masterplans detailing quantifiable targets to meet HGGT aspirations.
- 10.39 The following matters should also be addressed within the S106:
- Securing improvements to Burntmill Lane.
  - Enhancements to the public realm at Pye Corner.
  - Public art commitments and strategy, with details to be left to village masterplanning stage. Some public art decisions should be left to eventual residents. Public art should be strategically used to enhance legibility and enhance the character of places being created.
  - There should be a cycling and pedestrian signage strategy – both interim and permanent.
  - Securing improvements to proposed walking/cycling route via Parndon Mill.
  - Stewardship issues.
  - Pedestrian/cycle connectivity to PRow network and River Stort towpath are needed from proposed Village 6 access across land that appears outside the applicant's control.
  - A northern access to Harlow Town Station needs to be secured with contributions.

Environment Agency

- 10.33 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. \*Officer note for report – a final set of conditions was agreed with the EA. These are set out in the draft condition schedule.

Essex County Council

- 10.34 Essex County Council responded to the original application, the amended application and the most recent Viability Submission amendments. A summary of their representation is included in **Appendix B**.

Essex Police

- 10.35 Having reviewed documents, Essex Police concur with the comments made by Hertfordshire Police CPDO, regarding the lighting uniformity, especially given the heavy use of the proposed crossings. In the same way they are not in a position to support the application but would not be seeking at this stage to object it. They recommend that the development should follow secured by Design principles.

(The) Forestry Commission

- 10.36 The Forestry Commission welcomes the concept that the ancient woodlands named Marshland, Eastwick, Black Hut, Lawns, Queen's, Battles, Maplecroft, plus Mole Wood and Hunsdon Lodge Wood will be linked to create Eastwick Wood Park.

- 10.37 Within the development area there are also the ancient woodlands named Golden Grove, Sayes Coppice and Gibson Shaw / Home Wood. These woodlands will need protection via perimeter buffer zones of at least 15 metres, and all the woodlands will benefit from being actively managed in the future for biodiversity and public benefit.

(The) Georgian Group

- 10.38 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.

Harlow Council

- 10.39 Responded to the original application, the amended application and the most recent Viability Submission amendments. A summary of their representation is included in **Appendix B**.

Health Security Agency

- 10.40 Advises that the proposed development does not lay within the consultation distance of a major hazard site or major accident hazard pipeline. HSE therefore has no comments to make.

Health and Safety Executive

- 10.41 HSE is the statutory consultee for planning applications that involve or may involve a relevant building. Relevant building is defined as: contains two or more dwellings or educational accommodation and meets the height condition of 18m or more in height, or 7 or more storeys. "Dwellings" includes flats, and "educational

accommodation” means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

- 10.42 However, from the information provided for this planning application, it does not appear to fall under the remit of planning gateway one because the height condition of a relevant building is not met.

Hertfordshire Constabulary

- 10.43 The only concern is in regard to the proposed lighting provision. The examples shown in the Design and Access Statement appear to be bollard style and they also exhibit the ‘pooling effect’ – this is where you get alternate areas of light and dark. The problem with this is that because the light stops people having a clear view of what is ahead in the dark patches. This can be easily mitigated by using a uniform spread of light (at least 25% uniformity) and using a light source that has a colour rendition index of at least 60 (i.e. –‘white’ light). By using column based lighting together with directional luminaires it is possible to achieve this with a lesser number of columns than bollards. In light of the above the Police Crime Prevention Design Service are not in a position to support this application but neither do they object to it. They recommend that the development should follow secured by Design principles.

Hertfordshire Gardens Trust on behalf of Gardens Trust

- 10.44 The Gardens Trust have authorised Hertfordshire Gardens Trust to comment on planning application 3-19-1046-FUL and subsequent revisions. 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.

Hertfordshire County Council (HCC)

- 10.40 HCC previously submitted a response to the planning application as submitted in 2019. This identified several concerns and requests for further consideration and clarification. Discussions were undertaken with the applicant to address the points raised. HCC responded to the 2020 amendments indicating where previous comments were still relevant and providing detailed comments on behalf of each County service. HCC also responded to the 2022 viability submission. HCC has suggested several planning conditions to address matters which HCC consider should be addressed within any planning permission issued and details planning obligations that it considers are necessary to mitigate the impacts of development.

- 10.41 As a statutory consultee the response from HCC includes comments from the Lead local Flood Authority (LLFA), Archaeology, Ecology, Minerals and waste Planning and

Highways (including Bridges and Structures). A summary of the recent representation is included in **Appendix B**.

Herts and Middlesex Wildlife Trust

- 10.42 Advise that a map should be provided to help understand the biodiversity calculator. Recommend a condition adapted from BS 42020 to secure the ongoing management of all habitat creation areas detailed in the calculator. Integrated bat and bird boxes should be provided in all buildings bordering green spaces. HMWT advise that the Stort Valley is under pressure from impacting sources preventing achievement of 'good status' and object to a reduction in funding towards improvements in the valley, which is needed to upgrade existing physical infrastructure, including the towpath. Priority areas within the valley are at risk of degradation from increased recreational pressure and funding will help to add resilience.

HGGT

- 10.43 HGGT responded to the original application, 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.

Highways England (now National Highways NH)

- 10.45 In July 2019 Highways England previously advised that they wish to lodge a holding objection to this and the Eastern crossing application (3/19/1051/FUL) and also the outline application (3/19/1045/OUT) subject a full assessment of the submitted transport data. Subsequently in August 2019 AECOM on behalf of Highways England submitted a detailed response to the outline application with a list of recommendations considered critical to the acceptability of planning approval and a list of recommendations not critical to the acceptability of planning approval. In June 2021 Highways England confirmed that they no longer require a holding direction. In July 2022 National Highways requested a condition relating to the requirement to submit a detailed Travel Plan be attached to any permission that may be granted. This is incorporated in the condition schedule and will also be secured in the S.106 Agreement.

Historic England

- 10.39 Historic England (HE) responded to each consultation stage. HE raised several concerns relating to the potential impacts on heritage assets arising from the original application. Following engagement between the Applicant and HE, amendments were made to the Parameter Plans and the Development Specification. HE responded to the November 2020 amendments welcoming most amendments at

that stage. However, HE retained concern that that the road and crossing point on Eastwick Road has the potential to impact on the scheduled monuments at Eastwick Moated Sites, requesting a plan be submitted to illustrate how impacts can be avoided. HE considers that the development could cause less than substantial harm on the upper end of the scale to the rural setting and significance of the highly graded heritage assets.

10.40 HE advised in their response to the amendment consultation that the Sensitive Development Areas (SDA) proposed on the Parameter Plans should not be treated as a hard and fast stop line, with any development within the SDA considering the setting of the heritage asset concerned. Furthermore, HE considers that the loss of non-designated heritage assets should be left to the masterplanning stage where a more considered approach can be taken to the value of the assets to the overall placemaking.

10.41 In responding to the Viability Submission consultation, HE raises no objection to the amendments on heritage grounds but point to their previous responses in relation to their previously raised concerns.

MAG London Stansted Airport

10.42 Manchester Airport Group advise that they have no objections to the development subject to conditions related to the control of construction and demolition to manage dust and smoke, bird hazard management, exterior lighting, and reflective materials (for flight safety purposes). When details of the built scheme are available MAG request a condition requiring technical assessments (Instrument Flight Procedure and RADAR Systems) to ensure flight safety in accordance with aviation law and guidance requirements. Informatives are also requested relating to internal lighting and crane operation.

Ministry of Defence (Defence Infrastructure Organisation)

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

National Trust and Natural England

10.44 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.

Natural England

- 10.45 Natural England commented on the original application recommending that consideration should be given to the impact of the development on the Lee Valley Special Protection Area and Ramsar, and the Epping Forest Special Area of Conservation, with effects considered prior to mitigation. Natural England recommended the provision of on-site green infrastructure to provide for day to day needs, including dog walking routes to reduce demands on important natural assets. The representation further advises mitigation measures, duties to adhere to in relation to habitats and species, soils and ancient woodland.
- 10.46 Natural England's recent representations advise that they have no objection to the application and are satisfied with the results of the HRA, subject to necessary measures being undertaken to ensure waste water treatment capacity.

NATS (NERL) Safeguarding

- 10.47 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.

Network Rail

- 10.48 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

- 10.49 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.

Society for the Protection of Ancient Buildings (SPAB)

- 10.50 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

- 10.51 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

- 10.39 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

- 10.40 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 with regard to 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. \*Officer note for report – a final set of conditions was agreed with Thames Water, the LLFA and the EA. These are set out in Recommendation section below.

10.41 Uttlesford District Council

- Given the scale of the scheme it represents a new Garden City/Town and so national guidance and Garden City Principles should be followed.
- A strong evidence base across a range of areas should be compiled against which to assess the proposal and that the Council should be satisfied that no unacceptable harm to the character of the area is caused, and that specialist landscape advice should be taken.
- Design Codes and review by a Design Review Panel can help ensure quality and any future masterplan should provide a framework for a sensitive design of development.

- Uttlesford District Council then go on to recommend that a number of consultees are engaged with on issuers including heritage and sustainable travel.

10.42 (The) Woodland Trust - 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 Parish Council – Endorses and appended the Hunsdon with Eastwick and Gilston Neighbourhood Plan Group response (9<sup>th</sup> August 2019). Also added additional key issues as follows:

- Seeking greater clarity on the implications for noise and safety of the community due to traffic impact, as well as clarity on discouraging rat runs. Proposed A414/Village 6 roundabout allows convenient access from the west potentially putting pressure on Church Lane. Full traffic impacts cannot be ascertained until Village 7 application has been submitted and all mitigation commitments identified. The separate applications threaten the unified vision.
- Request that local villages are included in the sustainable transport strategy rather than the Gilston Area alone. No public transport connecting Hunsdon and Widford to Harlow which presents challenges for those without private transport.
- Welcomes applicants commitment to enhancement and regeneration of the Airfield Park and Woodlands Park, including discussion for solutions on the airfield to the threat of flooding.
- Proposed Village 6/7 access roundabout on the A414 is superfluous unless intended for construction vehicles only and may have a bearing on the feasibility of proposed quarry at Olives Farm and detrimental impact on the Hunsdon community. Full impact of potential movements generate by the whole of the Gilston Area has to be assessed and mitigation devised.
- Concern that trigger points for infrastructure risks infrastructure could be indefinitely postponed and suggests safeguards are applied to ensure delivery of infrastructure on time.

11.2 In January 2021, Hunsdon Parish Council - Agreed and endorse the NPG response. Also highlights the principle objection being that the applications are not sufficient or substantial enough. More commitment for supporting infrastructure, transfer of assets, stewardship and endowment funding is needed and there is further concern expressed over the programme for infrastructure delivery. The PC also note EHC's

request that revisions now include details of employment areas and provision of accommodation for Travellers and Show people, neither are acceptable.

- 11.3 Eastwick and Gilston Parish Council – Endorses and appended the Hunsdon with Eastwick and Gilston Neighbourhood Plan Group response (9<sup>th</sup> August 2019).
- 11.4 High Wych Parish Council – The Parish Council raise 7 reasons for objection in relation to the proposed Gypsy and Traveller site ‘Land north east of Village 4’:
1. Designation of the site is premature as it is impossible to assess the requirements or location of suitable land over 10 years before it is required.
  2. Proposed site is on the fringe of the Gilston Area and separated by the Golden Grove woodland area, as such it is not in a sustainable location to access existing facilities and neighbouring villages have limited facilities.
  3. No services for water, sewerage, drainage or waste disposal; any new services likely to be expensive and might damage the adjacent woodland area. No through-road from the south of the site means that access will be expected via local road network which is completely inadequate for a development of this scale.
  4. The site is disproportionately large compared to settled communities and the physical separation and the lack of accessibility to Gilston means that it should be considered in the context of the small local villages.
  5. Site is not integrated and is fundamentally out of character with the existing dwellings and villages and as such is likely to create tension and not be successfully integrated into the local area.
  6. The location of the site would cause harm to the visual amenity and character of the area.
  7. Golden Brook runs to the edge of the site and would be at risk of pollution and flooding, and the increased surfaced area would increase these risks.
- 11.5 The proposed site does not meet the requirements of Policy HOU9 and should be located and integrated within the Gilston Area.
- 11.6 Roydon Parish Council – raise concern that there is an unrealistic over reliance on cycling and walking to Roydon Station. Request to be one of the local communities involved in the commitment in the application to liaise with local communities over the impact of the proposals and provide an Unforeseen Impact Fund. Disappointed to see reference to Crossrail 2 in the Sustainable Movement Strategy document.
- 11.7 Civic Society, Epping Upland Parish Council - Concerned about the volume of traffic on minor roads during the build-out due to diversions or use of alternative routes.
- 11.8 Hunsdon, Eastwick and Gilston Neighbourhood Plan Group – Hunsdon, Eastwick and Gilston Neighbourhood Plan Group (HEGNPG) made representations at each stage of the application. Their full representations are appended as **APPENDIX B**. The

most recent comment addresses emerging government guidance, remaining concerns with the application, suggested conditions and s106 requirements and a response to the Gilston Area Stewardship and Governance Strategy. It can be summarised as follows:

- A December 2022 Written Ministerial Statement and various other press releases from government indicate their intentions to reform the planning system to put a greater focus on the right beautiful homes in the right places with the right infrastructure, with a protected and improved environment that leaves neighbourhoods better than they were before, amongst other changes. The Group consider the scheme does not meet this aspiration.
- The circumstances since the site allocation have fundamentally changed – it would not be de-designated as Green Belt if assessed in accordance with current and future guidance and policy.
- Following receipt of the Viability Assessment the application should be rejected on the basis that the Green Belt de-designation would not occur given a low proportion of affordable housing, that the scheme does not deliver essential social infrastructure and land value capture in accordance with policies and the new roads are being prioritised at the expense of inadequate sustainable travel measures resulting in future congestion and unsustainable travel due to the late delivery of sustainable transport measures. Contributions should be made towards integrating existing settlements with the development.
- The submitted parameter plans fail to give sufficient control over the development. They do not ensure sufficient separation of the villages to allow distinctive places and for wildlife corridors. The Building Heights plan and other documents suggest developments up to 5-6storeys and this urban wall can be seen in verified views due to heights and insufficient buffers. The Strategic Design Guide does not take account of the Gilston Area Neighbourhood Plan.
- Healthcare provision cannot be ignored. The CCG have identified a funding gap of £39M and providing land and buildings does not solve the problem fully – ongoing costs and training also need to be resolved. Ignoring the issue put lives at risk.
- The Council should not forget that the proposal was Green Belt until recently and it is unlikely that it would currently be released.
- The Group are disappointed that many of their requests for clarification and suggestions have not been addressed and the Gilston Area Neighbourhood Plan policies have been ignored.
- The Group expect this report to fully address the above issues and consider the scheme against the Neighbourhood Plan policies. If approved, the Group recommend conditions and obligations requiring:
  - A strategic landscape masterplan

- That parameter plans 2, 3, 5 and 6 are illustrative only to inform further design work
- Planting should occur at the earliest opportunity to provide best opportunities for screening and enhancement
- Active travel networks should be part of the strategic masterplan to promote sustainable travel
- An overarching design code should be submitted prior to individual village masterplans. This should take into account various East Herts village characteristics.
- An assessment of cumulative travel impacts prior to occupation and at agreed intervals.
- Infrastructure including burial grounds, flood mitigation, community facilities, sports and play facilities and support to delivery projects identified in the Neighbourhood Plan.

11.9 Referring to the Gilston Area Stewardship and Governance Strategy they broadly welcome the framework but object on the basis that the details are left to s106 negotiations and so are not public until completed, that it does not confirm that the Charitable Body would be for residents of the Parishes only, that Parish Councils are not adequately represented in governance arrangements and the requirements of the Neighbourhood Plan should be fully met. The payment of services charges and Council Tax seems unfair.

11.10 They conclude that they are fully committed to securing a high quality development and working with other partners and seek to ensure the quality and delivery of the original concepts of the site. They believe Gilston Area has the potential to become an exemplar development of outstanding quality if the issues they raise are directly and openly addressed prior to determination.

## **12.0 Summary of Other Representations**

12.1 In total 1720 neighbouring properties were originally consulted. There were a total of 568 contributors. Of these, 19 were neutral representations, two support the proposal and 514 object to the proposal (number recorded on 14.02.232). The representations have been considered in the preparation of this report. The concerns objections and comments raised are summarised as follows:

- Objection to the provision of land for Gypsies and Travellers and Travelling Showpeople, in particular site near village 4
- An increase in traffic congestion, in the immediate area and within the urban area of Harlow and within surrounding villages

- A lack of sustainable transport measures such as bus routes and cycle networks as a means of mitigating the increase in traffic
- Rail infrastructure to London cannot cope
- Need a northern access to the station
- Station congestion and lack of parking at station
- A lack of parking within the town centre
- Impact of diversionary traffic through rural roads within and surrounding the site
- Need for a northern bypass to Harlow
- Development is on Green Belt land or land that was formerly Green Belt
- A lack of infrastructure (including community infrastructure such as schools, GPs and hospital) which will be exacerbated by this site and cumulative development
- Loss of countryside, agricultural fields, green space, tranquil walking and bridle way routes
- Impact on protected wildlife species
- Concern about increased flooding
- Concern about proximity of flightpath
- Lack of renewable energy in designs.

12.1 Two responses have been received supporting the proposals on the following grounds:

- Support for new secondary school
- Support for new homes.

12.2 Local Ward Member Cllr Buckmaster commented on the application. He requests financial contributions are secured to improve the highway safety of local road Rosella Bend, Acorn Street, Hunsdon.

## **13.0 Consideration of Issues**

### **13.1 Principle of Development**

13.1.1 Policy GA1 (The Gilston Area) of the East Herts District Plan 2018 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 85% of the overall housing allocation but has been planned comprehensively with the adjacent site promoter to ensure that site-wide considerations have been undertaken.

- 13.1.2 The objections of residents, the Parish Councils and Neighbourhood Plan Group are noted. However, the site forms part of the District Plan development strategy for housing growth in the District as detailed in policies DPS1, DPS2, DPS3, and GA1. Policy GA1 allocates the site for residential-led mixed-use development of 10,000 new homes to be delivered in the form of distinct villages, each based on Garden City Principles.
- 13.1.3 A concept Framework has been prepared collaboratively with the local community which identified that the Gilston Area development should come forward as an outline application which will be followed by a Strategic Landscape Masterplan and individual Village Masterplans.
- 13.1.4 As a result of the allocation, the site is no longer part of the Green Belt and Policy VILL3 Group 3 Villages is not relevant. Whilst it is acknowledged that the Gilston Area falls within the parishes of Eastwick, Hunsdon and Gilston, it is being planned as a new garden settlement in the Gilston Area to support regenerational growth in and around Harlow, as part of the wider Harlow and Gilston Garden Town.
- 13.1.5 This report sets out the key considerations of the application in the following sections against development plan policies and material considerations. Officers consider that the application proposal responds to the principal requirement of Policy GA1 for the delivery of development in the Gilston Area. As such, there is no 'in principle' reason to restrict development of this site.

## **13.2 Delivery of the District Plan Housing Strategy**

- 13.2.1 This application proposes a total of 8,500 homes and as such represents 85% of the total policy allocation. Of the overall allocation, approximately 3,200 homes are forecast to be delivered within the Plan period (up to 2033) in Villages 1-6. Whilst this report does not consider in detail the Village 7 proposal, the proposed trajectory for Village 7 is to complete the full 1,500 home scheme within the plan period (a total of ,700). The remaining 5,300 homes will be delivered beyond the Plan period, providing a steady long-term supply of homes for the next twenty years. The Gilston Area allocation is the most significant strategic site within the East Herts District Plan and therefore this application ensures the delivery of a large proportion of the District Plan's housing delivery strategy. This scheme is therefore vital to the Council's five-year supply of housing. This is explained further in Chapter 16 of this report.
- 13.2.2 The Villages 1-6 development will take the form of six individual villages connected by a sustainable transport corridor. The Development Specification sets out the proposed indicative number of dwellings to be delivered in each village. These figures are as set out in the Gilston Area Concept Framework and as such, accord

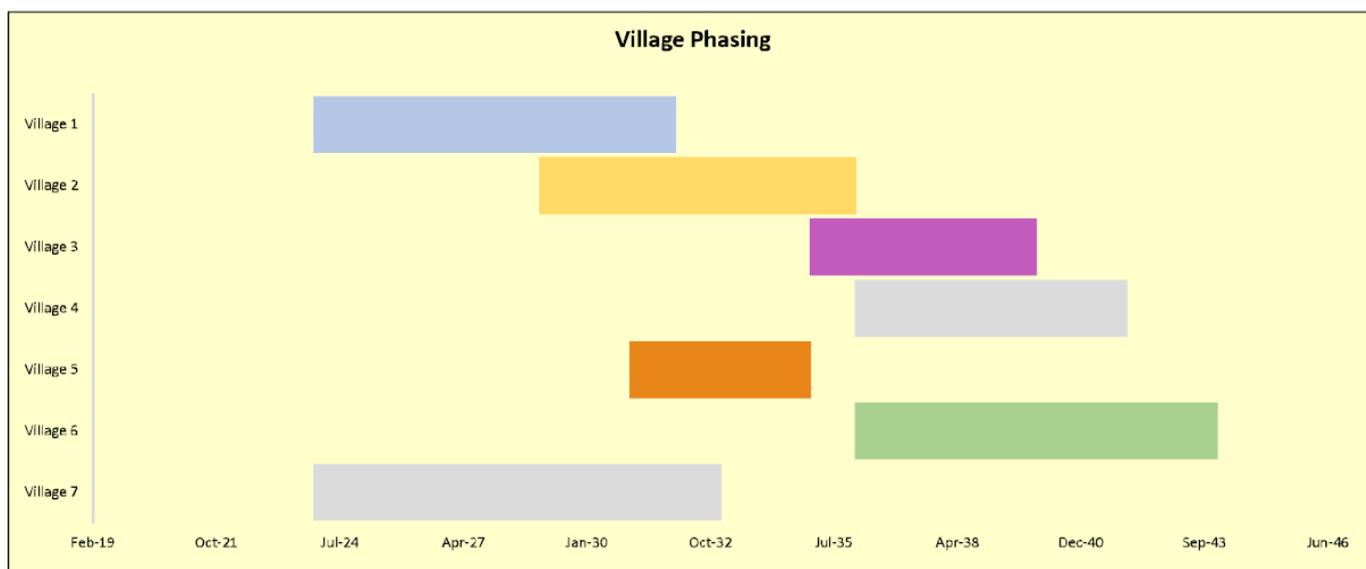
with the Neighbourhood Plan, which was in turn based upon the Concept Framework, a document agreed as a material consideration. However, it is noted that the precise number of dwellings in each village will be defined during the Village Masterplanning stage, subject to an overall cap on development of 8,500 homes across the Villages 1-6 development.

- Village 1: circa 1,800 homes
- Village 2: circa 1,700 homes
- Village 3: circa 1,000 homes
- Village 4: circa 2,000 homes
- Village 5: circa 700 homes
- Village 6: circa 1,300 homes

13.2.3 Given the scale of the proposal and the need for the delivery of large pieces of infrastructure and the completion of masterplans for the first village and the strategic landscape, followed by detailed reserved matters applications, the site will start constructing homes from around late 2024/early 2025, with homes being completed from 2025/2026, taking approximately 20 years to complete the overall site. The phasing of the Development is unknown at this stage. However, it is anticipated that development will start in Village 1 before moving to Village 2, with delivery occurring simultaneously rather than sequentially. For example, Village 1 may be half completed when construction begins on Village 2. This pattern will continue throughout the development as illustrated in Figure 5 below, meaning that development could be occurring in three villages at the same time.

13.2.4 There will therefore be a number of housebuilders, including small developers to larger companies including registered social providers, each delivering a variety of house types including affordable housing. This will ensure that there will be a variety of housing products available at different tenures and price points. The ES describes how this variety and scale of residential development when considered on its own and cumulatively will have a significant and large beneficial effect at a district level and county-wide. The continual delivery of homes delivered as part of a comprehensive, planned development is given significant positive weight.

**Figure 5: Illustrative Delivery Strategy**



***Gypsies and Travellers and Travelling Showpeople***

- 13.2.5 The Local Planning Authority is required to plan for the needs of all communities; therefore, 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 secure the delivery of these sites and to make sure that sites are located where residents can benefit from proximity to services, the District Plan allocates these sites within the strategic allocations as set out in Chapter 14 and Policy HOU9 (Gypsies and Travellers and Travelling Showpeople) of the EHDP.
  
- 13.2.6 As previously set out, the Gilston Area allocation is a site intended to be delivered over a long period of time. As such, Policy HOU9 identifies that land is to be safeguarded within the Gilston Area allocation to allow for the future provision of a total of 15 Gypsy and Traveller pitches and 8 Travelling Showpeople plots, to be delivered towards the end of the Plan period and/or beyond, as evidence of need dictates. The Government guidance for Planning for Travellers is clear that different sites should be provided for each of these communities and indeed, each community has different land requirements in terms of vehicular access and access to open land for example. The Villages 1-6 proposal provides for these specific needs by identifying and safeguarding up to 1ha of land adjacent to Village 4 for up to 7 Gypsies and Traveller pitches and up to 1.5ha of land in Village 6 for up to 8 Travelling Showpeople plots. A further 8 Gypsy and Traveller pitches will be provided through the Village 7 proposal and there is an agreed position between the two applicants in relation to this apportionment of the overall allocation’s requirements.
  
- 13.2.7 Parameter Plan 4 identifies the broad location of the two safeguarded sites in the form of stars. The first safeguarded site is proposed on land adjacent to Village 4 in the north east corner of the site. The proposed 1ha of land is sufficient to accommodate 7 pitches and is located just beyond the village developable area. This

will enable the provision of land for grazing and a degree of separation, whilst remaining in proximity to the proposed Villages 3 and 4. The design parameters of this site will be set out within the Strategic Landscape Masterplan; however, it is considered that with the right design and approach to landscaping this low density and low height form of development can be achieved within the proposed land. The S.106 Agreement will set out a process for bringing the land forward.

- 13.2.8 The second safeguarded site is proposed on the southern edge of village 6 as indicated on Parameter Plan 4 on land identified as being safeguarded for Gypsy and Traveller, residential or employment purposes. It is intended that this land will provide accommodation for Travelling Showpeople and the Development Specification states that within this area a site of 1.5ha will be safeguarded for this use, which is considered to be sufficient for a range of large and medium plots. The S.106 Agreement will set out the process of bringing this land forward.
- 13.2.9 Officers were originally concerned that the proximity of the second safeguarded site, close to the A414 would result in an unacceptable residential amenity of the occupiers of this land given that the noise attenuation achieved within a mobile home would be less than could be achieved through standard construction materials for a dwelling house. The Council requested that further information be provided under Regulation 25 of the EIA Regulations. The applicant therefore undertook additional noise modelling to consider these factors and updated relevant sections of the Environmental Impact Assessment. This information was subject to an additional period of public consultation of more than 30 days as required by the EIA Regulations. The modelling demonstrates that with the right location within Village 6, combined with the screening gained from the potential employment uses/buildings, appropriate levels of internal and external noise could be achieved. The area of land identified in Parameter Plan 4 for a mix of uses in Village 6 is sufficiently large enough to ensure that both residential and employment uses can comfortably be accommodated with appropriate design measures implemented to ensure amenity and privacy of future residents. At the Village 6 masterplanning stage the applicant will work with Officers to demonstrate how plots could be configured in a way that provides suitable living space as well as land for servicing and maintaining equipment and vehicles.
- 13.2.10 The Planning Policy representation received following the Viability Consultation advises that the Council has undertaken a recent update to its Gypsy and Traveller Accommodation Needs Assessment, which identifies a more immediate need and requests that the provision within the Gilston Area be brought forward earlier to meet these identified needs. Whilst the updated Assessment and provision within Policy HOU9 relating to evidence of need is acknowledged, the practicality of enabling the provision of the safeguarded sites is constrained by the length of time over which the development will be delivered, although there could be opportunity for early delivery of the site at Village 4. Feasibility work has demonstrated that

access to the site could be achieved using the existing road network. It is therefore physically possible for the Village 4 site to come forward earlier than the neighbouring village developments.

- 13.2.11 Any reserved matters applications for either location, will be considered on their own merits against the provisions of the outline application, subsequent masterplans and Policy HOU9 and HOU10 (as applicable).
- 13.2.12 In terms of the application making provision for the identified needs through the safeguarding of the necessary amount of land, the requirements of Policy GA1 and Policy HOU9 are met.

***Affordable Housing***

- 13.2.13 The application proposes that a minimum of 23% of homes will be affordable dwellings. This equates to 1,955 of the 8,500 homes being available to purchase or rent at lower than market values. The original 2019 application proposed the delivery of 40% affordable housing (3,400 homes). However, in July 2022 the applicant advised the Council that due to increased infrastructure costs it was no longer possible to support the proposed scheme in terms of the proportion of affordable housing proposed. The Viability Submission was made available for public consultation and Officers entered a period of negotiation with the Applicant, which involved the independent scrutiny of the Viability Submission by an independent consultant BPS Surveyors. Given the scale and complexity of the scheme, and that most increased costs have arisen from the need to ensure that transport mitigation measures are delivered (Central and Eastern Stort Crossing plus contributions towards off-site sustainable transport measures) the HGGT partner authorities were heavily involved in the assessment of the Viability Submission.
- 13.2.14 The Viability Submission contains a detailed cost plan, accompanying evidence and a series of technical reports relating to the anticipated value of residential and commercial floorspace and land uses. The reports indicate that the financial model can support less than 20% affordable housing. This is in part a result of the increased costs associated with the delivery of the two crossing proposals due to the need to deliver full replacement sections of the existing rail bridges that were previously not identified as necessary. In general costs have increased due to the lapse of time, and there is a greater understanding of the mitigations required, including the cost of meeting new regulatory requirements. ECC have also requested the earlier delivery of the two crossings as well as other highway improvements such as junction improvements at the Edinburgh Way/ Howard Way junction of the A414 in Harlow. ECC have also requested the earlier payment of financial contributions towards the wider STC network, there is a need to ensure that bus services are operational early to encourage patronage and that measures are taken to ensure active and sustainable routes are available to residents through the construction of the two crossings.

- 13.2.15 Officers acknowledge that there are competing infrastructure priorities across the scheme. For example, both Essex and Hertfordshire Highway Authorities require that transport related mitigation is delivered as early as possible; Hertfordshire County Council as Education Authority require that the education requirements of new communities are met in a timely manner, including through the delivery of a primary school to support early occupation of homes; the NHS require that the healthcare needs of new communities are catered for; and East Herts Council require that affordable housing needs are accommodated and that recreation, wellbeing and environmental mitigation is also delivered. The Applicant therefore undertook an extensive range of 'live' scenario testing exercises to enable partners to understand the implications of these competing factors. For example, delivering off-site transport mitigation early has a significant impact on the cash flow of the development, reducing the ability to deliver on-site mitigation such as affordable housing. Focussing on delivering 40% affordable housing would result in not being able to deliver the highway infrastructure and other mitigation, in particular the ESC, until much later in the development.
- 13.2.16 This enabled Officers to understand the implications of competing infrastructure requirements and for BPS to conclude that the proposed viability model inputs and results were reasonable. The Revised Viability Submission was subject to consultation between 8<sup>th</sup> December 2022 and 12<sup>th</sup> January 2023. Further to this final consultation exercise the Applicant has agreed to bring forward the proposed completion of the ESC to 3,250 Dwellings in the Gilston Area (from 3,500 Dwellings) but maintain its 23% affordable housing offer (despite this early trigger reducing the viability further), in response to a request of Essex County Council. This is the only amendment since the application material was published for consultation.
- 13.2.17 Following this scenario testing and full scrutiny and debate over model inputs, assumptions around profit, land values and consideration of reasonable milestones for the delivery of infrastructure assisted by BPS, the Applicant revised their proposal to increase the level of affordable housing to 23% with an upwards-looking Affordable Housing Review Mechanism (AHRM). This is despite the model demonstrating that 23% is not achievable based on internal rate of return thresholds. Whilst 23% is lower than the "up to 40% (subject to viability) level set out in Policy GA1 and HOU3 of the EHDP, given the scale of the infrastructure, particularly the scale of infrastructure that is to be delivered early in the development trajectory, 23% affordable housing is considered a reasonable level as a minimum for the development. Officers therefore feel that an appropriate balance has been achieved through negotiation with the Applicant and partners that addresses each priority, albeit that some concessions have been made within the overall package of mitigation measures in terms of the proposed level of affordable housing and proposed tenure split.

- 13.2.18 Recognising that over time financial circumstances change, and it is anticipated that the value of the development will increase as community facilities become established and the relative cost of delivering infrastructure decreases significantly once the two river crossings are complete, the S.106 Agreement will make provision for an upwards only Affordable Housing Review Mechanism (AHRM). This means that the S.106 Agreement will secure a minimum of 23% affordable housing in each village unless the review of viability undertaken at agreed intervals indicate the scheme can support a greater percentage of affordable housing. The headline principles of the AHRM are included in the Heads of Terms below.
- 13.2.19 Due to the scale of infrastructure, it is necessary to fix the level of affordable housing to come forward in Village 1. This ensures that land sales can occur on certain terms to assist in funding the delivery of the infrastructure. However, if there is a delay to the commencement of residential development within Village 1 another review will be required. Later villages will be subject to a viability review at the same time as the village masterplan and half-way through the delivery of each village, except for Village 5, which is small enough that one review at village masterplan stage is considered appropriate; and Village 4 which is the largest village and will have two mid-phase reviews.
- 13.2.20 The review mechanism will consider not only the percentage of affordable housing to be delivered in each village (bar Village 1), but also the tenure split of the affordable housing. The proposal includes a tenure split of 60% of the affordable units to be available for affordable rent and 40% to be intermediate housing products, which include shared ownership. There are two forms of affordable rent – social rent or affordable rent. Social rent levels are capped by a government formula according to the market value of the property and the local income levels in the area and are typically set at 50-60% of market rents in the area. 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.
- 13.2.21 The Council's Strategic Housing Market Assessment (SHMA) undertaken in support of the District Plan identifies a preferred tenure split of 84/16% for affordable rent/intermediate housing and therefore the proposed 60/40% split is some way from the preferred split. This is however, in line with the historic tenure split of development delivered since 2017<sup>3</sup>. In the context of the constrained viability of the overall scheme Officers recommend this apportionment is accepted on the grounds that this will be subject to review as part of the review mechanism process.
- 13.2.22 A Housing Statement was submitted with the original application material which set out the various types of affordable product proposed, but some of this has been superseded by the viability appraisal process. The types of intermediate housing

proposed include intermediate homes for rent (sometimes referred to as Discount Market Rent) and intermediate homes to buy such as shared ownership and First Homes or discounted market sale.

13.2.23 The applicant submitted a series of strategy documents with the original application material, which included Housing Strategy which sets out commitments related to delivering homes for all, however the strategy documents were not submitted as approvable documents. Therefore, to secure these commitments, the Development Specification now includes these within Appendix 6, and as the Development Specification is an approvable document it will guide future development through masterplans and subsequent detailed reserved matters applications. The nine commitments are included as follows:

1. Delivering Homes for All – a mix of types and tenures to meet the needs of the whole of the community, from young to old, families to singles and with support for those that need it.
2. Affordable housing – providing a range of affordable homes and options to rent or buy to ensure homes are genuinely affordable to a range of people's circumstances.
3. Local priority – ensuring local people can access market and affordable homes.
4. Early delivery of extra care and supported housing to support more vulnerable residents.
5. Homes designed to be spacious and flexible – to meet the changing needs of residents over time.
6. Innovations in design and construction to ensure all homes are built to high quality standards and are cost-effective to run.
7. Introducing tested models for custom and self-build homes.
8. Exploring options for community led housing models, such as Community Land Trusts, to broaden choice and create community assets.
9. Mixed tenure and mixed communities within every village.

13.2.24 At the outline planning stage, the application therefore defines the minimum level of affordable housing at 23%, and requires a review mechanism to be undertaken at specified trigger points during the delivery of the development. The application sets the affordable tenure at 60/40 (affordable rent and intermediate products). The delivery of affordable housing will be controlled via a series of steps.

1. In the first instance PfP will submit a Site Wide Housing Delivery Plan alongside the Village 1 Masterplan. This Delivery Plan will set the minimum and maximum number of dwellings for each village, as well as the affordable housing type mix (within a range).
2. Each Village Masterplan will then need to be accompanied by a Village Housing Scheme which is required to be consistent with the Site Wide Housing Delivery Plan. The Village Housing Scheme will set more specific details for the relevant

village including the total number of overall dwellings, the broad distribution of affordable housing across the village to achieve the minimum 23% requirement (subject to the outcome of the review mechanism), and a village specific housing mix (including for affordable homes) and its broad distribution across the village.

3. Each reserved matters application is then required to be supported by a Reserved Matters Housing Scheme demonstrating how the detailed proposals for the plot comply with the Village Housing Scheme.

- 13.2.25 This stepped process secures housing details at the appropriate stage of the design development and planning delivery process, and also ensures tenure blind mixed and balanced communities are delivered

***Housing Mix***

- 13.2.26 As the application is in Outline form, the precise breakdown of properties in terms of their size is not available at this stage. The application does, however, provide indicative ranges, which have been included within the viability appraisal for the purpose of modelling likely values across the scheme (Table 5 below).

**Table 5: Indicative Housing Mix Ranges**

Beds	Private Tenures		Affordable Tenures	
	Indicative Lower	Indicative Upper	Indicative Lower	Indicative Upper
1	5%	27%	18%	40%
2	23%	40%	28%	60%
3	33%	68%	28%	55%
4+	17%	55%	3%	25%

- 13.2.27 The indicative mix broadly reflects the Council’s Strategic Housing Market Assessment (SHMA), and the Council’s policy requirement for affordable housing mix sits within the indicative range in the table above. As set out above, each 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.

***Homes for all ages***

- 13.2.28 Policy GA1 requires the provision of a care home or flexi-care or sheltered properties to be provided. This is not only to provide for older people but also those who are vulnerable and are supported by Adult Care Services. The application proposes to deliver homes for older and vulnerable people through the creation of retirement homes and extra care facilities. The County Council requests that one facility of 130 beds is provided, within which would be a mix of tenures, including affordable units.

The applicant, however, feels that restricting this to one facility would unnecessarily limit the range of providers and the option of providing more than one facility should be considered. Officers feel that this is appropriate in the context of creating mixed and balanced communities and would therefore support the provision of several smaller facilities distributed across the village development, including in Village 7. At this outline stage therefore, the break down of how this is to be provided is not yet known, but is likely to comprise at least two facilities across Villages 1-6. Where these are provided as Use Class C2 units, they would not be required to deliver affordable units. Any specialist units provided in the form of C3 dwellings could include a mix of tenure, including affordable units, which would be considered to contribute to the overall delivery of affordable homes. Officers therefore recommend that the legal agreement secures the provision of accommodation that supports a minimum of 110 beds for extra-care and flexi-care needs, sheltered or retirement properties to be delivered across Villages 1-6, with a minimum of 20 to be within Village 7. 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 Scheme for each village.

13.2.29 Housing design is a matter that is reserved at this stage, but the Applicant has set out proposals for accessible dwellings which is reflected in the viability assessment. All houses and all ground floor apartments (where practically possible) shall be built to comply with M4(2) standards (i.e. wheel chair adaptable). 15% of all affordable houses and 15% of all affordable ground floor apartments shall be built to comply with M4(3) standards, and 1% of all market houses and 1% of all market ground floor apartments shall be built to comply with M4(3) standards.

13.2.30 The Applicant's position is based on the following:

- a) M4(2) apartments require level access which for apartments includes lift access. Given the sub urban housing stock which is to be delivered, apartments blocks are likely to be somewhere between 6 or 9 apartments from any one stair core. Providing lifts adds significant construction costs and space requirements which have major impacts on financial viability and deliverability. Lifts also add a significant increase to block service charge and for residents who are living in apartments it can create a barrier for entry to market. As a Registered Provider PfP have direct experience of this and more often than not affordable housing providers prefer apartments to not have lifts;
- b) Given the topography of the Gilston site, achieving the criteria of M4(2) is extremely challenging and there are likely to be circumstances where the possibility of delivering M4(2) is practically impossible or financially unviable. The Applicant considers that there are already significant demands on the land budget across Gilston for which M4(2) will exacerbate given the access and parking criteria along with increased unit sizes;
- c) The issues with delivering M4(3) increase with more challenging delivery requirements/practicalities and increased negative impact on financial viability.

Given the 8,500 units across GPE, excluding any provided within affordable housing, M4(3) homes would drive a demand for almost 700 houses/apartments designed specifically for wheelchair users. This will have significant impact on costs across the scheme as well as space and access requirements.

- 13.2.31 Taking account of these factors, Officers consider the approach to be in line with Policy HOU7 which requires all new housing to meet M4(2) standards and a proportion of the new homes to meet M4(3), unless it can be demonstrated it is not practically achievable or financially viable. The supporting paragraph 14.8.10 to Policy HOU7 notes that the SHMA (2015) encourages 10% market and 15% affordable housing to meet M4(3) provided that overall viability of the development is not compromised. This provision will be secured through the S.106 Agreement.
- 13.2.32 The applicant has confirmed that 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, which is consistent with the requirements of Policy HOU8.
- 13.2.33 Government policy is that local authorities should support the development 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 proposal supports this by incorporating discount market sale and starter homes within the intermediate housing affordable tenures suggested. To create mixed and balanced communities such properties should be distributed across the site and provision made in each village. Again, Officers feel it is appropriate to consider the overall mix of properties in the round at the village masterplanning stage as part of the Village Housing Scheme and this approach will be secured through the S.106 Agreement.
- 13.2.34 Finally, Policy GA1 requires that opportunities are created for those who wish to custom design or build their own properties. There are many ways in which the application can support this delivery, such as through the safeguarding of serviced land (connections to utilities are provided to the plot) for independent delivery, through to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation. Spatially, this could also take the form of a specific area of the site or they could be distributed amongst the village developable area in small groups of properties. As such, the approach within any given village will be established in the Village Housing Strategy. The application propose 1% of homes to be self-build or custom-build, equalling a minimum of 85 properties. This is to enable flexibility across the village development and will be secured in the S.106 Agreement to ensure compliance with Policy HOU8.
- 13.2.35 The viability review mechanism will be secured in the S.106 Agreement, which will also require that as part of each village masterplan a Village Housing Scheme will be

submitted and agreed with the Council. The Scheme will set an agreed housing mix in terms of affordable and open market tenure and property size (including accessibility category), thus ensuring that each village provides a wide variety of house types for both ownership and rent which will in turn facilitate a mixed and diverse community.

- 13.2.36 By considering this on a village-by-village basis this ensures that the Village Housing Schemes can respond to changes in need and demand as well as be mindful of the particular geographies of each village and what has already been delivered. Each Reserved Matters Application will be required to demonstrate how they are achieving the agreed mix and tenures set out in the Village Housing Scheme and this will be controlled by the S.106 Agreement.
- 13.2.37 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 positive weight.
- 13.2.38 The 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. Officers recommend that through applying the principles and objectives set out in the Development Specification, which will be secured through the submission and agreement of Village Housing Strategies to define the specific mix and tenure of properties at the Village Masterplan stage, the application will comply with Policy 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.

### **13.3 Design Parameters and Principles**

- 13.3.1 As this is an Outline application, appearance, landscaping, layout and scale are matters that are reserved. An indicative masterplan has been provided to show one way in which development could be designed, but this is for illustration only. The application therefore uses a series of tools to control how the development will evolve. Firstly, a Strategic Design Guide sets high level design principles for the site as a whole and for each village. Secondly, a suite of six Parameter Plans set the spatial framework within which development will occur and the constraints that apply to this development. Thirdly, the Parameter Plans are supported by a Development Specification that takes the overarching principle and parameters and adds criteria and specification. Together, all three of these tools combine to create a spatial framework to guide the next stage of masterplanning. In addition, each Village Masterplan will be accompanied by a Village Design Code which sets a finer

grain of detailed design principles that will relate to individual parts of the village. Reserved Matter applications will also need to accord with the code.

### **Strategic Design Guide**

- 13.3.2 A Strategic Design Guide (SDG) has been submitted with the application. The Guide seeks to define the vision and design quality intended for the development. Taking its basis from, and responding to, the Garden Town Vision and Design Guide, the SDG outlines a series of high-level principles that will guide future masterplanning and detailed design stages alongside the Development Specification. Officers have worked with the applicant to refine these principles and are satisfied that the SDG principles accord with those set out in the Concept Framework and Garden Town Vision and Design Guide, even if using slightly different terminology in some places.
- 13.3.3 Beneath these principles are a series of design objectives. The SDG also contains Village Principles and design objectives that are specific to each village. All future masterplans and Reserved Matters applications will be expected to accord with these principles, the Parameter Plans and the criteria set out in the Development Specification.
- 13.3.4 The SDG represents a complete design guide for the whole allocation area, including Village 7 and as such addresses the policy requirement (Policy DES1 Masterplanning) to plan comprehensively for the allocation despite coming forward as two applications. As such, Officers consider the SDG to be an acceptable guidance document for approval as part of a grant of permission on this application and to be referred to in conditions as relevant.

### **Parameter Plans**

- 13.3.5 These plans set the spatial framework and maximum parameters within which development will occur and highlights the various constraints to development that need to be taken into account. These plans are therefore by necessity, provided at a high level and do not seek to fix all aspects of the development, for example certain aspects of the proposal are subject to limits of deviation, such as where the STC route could run through the site. A series of amendments have been submitted to the Parameter Plans following representations made during the original consultation. These are detailed in the Village Addendum Report submitted in the November 2020 Amendments. Following further dialogue with Officers, minor additions have been agreed to be added to the Development Specification to provide clarification. A 'track change' version was available with the 2022 July Viability Submission and further minor changes were included in the 2022 December Viability Amendments.

### ***Parameter Plan 1: Existing Vegetation and Buildings***

- 13.3.6 Parameter Plan 1 shows existing features within the site such as buildings, woodlands, hedgerows and trees. The plan indicates where buildings are to be retained (Eastwick Hall Farm), where they are to be demolished (Eastwick Lodge and

Overhall Farm) and where buildings may be retained or demolished (Hunsdon Lodge Farm and Overhall Farm Farmhouse). The retention or demolition of these will be determined through the masterplanning process.

- 13.3.7 The plan also shows areas where existing vegetation will be removed to create the access points which are shown in more detail on the plans specific to each access. No veteran trees are proposed to be removed. In terms of the remaining trees and hedgerows, the Development Specification confirms that the starting point of the proposal is to preserve and enhance existing on-site assets where possible, but it is acknowledged that some losses may be necessary to deliver the development. Officers requested that additional clarification be added to the Development Specification to ensure that losses are kept to a minimum and where necessary these should be robustly assessed and justified, having regard to the value of the asset (in biodiversity and heritage terms), placemaking requirements and the character of the village. Any loss will need to be compensated for in an appropriate way through new planting and other enhancements to achieve a net gain to biodiversity.

***Parameter Plan 2: Village Corridors, Constraints and Developable Areas***

- 13.3.8 This Parameter Plan defines parts of the village development site that will function as landscape or green buffers and village corridors as well as those features that may be a constraint to development. These parameters are set around key standards and principles to ensure that newly planted buffers of suitable distances are created around assets within which no built development will take place apart from footpaths, well-designed recreation furniture and play equipment. For areas of ancient woodland, a 20m buffer will be created; for non-ancient woodland areas a 10m buffer will be created; for significant hedgerows a 5m buffer or to the edge of the root protection zone will be protected; for veteran trees the buffer is to be 15 times larger than the diameter of the tree or 5m from the edge of the tree's canopy, whichever is greater. One exception to this principle may occur to the veteran tree T324, which is between Villages 1 and 2 as the limit of deviation line for the STC crosses the tree buffer. Officers are satisfied that the tree can be retained in situ and any minor encroachment into the buffer as a result of the STC alignment will not harm the tree or its habitat value, subject to suitable protection measures being in place during construction.
- 13.3.9 For waterways, the buffer is to be 20 metres with a minimum of 8 clear metres from the top of the bank on either side of the watercourse. This buffer, will comprise planting appropriate to the habitat and will be free of any built development apart from those conducive to the location, such as mown-grass footpaths, and wooden furniture for example. And where the route of the STC interfaces with a watercourse any crossing will be designed in consultation with the Environment Agency and the LPA (controlled by condition) to ensure that any built infrastructure retains the functional area of the watercourse.

- 13.3.10 In terms of village corridors, the Parameter Plan identifies the developable area of each village and the green corridors between villages. The green corridors are shown in their approximate location and this will therefore need to be confirmed at the Strategic Landscape Masterplanning stage. How the village development treats and interfaces with these green corridors will be determined at the Strategic Landscape Masterplan stage, Village Masterplan stage and Reserved Matters stages at increasing levels of detail. The Development Specification describes how green edges will be treated sensitively to avoid impacts arising from light and disturbance. These edges will be covered by design principles and design codes for individual villages and will include structural planting and SuDS features. Where the STC passes through these green corridors particular attention will be given to the design of the route to minimise road width, reduce lighting levels and street furniture to reduce impacts. Detailed plans and sections will be required at the Strategic Landscape Masterplanning stage.
- 13.3.11 Further ecological buffers are proposed on the Parameter Plan, where additional 20m buffers are proposed around particular features to protect the habitats they provide. The areas include: Stone Basin Spring adjacent to the western Village 6 edge; the Gilston Valley Riparian Corridor to the east of St Mary's Church (which is also identified as a Permanent Pasture); at The Chase along the southern edge of Gilston Park; and around Local Wildlife Sites within the site. These Local Wildlife Sites tend to be the woodland blocks and watercourses where 20m buffers are already defined. In addition, an Ecologically Sensitive Area is defined between the southern edges of Golden grove and Sayes Coppice woodland blocks. Within this zone artificial lighting will be kept to a minimum to avoid impacts on bats. Two areas of Permanent Pasture are defined to the north of Eastwick and within the Gilston Valley which are areas of grassland that support a wide variety of grassland species that are to be retained and enhanced. The details of each of these designations will be subject to further detail at the Strategic Landscape Masterplan and Village Masterplan stages.
- 13.3.12 Working in collaboration with Historic England and the Council's Conservation and Urban Design Officers, the applicant made several amendments to this Parameter Plan, the most notable being the significantly enlarged zones defined as Sensitive Development Areas. These areas are focused on the areas of heritage significance such as around St Mary's Church, the Eastwick Moated Sites Scheduled Monuments and The Mount Scheduled Monument. Specific design principles are set out in the Development Specification to address the characteristics of each site. In summary, they include retaining views, retaining areas of open space around the assets, and avoiding dense and or urban forms of building types, street layouts and landscaping that may impact on the significance of the heritage assets and their setting.
- 13.3.13 Lastly, Parameter Plan 2 illustrates the easements required around utility features such as the overhead powerlines (pylons) (118m either side), the water main pipeline

(16m either side) and the high-pressure gas main (135m either side). The statutory bodies have recommended several informatives to be added to any approval in order to ensure appropriate licenses and permissions are obtained prior to any works that may affect these assets. These are therefore recommended alongside the conditions set out later in this report.

***Parameter Plan 3: Green Infrastructure and Open Space***

- 13.3.14 Parameter Plan 3 takes the constraints presented in Parameter Plan 2 and reframes them in the context of their contribution to the green infrastructure network throughout the site. Green infrastructure (GI) has a number of functions, primarily as ecological assets, but they can also serve recreational roles and there are often conflicts where these two functions are in close proximity. GI networks also provide ideal routes for walking and cycling and again, this can often conflict with ecological objectives. This Parameter Plan seeks to define where various recreational activities can be accommodated and where sensitive management of spaces are required to protect assets and to enhance them through woodland management programmes, new planting, and creation of new ponds for example as well as integrating SuDS features into GI spaces.
- 13.3.15 Opportunities for community/strategic sport and recreation are highlighted on this plan, as defined in section 13.5 of this report. These spaces at Gilston Fields (south of St Mary's Church) and Gilston Park (south of Gilston Park House) will provide larger formal sports pitches, and as these facilities are located within the Sensitive Development Areas, the Sport and Recreation Strategy locates grass pitches only within these spaces, therefore preventing the need for high luminosity lighting and fencing that would be needed for more intensively used artificial grass pitches. Ancillary facilities will be required to support these sports pitches such as a small clubhouse, changing rooms and/or toilet blocks for example. Officers consider that with appropriate design such facilities will be possible and acceptable within these Sensitive Development Areas. Through other minor features such as interpretation boards, signage and networks of footpaths, the appreciation of the historic value of these areas will be improved.
- 13.3.16 Within Gilston Park the purple star denotes the use of part of this site for pitches associated with the secondary school in Village 1. The applicant has undertaken detailed feasibility appraisals of this location to identify ways in which school pitches can be accommodated within this location. The County Council will require fencing around school grounds for the sake of security, so the detailed design stage of the school will need to specifically address this point. Design solutions such as 'haha' style boundaries are one possible way of providing security whilst minimising visual impacts. These matters will be addressed through the Strategic Landscape Masterplan, the Village Masterplan, and the Reserved Matters Application for the school.

- 13.3.17 One key objective of the Gilston Allocation is the creation of new strategic open spaces that provide enhanced habitat management and an appreciation of the natural and historic assets on the site. The application therefore includes the creation of two new strategic community parklands within the site boundary: Eastwick Wood Park and Hunsdon Airfield Park. The Development Specification contains a list of objectives and opportunities for enhancing these spaces for recreational use and ecological benefit. These strategic parkland areas will be maintained from inappropriate future development and protected through the Stewardship arrangements discussed later in this report.
- 13.3.18 Lastly, Parameter Plan 3 proposes two strategic green corridors that follow the riparian environments of the Golden Brook/Gilston Riparian Corridor and the Eastwick Valley Corridor. Again, this plan takes the various ecological constraints as set out in Parameter Plan 2 and sets positive habitat enhancement objectives to improve the ecological functionality of these spaces. The Strategic Landscape Masterplan will build upon these objectives and will provide further detail on specific measures required to achieve these enhancements and to manage the competing demands on these corridors as spaces for ecology, SuDS and movement.

***Parameter Plan 4: Access and Movement***

- 13.3.19 This Parameter Plan shows the proposed strategic access points, the STC and its limit of deviation and Public Rights of Way and other pedestrian and cycle networks. The Plan also shows how internal routes connect with the Central and Eastern Stort Crossing junctions and to routes beyond the site boundaries. At this stage details of how new routes will interface with existing features such as watercourses and existing road networks are not shown and will need to be considered at the Strategic Landscape Masterplan stage where these interfaces occur within the green corridors between villages, and at the Village Masterplan stage where more will be known about the layout of streets and uses. Officers recommend conditions requiring the submission of detailed drawings and cross-sections for each part of the STC that runs through the green corridors to demonstrate how impacts are minimised. Where bridges may be required such as over watercourses, engagement will be needed with statutory bodies in due course. Officers are satisfied in principle that impacts can be made acceptable through the detailed design stage.
- 13.3.20 This plan shows the approximate route of the STC through the site. This route is subject to a limit of deviation within which the route could be located; this will be defined at both the Strategic Landscape Masterplan and Village Masterplan stages. Where the STC is located in close proximity to heritage or ecological assets as shown in Parameter Plan 2, the limit of deviation is significantly reduced in order to ensure the route avoids and minimises impacts on these assets. The inclusion of a limit of deviation allows for a certain degree of flexibility when undertaking the detailed design of each village, but where it narrows in width where it passes through the more sensitive locations this allows for a more refined consideration of the likely

effects of the STC on the reduced corridor as there is more certainty on the potential location of the route.

- 13.3.21 There are two locations where the plan indicates that potential road closures are to be considered at the Village Masterplan stages; these are within the Golden Brook valley and on Gilston Lane north of Gilston village. The objective of this is to protect existing lanes from traffic arising from the development, to prevent these from becoming a cut-through and to direct vehicles through newly created streets. These are options for exploration rather than firm proposals and will therefore need to be considered in further detail at the Village Masterplanning stage.
- 13.3.22 As has been described in Table 4 above, a key ambition for the development is the achievement of 60% of all trips within the development being by active or sustainable means. The function of the STC through the site has a key role to play in achieving that objective. Officers have worked with the applicant to agree the following principles for the design of the STC. These principles ensure that the STC is first and foremost a route for buses, walking and cycling. However, where connections are made between villages, to reduce the impacts arising from road infrastructure, there should be one connection only, and this will mean that the STC will need to accommodate other vehicles for a limited length of the route. Details will be required at the SLMP and VMP stage (secured by condition) that demonstrate the following principles set out in the Development Specification (paragraphs 4.5.9 and 4.5.10) are met:
- The primary function of the STC is to provide direct sustainable travel connectivity between key destinations within the villages. In all instances the STC will be a public transport (e.g. bus) link;
  - The STC will be designed along its full length to give appropriate priority to active and sustainable modes over the private car (with associated journey time advantages in respect of public transport) to ensure journey time reliability;
  - The STC will provide quick, efficient and direct connections via active and sustainable modes between the Transport Hubs of each village centre which represent the key focus of activity for education, employment, community facilities, retail etc;
  - The STC will accommodate dedicated and segregated facilities for walking and cycling as part of the Commuter Route network;
  - Private vehicles will only be permitted on the STC within the villages where it is demonstrated at the masterplanning stage that priority is given to sustainable modes of travel (having regard to masterplanning factors such as geography, topography, place making, the commercial sustainability of uses within the village centres, etc) and it does not undermine the ability of the site to achieve the 60% mode share target.
  - The sections of STC that connect between villages will accommodate both sustainable modes and private vehicles; however, its design must incorporate

measures to give priority to active and sustainable modes to achieve the 60% mode share target.

13.3.23 The plan illustrates key routes for walking and cycling through the site and defines these routes for as either commuting or leisure routes. Of course, any route designed with cyclists in mind can be used for either, but the distinction often comes down to matters of design and directness. This plan shows only key routes but cannot at this stage give a complete picture of the myriad ways that walking and cycling will be given priority through the design process, which will be a fundamental objective of the village masterplanning stage and indeed the Strategic Landscape Masterplan, as it is the quality of off-road routes that enable greater levels of connectivity between the villages as shown on this plan. Officers have worked with the applicant to define these routes in the Development Specification as follows:

- Commuter - Routes that support necessary every-day travel, are located and designed to be direct and convenient in terms of journey time and distance, and are of sufficient capacity, normally segregated, surfaced and lit (where such lighting would not cause an unacceptable impact) to enable safe use at all times by all users; and
- Leisure - Routes that support cycling for health and pleasure purposes, are located and designed to provide a safe and attractive environment where the route itself may be one of the main attractors (as opposed to directness), can be shared between cyclists and pedestrians and can accommodate places to stop and rest.

13.3.24 All routes will be designed to follow the core principles of coherence, directness, safety, comfort, attractiveness and adaptability, as defined in Table 4.1 of the Development Specification.

***Parameter Plan 5: Principal Land Uses***

13.3.25 This plan defines the outer limits of each village developable area within which all built land uses will be accommodated and most village sports and open spaces. Each village contains an area within which education and mixed uses will be concentrated. These zones will contain the village centres with retail and commercial uses, offices or leisure uses, plus community uses such as health facilities and education uses. Residential uses are also proposed within this zone and could include older persons' accommodation.

13.3.26 The plan also shows the centre line of the STC limit of deviation to illustrate how the village centres would be connected to this central route and be accessed by sustainable transport. Some mixed use floorspace may be accommodated outside the centre in locations along or close to the proposed STC or existing transport infrastructure. This would be considered through the village masterplanning stage

to ensure that the location of different land uses are planned in a way that meets the vision for that village and the Garden Town concept as a whole.

- 13.3.27 The village developable areas are overlaid by the Sensitive Development Area as defined on Parameter Plan 2. The Development Specification sets out the design considerations that would apply to development within these zones; lower densities and building heights being just two ways of ensuring that built form respects the setting of heritage assets. This is discussed further in section 13.9 of this report.
- 13.3.28 The plan as amended illustrates an area to the south of Village 6 within which a mix of employment, residential and/or Gypsies and Travellers and Travelling Showpeople land uses could be located. Similarly, to the east of Village 4 an approximate zone is identified within which a site for Gypsies and Travellers and Travelling Showpeople could be accommodated. The principle of planning to meet the provision of Gypsies and Travellers and Travelling Showpeople is set out in paragraphs 13.2.5 to 13.2.6 above.
- 13.3.29 In terms of the location of these land uses in the context of this parameter plan, Officers have consulted the guilds and representatives of both the Travelling Showpeople and Gypsy and Traveller communities to understand their needs. It is important that whilst there is a need for a certain amount of separation from other residential land uses for their privacy and security, residents should still benefit from accessibility to services and education for example. Officers are satisfied that these zones provide an appropriate way of ensuring that these requirements are met as described in paragraphs 13.2.7 to 13.2.8 above.
- 13.3.30 However, as with all other land uses proposed, the details of the specific location of these land uses will be defined at the Village Masterplan stage for the Village 6 area, and through the Strategic Landscape Masterplan for the Village 4 area. Officers recommend that the Village 6 safeguarded area is secured through the S.106 Agreement for Travelling Showpeople accommodation given the site's proximity to the A414 and connections to the STC through Village 6 and Village 7, while the Village 4 location will enable an area of open land to support the amenity of Gypsies and Traveller livestock needs. Future Reserved Matters applications will need to demonstrate that suitable design and layout for accesses, residential, storage and maintenance, security and landscaping features integrate with and complement the surrounding location.
- 13.3.31 The plan presents the outer edges of the village developable areas; this is necessary to ensure that the environmental assessment considers the likely worst-case scenario of development right up to these edges. In reality however, the edges of each village will be guided by principles in the Strategic Design Guide and will be shaped during the village masterplanning process. Each edge will need to address buffers around woodland and ecological assets, contribute to the green corridors

between villages and to help define the character of that village. Officers were keen to ensure that the applicant specifically addresses how the western edge to Village 4, adjacent to the pylon line would be designed given the parameter plan illustrates this as a solid straight edge. Additional text was added to provide clarification for Village 4, but these principles will be implemented for each village edge through the masterplanning process. The Development Specification explains that *"the western frontage of Village 4 should be richly articulated and varied across its length, both in the height and profile of the built form, creating interest and rhythm, whilst also creating a soft landscape edge that transitions into the green infrastructure and open space to the west."* The masterplan scope condition therefore requires masterplans to address the edges of each village following principles set out in the Strategic Design Guide and Development Specification both of which will be approved documents.

**Parameter Plan 6: Maximum Building Heights**

- 13.3.32 This Plan seeks to show the maximum heights that would be permitted within different parts of the village development. It takes Ordnance Datum (contours) and then applies a building height of up to 14m (at ridge height) across the site, with a limit of deviation of plus or minus 2m on existing ground levels to account for changing levels across the site. 14m is equivalent to four storeys. For the avoidance of doubt, ground floors are measured as 4m and each subsequent floor at 3.2m.
- 13.3.33 There are three exceptions to this approach in terms of building height; the village centre Education and Mixed-Use Zones; the Sensitive Development Zone; and the Gilston Park Zone. Remodelling of existing ground levels will be required to achieve an appropriate development platform, and as finished ground levels are not yet known (being a matter for masterplanning and detailed design stages) ground levels are subject to a variance of +/-3m and +/-5m in specific locations where ground levels vary due to man-made and natural features. These are indicated on the Parameter Plan.
- 13.3.34 The village centre is identified as locations where building heights cannot exceed 18m (at ridge height). This is equivalent to a 5-storey building with a pitched roof (excluding chimney). However, the Development Specification sets out that within Village 1, no more than 12% of the built footprint shall reach the maximum height of 14.1m-18m; within Village 2, no more than 15% of the built footprint shall reach the maximum height of 14.1m-18m; and within Villages 3, 4, 5 and 6, no more than 10% of the built footprint shall reach the maximum height of 14.1m-18m.
- 13.3.35 Parameter Plan 6 shows areas annotated as Sensitive Development Area (SDA). These zones relate to the settings of heritage assets, within which specific principles apply as set out in the Development Specification. For example, Appendix 5 specifies that building heights in the vicinity of St Mary's Church must not exceed 2.5 storeys. The Plan highlights in yellow an area of land within the SDA at Gilston Park located south of Gilston House. This zone is subject to a maximum height of 11m with no

limit of deviation at ground level. This is to minimise harm to Gilston Park House. To avoid a uniform approach to building heights, the maximum height controls are to be used positively to create landmarks and roofscape variety, to frame views and vistas and add richness to the village developments. As such, the Development Specification contains principles to be considered when applying the building height parameters at the masterplanning and RMA stage. Development and buildings should:

- Be variable in scale and height to create distinctiveness;
- Contribute positively to the street or space, and be in scale and proportion to each other and their function;
- Provide frontage to the surrounding landscape;
- Follow natural contours where appropriate and establish visual links to wider reference assets and neighbouring villages;
- Within village centres, create a sense of enclosure maximising frontage wherever possible;
- Optimise orientation for sustainability benefits;
- Be appropriately scaled and sensitive to existing built and landscape heritage assets.

13.3.36 These principles reflect the guidance set out in the Concept Framework and the Gilston Area Neighbourhood Plan, and therefore satisfies Officers that appropriate considerations will be taken at the masterplanning stages with regards to building heights. The Landscape and Visual Appraisal submitted with the application assess the upper parameters of the built envelope in order to assess the worst case scenario, but at a village level, buildings will not all be built at that upper level and it is therefore necessary to understand in a finer grain of detail how particular landscape features within that village contribute towards the layout of streets and how the built form responds to and enhances the landscape and how it helps to retain and frame key views and vistas. Building height, scale and massing is all part of this consideration. Therefore, Officers recommend that a condition is applied that requires a finer grain visual appraisal be undertaken to inform the Village Masterplanning stage.

### **Development Specification**

13.3.37 The purpose of this document is to define and describe the principle components of the village development as well as the parameters that will guide future masterplans. Each Parameter Plan is set out in detail along with specific criteria and objectives that apply to the matters addressed by each plan. For example, it describes in detail how future masterplans will need to address impacts on ecological and heritage assets and how open space and sports and recreation opportunities will need to be planned for. The document also describes the highway works that form part of the outline application as well as high level information about the implementation and delivery of the development.

- 13.3.38 The document also provides more contextual information that is provided for information purposes to help the reader understand how the different parts of the development work together, setting out the next stages of masterplanning followed by detailed reserved matters and the sequencing of development. This is in line with the approach set out in the Gilston Area Concept Framework. This 'route map' approach allows for the continual layering of information to create masterplans that 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.
- 13.3.39 The Development Specification as amended now contains significantly more detail relating to key views towards and from heritage assets and the approach proposed within the defined Sensitive Development Areas, as the masterplans will need to respond to these views and areas in terms of layout, height and massing of the built form. Appendix 5 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.
- 13.3.40 Another key addition to the Development Specification is the integration of the objectives from each of the 9 strategy documents that the applicant submitted:
- Placemaking Strategy
  - Energy and Sustainability Strategy
  - Natural and Historic Landscape Strategy
  - Housing Commitments
  - Health and Wellbeing Strategy
  - Education and Learning Commitments
  - Inclusive Growth Commitments
  - Sustainable Movement Commitments
  - Governance Commitments
- 13.3.41 These strategy documents were not submitted for approval, but Officers were keen to ensure that the many positive approaches proposed in the documents became commitments within an approved document which can be used to inform the masterplanning and reserved matters process. Incorporating the objectives from these strategies in to the Development Specification achieves this and ensures that these are also taken into account when preparing subsequent masterplans and Reserved Matter applications.

### **Strategic Landscape Masterplan**

- 13.3.42 The Strategic Landscape Masterplan (SLMP) is the next step in the process to turn the principles set out in these documents in to specific proposals on the ground.

Focussing on the green spaces and landscape around and between each village as well as the strategic community parks as described above, the SLMP will define how these spaces will be used and how the existing landscape features will be enhanced by additional planting and landscaping. The SLMP will include the design of the STC connections between villages through the green corridors to a design code level, which will then provide guidance for the detailed design of these areas, in particular how the STC interfaces with watercourses and therefore requires the construction of bridges or other structures.

- 13.3.43 The SLMP will confirm what existing structures or buildings are to be retained or demolished within these green spaces, where existing power lines are to be altered, the extent of alterations to the Public Rights of Way network and the location of principal SuDS features.
- 13.3.44 The applicant has worked closely with Officers and representatives of the local community to define the full scope of the SLMP. The Gilston Area Charter SPD contains a series of expectations for the masterplan scope, which has been supplemented by matters arising through consultations. The applicant has also worked with Officers and the community on the approach to engaging on the masterplan. The engagement strategy will reflect the adopted Community Engagement Strategy and set a template for other masterplans. The SLMP will be secured by condition.

### **Village Masterplans**

- 13.3.45 It is currently anticipated that in parallel to the SLMP, work on the masterplan for Village 1 will also be underway. This is necessary because of the length of time needed to plan and construct the first schools and the highway infrastructure at an early stage in time for when needs arise.
- 13.3.46 Village Masterplans (VMP) will focus on the content of each village, they will define where in the village key land uses will be located including the site for education facilities and their associated playing fields. The VMP will define the route of the STC and the location of key, but not all, primary and secondary routes and the extent of alterations to the Public Right of Way network if necessary. The VMP will define what existing buildings or structures are to be retained or demolished if necessary, and where existing powerlines are to be altered. The VMPs will also define how the edges of villages will be treated in relation to the surrounding landscape and the green corridors between each village, how village sports and open space provision will be accommodated, and how buffers and enhancements to corridors will be designed and delivered including the location of principal SuDS features. The VMP will be secured by condition.

### **Village Design Codes**

13.3.47 Supporting each Village Masterplan will be a Village Design Code. Design Codes provide a further level of detail, setting out key specific design principles that will inform the character of the village, its design and layout and the external appearance of buildings. Design Codes can vary between being very detailed and prescriptive to being more flexible in approach. Within any one village there could be a number of different approaches to fit the role and function of different places and to reflect specific constraints and opportunities. The Village Design Codes and Village Masterplans work together to establish the next level of detail in terms of the location of key uses, green infrastructure, routes and connections, setting out detail in a regulatory plan. Reserved Matters Applications will need to demonstrate how the design code has been met. The Village Design Code will be secured by condition.

### **Housing Density**

13.3.48 Residential, or housing density is expressed as dwellings per hectare (dph) and is calculated in two ways: net residential density, which includes those areas which will be developed for housing plus associated uses such as access roads, parking, private gardens, incidental open space and landscaping and children's play areas; and gross residential density which also includes all uses and amenities such as schools and playing fields, all roads, open space and landscaping needed to support the housing.

13.3.49 The application is in Outline form and therefore does not set density levels spatially or diagrammatically across the site. The only reference to density is in the context of Sensitive Development Areas and specific restrictions to height and density in the vicinity of heritage assets. This is appropriate at this stage, because the approach to density should be defined through the village masterplanning stages, when matters of density can be considered in the round taking account of the vision for the role and function of a village. When matters such as routes, centres and locations of services are spatially considered, one can then start to consider how the location and design of buildings and properties can support and benefit those centres or key destinations; the built form, and therefore the density, of the development then follows.

13.3.50 However, to demonstrate that the proposed development with all its land uses and spatial requirements could be accommodated within the site, the applicant has undertaken an illustrative land use budget exercise. This demonstrates that the proposed development can indeed be accommodated within the parameters set, and will result in an overall gross residential density of 14.2dph, excluding the two strategic parklands of Hunsdon Airfield and Eastwick Wood parks, but including all other areas of open space. This example also showed that across the different parts of different villages a range of net residential density could be achieved of between 20dph and 130dph, with the highest densities being achieved in Village 1 and in each village centre. However, overall a net residential density of 39.1dph would be achieved. The Strategic Design Guide sets expectations on where it is appropriate to plan for higher density, such as within the village centres and along key transport

routes or nodes as well as within 15-minute walking distance of Harlow Town train station. These principles are sensible and in line with policy expectations.

### **Relationship to existing settlements**

- 13.3.51 The new villages surround and exclude existing villages of Gilston and Eastwick, the Gilston House estate in the centre of the site, Terlings Park to the south and individual homesteads scattered throughout the site. Parameter Plan 2 identifies areas of land around the existing villages which will act as buffers between existing properties and the new village developable areas. In line with the Development Specification, these village corridors will benefit from additional landscaping. With consideration given to boundaries, design and landscaping it is considered that sufficient distance will remain between existing and new homes such that amenity is maintained. Early planting has been carried out around properties on Eastwick Road, which will take some years to mature, such that by the time work begins in Village 2 they will offer a degree of visual screening for existing homes.
- 13.3.52 The Village 2 access proposals include closing off access to Pye Corner, Gilston at the northern end of the village. The approved Eastern Stort Crossing Road 1 and Road 2 effectively create a bypass to Pye Corner, significantly reducing the number of vehicle movements in this part of Gilston. The detail of this is contained in the application report for the Eastern Stort Crossing application (3/19/1051/FUL, which is available on the planning application portal using this reference number). Access will remain to Pye Corner from the south via the re-aligned Eastwick Road, and access will therefore remain for properties in the village and to the Gilston House properties to the north. As explained in paragraph 13.3.21 above Parameter Plan 4 (Access and Movement) indicates the potential closure of Gilston Lane; this would result in the re-routing of access through the new village developable areas, which would lengthen journey times for these properties. This would be something that would be decided at the Village Masterplan stage in consultation with the local community.
- 13.3.53 The impact of the Eastern Stort Crossing proposal, in particular the realignment of Eastwick Road between Pye Corner and Terlings Park, was considered in greater detail in the Eastern Stort Crossing application report. The realignment of Eastwick Road and creation of a bypass to Pye Corner was considered to provide benefits arising from the provision of infrastructure to facilitate the Gilston Area development as well as enabling the creation of a sustainable transport network within the wider HGGT area that outweighed identified harms to heritage assets and for residential amenity.
- 13.3.54 In terms of the village development however, the creation of new schools and community facilities including a health centre in Village 1 will be of significant benefit to existing residents in each of the settlements immediately surrounding the development. New facilities will be within walking distance of existing homes and new sustainable transport routes provided as part of the scheme will also be

accessible to existing homes. For example, the walking and cycling route proposed from the relocated junction to Terlings Park (as detailed in the ESC report) will provide a direct link for Terlings Park residents northwards into the heart of Village 1.

- 13.3.55 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. In some locations it is appropriate to protect the amenity of and provide distance from existing settlements and this will be achieved through measures such as buffer planting and creation of green infrastructure to screen the development, or through soft edges (where buildings have a lower density, height and form) to transition between existing surroundings and the new village. In other locations it will be appropriate to create new active travel routes to connect existing communities to the new villages. For example, one of the earliest proposed pieces of infrastructure will be the creation of a walking and cycling route from Village 1 towards Hunsdon Village, providing a direct link between the village and new facilities located in the new village centre. Officers are working with the applicant and the County Council on the location of bus stops and bus routes to ensure they are accessible to existing as well as new properties. However, these will be refined at the Village Masterplanning stages in due course.
- 13.3.56 In terms of utilities, the creation of new utility networks required to serve the new properties will create new opportunities for connections to services such as gas mains and fibre optic networks enabling the provision of high-speed broad band to existing isolated properties and existing villages where necessary. 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 be of direct benefit to existing properties will be explored, but this application does not secure measures beyond those identified in the proposed Heads of Terms in section 15 below.
- 13.3.57 Policy EX1 (Existing Settlements) of the GANP states that the 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.
- 13.3.58 The application does however, propose significant enhancement of existing green spaces within the envelope of the application area such as the provision of sports and recreation areas and ecological enhancement schemes, and with the creation of

parks and open spaces in each village to provide for every day needs of new residents within the site it is anticipated that there will be no reliance on such spaces outside the application area. As detailed in the ESC application, the proposed bypass to Pye Corner will enable the delivery of public realm improvements within the settlement and as described in paragraph x above, there may be opportunities in the future to introduce a road closure in Gilston Lane to prevent it being used to access Villages 3 and 4, which will be determined in consultation with residents at the appropriate masterplanning stage.

13.3.59 There is therefore no evidenced need for financial obligations beyond those identified in the Heads of Terms listed in Section 15.

### **Landscape and Visual Impacts**

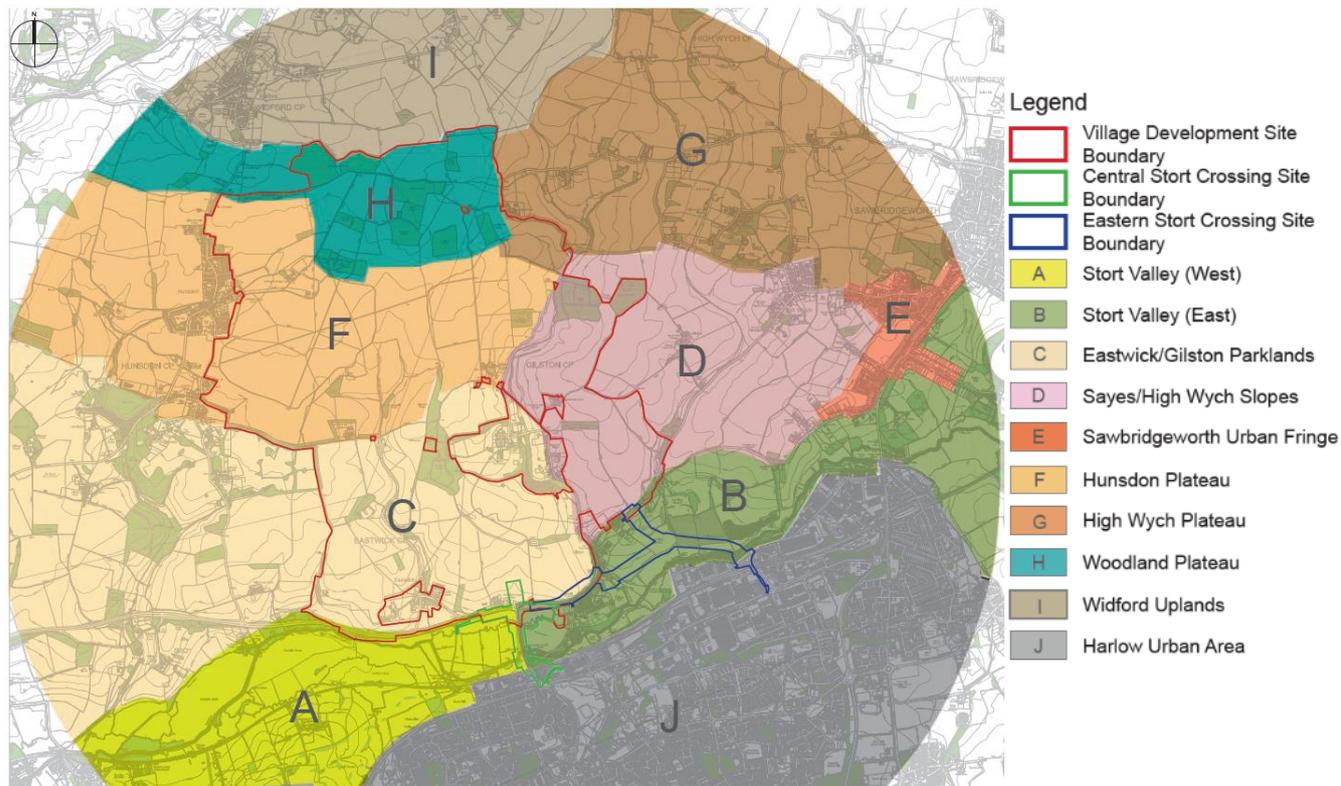
13.3.60 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This considers the impact the development would have upon the character of the landscape and the visual amenity of residents/users. The LVIA considers the significance of landscape and visual effects, the sensitivity of the landscape to accommodate impacts and the magnitude of those effects. Whilst the LVIA follows guidelines in terms of the methodology used, there is always a level of subjectivity in such an assessment, and as such there are some differences of professional opinion between the assessment submitted and the view of Officers regarding the magnitude of impacts. However, there is no dispute that the introduction of new development into a landscape which is largely free of development will inevitably have an impact on the landscape character of such a location, and therefore it is a question of the extent to which there is the potential for harm and if so, how such harm can be avoided, minimised and mitigated, and then whether the remaining harm is outweighed by the benefits of the development that one needs to consider.

13.3.61 The LVIA explains how impacts are assessed and how the significance of the effect is determined. The assessment considers the following aspects and assigns a rating using set criteria:

- landscape susceptibility
- landscape value
- landscape sensitivity
- visual susceptibility to change
- value/importance of views
- visual sensitivity
- magnitude of effect
- significance of landscape and visual effects

- 13.3.62 The assessment of the significance of landscape and visual effects is the overall assessment score taking into account the preceding rating assessments. Impacts are rated from large adverse, moderate adverse, slight adverse, neutral, slight beneficial, moderate beneficial and large beneficial for both landscape and visual effects. Large adverse and moderate adverse environmental effects are considered 'significant' for the purpose of the LVIA, while slight adverse and neutral environmental effects are considered 'not significant'. This does not however mean that these effects are disregarded as they could still require some form of mitigation.
- 13.3.63 The LVIA assesses the impact of the development both during the construction and operational phases. Given the length of the construction period, the LVIA considers the effects likely to arise during early, middle and final phases of construction as effects will differ over time. The assessment indicates that there are no national landscape designations on the site, but it does consider the impact of the development on landscape-related designations such as Special Landscape Areas and Local Wildlife Sites and also on Scheduled Monuments and listed buildings and the Gilston Park House (and un-designated historic park and garden) which inform landscape value. Plus, the assessment uses professional judgement to assess the impact of development on views from private properties. Furthermore, the assessment considers the impacts on nearby Public Rights of Way, Conservation Areas in High Wych, Hunsdon and Widford as well as on areas of ancient woodland within the site and historic fields and woodland and sites of nature conservation importance within the Stort Valley.
- 13.3.64 Within the site, there are a number of distinct landscape character areas (LCAs), each with their own features of importance, sensitivity, value and ability to accommodate change. These are shown in Figure 6 below. Then there are key receptors within the landscape that will experience visual impacts from the development. These receptors include residents of the existing villages and settlements within the site, as well as those from outside the site, such as those living on the opposite southern slopes of the Stort Valley within the northern edge of Harlow. In addition, visual impacts of a more temporary nature will be experienced by those using Public Rights of Way, roads and even the railway line to the south of the site.
- 13.3.65 During construction the likely landscape and visual effects are difficult to quantify as impacts are of a temporary nature and will move around the site as development progresses. As a 'worst case scenario' the assessment assumes that the same residents will remain in their home for the full duration of the development. Residential receptors and those who regularly use the PRoW network through the site will experience the negative visual effects of construction more than someone who occasionally uses the PRoW network to pass through the site.

**Figure 6: Landscape Character Areas considered in the appraisal**



13.3.66 The assessment considers that during construction moderate-large adverse effects will occur on the Eastwick/Gilston Parklands landscape character areas (LCA) within the site. This LCA will comprise the proposed Villages 1, 6 and 5. There will therefore be a fundamental change to the character of the rural agricultural environment as the villages are being constructed. Likewise, the Sayes /High Wych Slopes will have a moderate adverse effect during construction of Villages 2 and 3, and the Hunsdon Plateau will have moderate adverse effects during the construction of Village 4. However, because the development will include the creation of new woodland blocks to supplement the ancient woodlands across the northern part of the site, moderate beneficial effects are expected to the Hunsdon Plateau as new planting of woodland blocks will mature affording more screening to settlements to the west. Effects on LCA A (Stort Valley West) and LCA B (Stort Valley East) were considered in detail in the officer reports for the approved crossing applications, where the adverse effects of the roads and bridges on the landscape character were acknowledged and considered that the benefits associated with the two proposals outweighed the landscape and visual harms.

13.3.67 Residential receptors in Eastwick, Gilston, Terlins Park and those in tall buildings in the northern fringe of Harlow will experience moderate to large adverse visual effects, mostly through periods of construction, which would reduce over time with the growth of landscaping. The majority of other residential receptors will experience minor adverse to neutral effects given distance or intervening landscape. Similarly for roads located within the site and those included within the overall proposal, including the two river crossing applications, moderate to large adverse

visual effects will be experienced to those using the road network. For users of PRowS across the site, moderate to large adverse visual effects will be experienced, though these would reduce during the final stages of construction when planting becomes established.

- 13.3.68 In terms of mitigating these impacts, the LVIA assesses the effectiveness of the proposed measures described in the Development Specification in regard to Parameter Plan 3: Green Infrastructure and Open Space, which describes the approach to providing buffer zones and Sensitive Development Areas around key features, within which no built development would take place or where development would be of a less dense and lower built form. It also takes account of commitments to the measures outlined in the Code of Construction Practice, which includes sensitively designed hoarding or boundary fencing, early planting and protected landscaping, reduced lighting, the management of stored materials and minimisation of vehicle movements. The LVIA concludes that while the mitigation measures will serve to minimise effects on existing residential receptors, there will be direct and residual effects even with the proposed mitigation measures in place, which is not unexpected for a development of this scale. Officers therefore recommend conditions requiring full details of these measures to be provided in the form of Construction Environment, Construction Traffic and Landscape Management Plans.
- 13.3.69 Following construction, the LVIA concludes that there will still be some moderate adverse landscape and visual effects, but considers that the proposed Development Specification and Parameters include specific measures to minimise harm to the setting of designated heritage assets and to retain key views, measures to retain and protect areas of ecological interest through buffer zones and enhancement landscaping. The LVIA considers with these mitigation measures there will remain slight adverse to moderate adverse landscape and visual effects given the scale of the proposed development and the time it will take for mitigation in the form of landscaping to mature.
- 13.3.70 The development proposes improvements to Public Rights of Way and the creation of new routes, plus the creation of new and enhanced habitats and landscaping proposals that include native tree and scrub planting, native hedge planting and wildflower grassland areas as well as the improved management of existing landscape areas such as the woodland blocks. Opportunities will also be created to aid the understanding and interpretation of heritage and natural assets across the site. The LVIA considers these mitigation measures will result in slight to moderate beneficial effects. Officers consider that notwithstanding the conclusions of the LVIA in the ES, the development will introduce built development into an area largely devoid of urban features, and while familiarity over time and the maturation of screening planting will reduce the effect of visual impacts, nonetheless, there will be

a significant change to the character of the landscape and the experience of residents in existing settlements and visitors to the area.

- 13.3.71 The ES considers the outputs of the LVIA cumulatively with other planned growth to be built out at the same time as the development. Sites within the urban area of Harlow and beyond are a sufficient distance from the site that there would be no significant cumulative landscape or visual effects arising from the combination of the development of these schemes. Should Village 7 come forward at the same time, the cumulative effect on views is minor adverse during the construction and operational phases.
- 13.3.72 At this Outline stage the LVIA can only assess the impact of the parameters of the development in terms of the location of development areas and their potential height limits as defined by Parameter Plans 5 and 6. In this regard, the LVIA does provide a reasonable approach to assessing the visual impacts of the Outline development. However, this approach is not fine-grained enough to provide sufficient information to support the masterplanning process, nor does it provide an assessment of the impacts of construction in terms of phasing or the location of enabling works such as site compounds and access routes. As these matters have not yet been determined. Officers therefore recommend that further detailed landscape and visual analysis be carried out to inform each masterplanning stage, and this should form part of an iterative design process where the assessment informs the layout and design of a village, but then this masterplan is assessed again at this more detailed stage. This will also ensure that as development progresses across the site consideration can be taken of the development that has already taken place.
- 13.3.73 Overall, the impact on the landscape and the visual effect of the construction of the development will have large adverse effects reducing to slight adverse to moderate adverse effects after mitigation particularly when viewed from existing settlements directly adjacent to or within the site area, and from Public Rights of Way and lanes which traverse the Village Developable Areas. The GANP identifies several cherished views over the currently open countryside, some of which will clearly be impacted by virtue of the development, however, the GANP does not restrict development as a result of identifying that views to and from certain locations are cherished. The proposed parameters and Development Specification seek to locate development where least harm will occur to existing landscape areas like woodlands and tributary corridors, and to ensure existing settlements are screened by appropriate landscape treatments. Indeed, early planting has commenced to provide longer-term screening for properties on the edge of proposed village developable areas.
- 13.3.74 These mitigations and those proposed through Codes of Construction Practice, Construction Traffic and Environment Management Plans, the preliminary 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. 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. It is further considered that the allocation of the site acknowledged that changes to the landscape and visual environment is inevitable, and while Officers acknowledge the harm to the landscape character and that visual harm will occur as a result of the development, that this harm is outweighed by the significant benefits associated with the development.

## **13.4 Supporting Economic Growth**

- 13.4.1 The ethos of the proposal is to create six distinct villages, each with its own character. Each village will need a centre providing a space for congregation and to provide facilities that meet day to day needs. This is important as it is this provision of local facilities that is intrinsic to the creation of walkable neighbourhoods so that residents do not need to get in a car unnecessarily. This centre of activity is also important in terms of providing a variety of local job opportunities. Parameter Plan 5 indicates a zone within which the village centre and schools would be located. Schools, especially primary schools are well located within a village centre as they bring families together and enable shared trips to occur, such as visiting the local shop or park as part of the school run for example.
- 13.4.2 Currently, the nature of each village centre is not defined, as it is at the masterplanning stage that a vision for the village will be decided and the centre of the village will evolve to create that vision. For the smaller villages such as Village 3 and Village 5 the number and range of retail uses may be smaller than the neighbouring Village 1 or Village 4 for example, as the centre will be reflective of the size and hierarchy of the individual village.
- 13.4.3 Policy GA1 requires the provision of employment areas of around 5ha to be delivered within the allocation. However, an assessment undertaken by the HGGT team refined the 5ha land area in to employment floorspace, identifying a need for 34,000sqm across the Gilston Area as a whole, with 20,000sqm to be delivered within the Plan period – up to 2033. Breaking this down proportionally by site this equates to 29,200sqm for Villages 1 to 6 and 4,800sqm to be provided in Village 7. The application seeks permission for this floorspace and provides a working assumption breakdown of where this floorspace may be distributed (paragraphs 3.3.1 to 3.3.5 and Table 3.1) for illustrative purposes only:

- Village 1: 7,000sqm

- Village 2: 8,000sqm
- Village 3: 1,050sqm
- Village 4: 4,500sqm
- Village 5: 500sqm
- Village 6: 7,950sqm

- 13.4.4 It should be noted that as these figures are indicative, they total 29,000sqm. Based on average employment ratios the ES suggests that providing a mixture of employment uses (former B1a, B1c/B2 and B8) plus retail and community uses would generate around 3,105 full time jobs. In addition, there is likely to be a substantial number of jobs created in the maintenance and management of new homes, open spaces and public realm. While no figure is set out in the ES, the Applicant estimates an average of 900 jobs will be created per month throughout the construction of the development, which will take approximately 20 years.
- 13.4.5 As the construction moves around the site a Skills Hub may be provided as a temporary facility (6,500sqm) to support the construction process. This is not currently a commitment as it will need to be subject to agreement of an Action Plan to confirm an operator and a business case. Whether or not a skills hub is provided, the applicant will continue to work with Officers to establish a mechanism within the legal agreement that commits parties to working with local further educational establishments like Harlow College and Herts Regional College to provide apprenticeship schemes and to support the employment of local labour.
- 13.4.6 It is important to note that while the application has the potential to provide 29,200sqm of floorspace, it also makes it clear that the quantum and distribution of employment floorspace will be determined following the completion of a market demand assessment to verify commercial market demand. Officers feel that this does not give the certainty required that any employment floorspace will be delivered, particularly at the early stages of delivery when there will be market uncertainty as to the merits of locating a business within a fledgling community. So much of the success of the development relies on the premise of providing local sources of employment, meeting day to day needs and reducing the need to travel, that to compromise the ability to deliver employment land from the start is not acceptable. At the same time, in the anticipation that so much can quickly change in terms of business floorspace needs, such as in the light of a global pandemic for example, it is considered prudent to enable the reconsideration of longer term employment floorspace needs.
- 13.4.7 Officers therefore recommend that the S.106 Agreement should secure a minimum of 10,000sqm of employment floorspace across the six villages. Each village masterplan will be required to demonstrate that a market demand assessment has been undertaken to inform the type and location of employment land to be provided or safeguarded in the village. 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 located 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. These could take the form of offices above retail units or standalone within the village centre or in small enclaves of light industrial uses where these are both marketable and appropriate for the neighbouring uses.

- 13.4.8 Employment development outside of village centres must be well integrated with the built fabric of the village in an accessible location, well connected to the Sustainable Transport Corridor or key transport nodes. However, given the semi-rural nature of the northern villages, it may also be appropriate to accommodate employment activities that are complementary to the rural setting and where impacts on residential amenity and from vehicle movements can be minimised. These principles are set out in the Development Specification and through the identified mixed-use zones on Parameter Plan 5. It is the view of Officers that there is scope within the village development to successfully attract employment generating uses and the detail in relation to the precise location, size and use of individual buildings will be subject to Reserved Matters Applications.
- 13.4.9 It is acknowledged that during the early years of the development employers may not be attracted to a fledgling community as there is less certainty over skills in local labour, availability of ancillary or supporting services and trades or that sufficient footfall exists. However, it is considered that over time the development will become more attractive as the community grows. It is therefore necessary to ensure that the S.106 makes appropriate provision for the retention and safeguarding of land for employment uses on a reasonable basis.
- 13.4.10 The ES identified that the creation of new jobs across a range of sectors and uses represents a moderate to large beneficial effect at a county level. Cumulatively the opportunities presented by Village 7 in terms of job creation through construction and employment land commitments are also considered to represent a moderate to large beneficial effect, particularly as there will be some overlap of delivery of Village 7 and Villages 1 and 2 of this outline application.
- 13.4.11 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 masterplanning 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.

## **13.5 Delivery of Community Infrastructure**

- 13.5.1 EHDP Policy GA1 (The Gilston Area) sets out the requirement to ensure 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.
- 13.5.2 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 that includes measures relating to the creation of new community facilities through new development to support health and wellbeing of residents. 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 and includes objectives relating to supporting individuals and communities to support themselves and each other through community organisations.
- 13.5.3 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.
- 13.5.4 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.

**Primary and Early Years Education**

13.5.5 The original submission included an Education and Learning Strategy which set out the applicant's commitments to ensuring education provision meets the needs of the new community. These commitments have been secured through their inclusion in Appendix 6 of the Development Specification, extracted below:

1. Providing enough school places on-site to mitigate the impacts of the development. There will be places on-site from Early Years to Sixth Form. The Phase 1 (Village 1) primary school is currently the highest priority and the Applicant will work with HCC to agree the opening date.
2. Supporting the new schools to play an integral role in establishing the new community as its start, and long into the future. Each school will provide a heart for surrounding neighbourhoods, providing the space to bring people together to achieve common goals for their children and their communities.
3. Primary schools will have integrated or co-located nursery provision. Additionally, space suitable for Early Years provision will be available in every village, so provision would be within walking distance of all homes and phased with the development.
4. School buildings will be designed and built to high standards, taking into account both innovative ideas and best practice from experienced architects and contractors, as well as conforming to Village Masterplans and Village Design Codes.
5. Obliging its delivery partners (such as housebuilders) to sign up to the Education vision and principles to ensure that they are reflected in decision making through every stage of the design, planning and delivery process going forward.
6. Being an active and engaged partner, influencing and advising on the delivery of school places at Gilston Park Estate over the long term.
7. Setting up an Education Review Group with HCC which will be responsible for co-ordinating the selection process for an operator(s) and the collection and collation of monitoring data and reviewing trigger points throughout the development.
8. Assisting HCC in monitoring demand for school places by providing up to date data on housing delivery and occupancy (and other data needed as agreed by the Education Review Group).

13.5.6 To ensure the outline application achieves these objectives, the applicant has worked collaboratively with County Council Officers to assess the potential educational need arising from the development of 8,500 homes (10,000 homes when combined with Village 7). Based on the County Council's strategic planning pupil yield methodology, up to a total of 20 forms of entry (fe) could be required (500 homes = 1fe). For Villages 1 to 6 this means up to 17 forms of entry of education infrastructure needs to be identified at the primary level, with a further 3fe of capacity identified for the Village 7 proposal of 1,500 homes. This is also the level of potential provision set out in Policy GA1 of the adopted EH Local Plan.

- 13.5.7 Translated into actual provision, this means that each village will have land safeguarded for the delivery of a primary school with an incorporated early year's education facility (nursery). Initially, save for Village 1 which will open as a 3 fe school, new schools may open smaller, but land will be safeguarded sufficient to enable each of them to expand up to 3fe over time to meet growing demand arising from the new community, except for Village 3 which would have a maximum capacity of 2fe. Some schools, such as the Village 1 primary school may be built and open with 3fe of capacity from the outset to meet anticipated demand. New school infrastructure will be determined through a dynamic education strategy as the development grows, with information on master-planning, projected build rates, trajectory and phasing being shared through an Education Review Group.
- 13.5.8 The applicant's viability appraisal considers that fewer forms of entry are required, and the cost plan includes only 15fe across the V1-6 site. This is what the Applicant's projections consider to be the most likely outcome. However, this does not preclude the further school places being delivered up to the maximum of 20FE which will be legally secured in the S.106 Agreement. Over provision of school places is challenging and expensive for school operators and public authorities and should be avoided and the dynamic education strategy will manage the appropriate level of provision to cater for demand. Taking the Applicant's projection this would mean that at least one village would not contain a primary school and while Officers acknowledge the cost of schools and support the principle of the dynamic education strategy, it is considered preferable in placemaking terms to ensure that the application safeguards the ability to deliver a primary school in each village. Schools provide much more than a place for education; they are often the heart of a place, providing opportunities for social gatherings and community activities and in providing support for families, which is especially important in new settlements where other support networks may not yet be available. In terms of achieving high levels of active and sustainable travel to assist in achieving the 60% mode share objective, it is also important that pupils can walk to a local school, which reduces not only the need to travel by car, but also enables the commensurate health benefits of better air quality and increased physical activity. The fact that land is safeguarded within each village centre mixed use zone as illustrated on Parameter Plan 5 means that notwithstanding different opinions on the forecast pupil yields, land will be available to provide for the educational needs of pupils within the Gilston Area in line With Policy GA1 of the EHDP and this will be secured through the S.106 Agreement.
- 13.5.9 Pupil yield modelling for new communities is not straightforward as it takes a while for the population to grow but when multiple villages are being delivered and occupied simultaneously modelling suggests that pupil yield is likely to peak over several years. In addition, taking into account the condition cap of 8,500 units maximum, the applicants are seeking flexibility regarding the precise number, mix

and tenure of dwellings to be bought forwards in the individual villages. It is therefore entirely appropriate for any outline planning permission to make provision for the maximum envisaged by policy GA1, against which the ultimate demand can be kept under review by the County Council.

- 13.5.10 Often with new settlements the first occupants will be couples and families with young children not yet of school age. The population becomes more established as a greater variety of homes are occupied and a broader age spectrum of children start to occupy homes on the site. This creates a peak of demand for school places over time, normally with primary demand peaking first and demand for secondary school places peaking later as the population within the development ages. In the long term, the development is likely to settle and begin to reflect the demographic of the surrounding existing community. Considering the scale and length of the build out and the population growth as families occupy the new homes, it will be necessary to continually monitor pupil yield arising from the development to accurately plan the provision of new school places to respond to growing demand.
- 13.5.11 While peak demand needs to be catered for, this does not necessarily need to be met through the permanent expansion of multiple schools. As such, the S.106 Agreement will make provision for the creation of an Education Review Group (ERG), which will comprise representatives from East Herts as local planning authority and Hertfordshire County Council plus the applicants and HGGT partners as necessary, which will inform a dynamic education strategy approach to the delivery of pupil place provision and capacity against demand from pupil yield arising from the development to determine the overall capacity required across the site over time, and establish whether and when the next school needs to be called for or the expansion of an earlier school provided. The ERG will also be able to consider the dynamic strategy of HCC to deliver SEND education either within the schools at Gilston or in an appropriate location. This close collaboration and information sharing will assist with the iterative Masterplanning of the villages.
- 13.5.12 The applicant has committed to funding school provision on-site in line with demands up to the cap of 20FE and this will be secured in the S.106 Agreement. Financial contributions will be sought for the delivery of school places in line with the Government's Department for Education Balanced Scorecard (or as approved in consultation with the County Council), and funds will be secured for the delivery of new schools and expansion of existing schools within the Gilston development as required in the future. This will enable the approach to delivery of education, and the totality of capacity to be nuanced and refined over time, responding dynamically to the realities of education need arising across the development. More details are set out in the Legal Agreement Heads of Terms at the end of this report.

### ***Secondary Education***

- 13.5.13 The application site provides for the secondary educational needs of the whole Gilston allocation, including the needs arising from Village 7, providing for up to 20fe at secondary level. Land and funding for two secondary schools has been secured, including through proportional funding from Village 7. Village 1 contains land for a secondary school of up to 8fe with sixth form provision, with land secured in Village 5 for the other secondary school sufficient to provide up to 12fe of secondary school places over time. In both cases, the built area of the school would lie within the developable area of the villages shown on Parameter Plan 5 – with the school playing fields stretching beyond the developable village boundary and forming part of the transition to the open land between and around the villages and which will be covered by the Strategic Landscape Masterplan, however, those areas will form part of the school sites. The use of open land for playing fields is not inappropriate. This approach will ensure compliance with criteria 5(k) of Policy GA1 and deliver the potential to provide for up to 20fe at secondary level to be provided for if required.
- 13.5.14 Schools need a critical mass of children to be economically sustainable, especially secondary schools where a greater breadth of curriculum requires specialist teachers and floorspace. It is important to plan the right number of school places to meet local demand; if too many places are provided, this risks children from outside the development gaining a place which may result in unsustainable movement patterns and the potential for siblings from outside the area gaining future places over children living closer to the school should the school's admissions rules prioritise siblings over proximity.
- 13.5.15 New schools will be Academies and outside Local Authority control. They will determine their own admission arrangements and over-subscription criteria. However, the County Council would encourage and support Academy Trusts to implement admission arrangements which prioritise places based on proximity to the school site over applicants from further afield.
- 13.5.16 The Secretary of State for Education makes the final decision on whether to open new school provision, having considered whether the school has sufficient demand and a critical mass of pupils to be viable and sustainable. At secondary, this would usually be when around 4fe of demand can be evidenced. Until the development yields around 4fe of secondary demand, secondary aged pupils would need to be educated off-site.
- 13.5.17 Notwithstanding this, the County Council has been working closely with the applicant to explore early delivery of secondary provision within the development which would need to be supported with revenue funding through the s106 to ensure the school was viable until the critical number of pupils was reached. Early secondary provision could potentially be accommodated in part of the Village 1 primary school prior to all the floorspace being needed to meet primary demand. This approach allows for a more affordable and quicker delivery of on-site secondary provision which will

expand in line with the growth of the development. This potential opportunity will be provided for in the S.106 Agreement along with opening of the secondary school in Village 1 at 4fe. This approach aims to ensure the delivery of local places in line with demand thus limiting as far as possible an inflow of pupils from further afield as well as maximising high levels of active and sustainable travel.

- 13.5.18 It is anticipated that the new schools planned in the development will serve the new communities living in Villages 1 to 7. Hertfordshire families applying for a school place can express a preference for up to 4 schools. Parental preference will therefore play a part in determining the internal movement, inflows and outflows of pupils living in the Gilston development. As outlined above, the County Council would support school operators to have admission arrangements which prioritise children based on their proximity to the school site over applicants from further afield. This would ensure families within the new communities and the villages immediately outside the site are prioritised for a school place within the development before those living further outside the development. The Education Review Group will monitor this and this will be reflected in future contributions from the Applicant.

#### ***Nursery Provision***

- 13.5.19 Each primary school will provide an early years facility within the school. In addition, private nursery spaces will be available within each village centre. The application proposes the delivery of up to 300sqm of nursery floorspace in each village in the Development Specification (para. 3.3.17). The applicant will continue to work with the County Council Officers on understanding these needs and marketing for operators.
- 13.5.20 The provision of nursery provision and a primary school within each village is important as not only should they be within walking distance of the communities they serve, but they are also often the first point of contact for families, providing not only for the education and wellbeing of children, but as a space for adult learning and interaction. Through these shared objectives schools and nurseries create a sense of community on their own and can become the heart of a neighbourhood.

#### ***Special Educational Needs***

- 13.5.21 The County Council offers a range of good quality local provision and services that can respond flexibly and quickly to meet the needs of children with special educational needs and disabilities (SEND). The County Council has identified the need for 60 SEND places to mitigate the demand arising from Gilston; 44 places will be provided through specialist resource provision (SRP) at two primary schools (12 places each) and an SRP at one secondary school (20 places). An SRP provides support in mainstream schools for those who, without specialist input, are unlikely to make progress in their learning and will struggle to take part in mainstream school life. This translates into approximately 200sqm of floorspace for each SRP which will

be designed and delivered as part of the school delivery process. This will be secured through the S.106 Agreement.

- 13.5.22 In addition, to cater for pupils with SEND needs that cannot be met in a mainstream setting, financial contributions will be secured towards the delivery of 16 new places at an existing special school/s serving the locality. The pupil yield forecast estimates just 1.3% of the total child yield will need this extra level of provision, as such HCC requested a contribution of £5,719,680 for the Gilston Area as a whole, of which 85% amount to £4,680,028 (index linked). This will be payable in staggered payments over the lifetime of the development, the terms of which will be set out in the S.106 Agreement.

### ***Healthcare***

- 13.5.23 The applicant and Officers have worked with the NHS Integrated Care Board (ICB) formerly the Clinical Commissioning Group, to establish an appropriate approach to providing for the primary healthcare needs arising from the development. The NHS representations, the latest to the Viability Submission, advises that 8,500 homes would generate a need for 10.2 GPs, based on a person per dwelling ratio of 2.4 (20,400 people) and 2,000 patients per GP. For Villages 1-6 this equates to a GP floorspace need of 2,029.8m<sup>2</sup>. Based on the NHS build costs this results in a financial request of £10,982,000. A facility of 2,388m<sup>2</sup> would be required for a 12 GP practice to cater for the Gilston Area as a whole.
- 13.5.24 The ICB also request that mental healthcare and community health and wellbeing services are catered for through a Health and Wellbeing facility of 2,500sqm (net internal area) based on the Gilston Area as a whole (Villages1-7). Based upon NHS build costs this equates to a financial request of £9,275,000 towards community and mental health infrastructure. However, the integrated care model means that ideally this would be co-located with GP services.
- 13.5.25 The NHS also requests between £9,487,200 and £11,257,026 to allow for acute care to be directed to the Princess Alexandra Hospital in Harlow, which excludes any allowance for acute outpatient's community provision. Note this figure is for the Gilston Area as a whole. The East of England Ambulance Service responded to the Viability Submission consultation for the first time requesting a financial contribution of £2,065,500 towards capital costs of additional emergency and non-emergency health services such as new ambulances, medical equipment, a new parking space for the ambulance at an existing ambulance station, to support a relocation to a site capable of serving existing and additional residents, or for recruiting and training operatives. Note this sum is for Village 1-6 only.
- 13.5.26 To address these various requests, the proposed strategy is to deliver a health centre in Village 1 that will cater for general practice requirements plus mental health care and community-based care, or to provide two smaller facilities in Village 1 and Village

4. This is in line with the NHS' approach to provide for more services within the community rather than be provided within a hospital setting. By locating a main centre in Village 1 it will ensure there is early delivery of this provision in the most connected village in terms of sustainable transport. The specification of a single site would also enable a dedicated ambulance bay to be provided within the health care site if required. Providing two smaller centres is less cost effective to deliver and for the NHS to maintain and is therefore the less preferred option.

13.5.27 Analysis undertaken for the HGGT advises that sufficient capacity is available within the Harlow area up to 2025, subject to the delivery rates of development, not only at Gilston, but also in the other strategic sites in the HGGT<sup>4</sup>. However, it should be noted that this date was based on trajectory figures that are now three years out of date and none of the strategic sites have yet to deliver any properties apart from parts of the East of Harlow site. It is therefore anticipated that capacity will remain within existing surgeries until such time that on-site delivery of new GP practices and the planned extension of existing practices will be delivered. The applicant commits to exploring the ability to deliver temporary provision on-site using community buildings delivered early in the village centre of Village 1. The flexible use of the on-site community facility will be secured in the S.106 Agreement. This will allow the ICB flexibility in providing for early healthcare needs arising. The applicant will work with the ICB when masterplanning Village 1 and Village 4 to confirm whether the ICB require one main centre or two smaller facilities and to agree the specification for the provision of the agreed facility in lieu of separate financial contributions, with the requirement to deliver the facility/s secured in the S.106 agreement. The viability appraisal takes account of the cost of providing one health care centre (excluding fixtures, fittings, and equipment) with an estimated cost to the applicant of £14,907,900, which includes youth health facilities; 15% (£2,236,185) of which would be expected from Village 7.

13.5.28 At the time the ES was prepared, dialogue was ongoing with the ICB, and the Village 7 proposal also made provision for a healthcare facility. The ES therefore assumed that each application would cater for its own healthcare needs arising and there was therefore no cumulative effect. The ICB has indicated a preference for the provision of one health care facility in Village 1 as opposed to one in each of Village 1 and Village 7. Both applicants have agreed to this approach. In consultation with the ICB, the health centre floorspace of 3,515m<sup>2</sup> plus an additional 460m<sup>2</sup> for youth health care allowed for in the cost plan could provide for the on-site primary health care needs of the Gilston Area as a whole. Officers therefore feel that this proposal has a beneficial effect in terms of providing for not only the floorspace needs known to be required, but also makes provision for future needs if necessary.

### ***Acute care***

- 13.5.29 In terms of acute care, Officers have carefully considered the request from the NHS against the regulations governing planning obligations<sup>5</sup> and have considered various examples of applications and how such requests have been treated. The Council acknowledges the importance of hospital access and the role that Princess Alexandra Hospital currently plays in providing services to the community. That the hospital has plans to relocate is not material as the role a new hospital would provide would remain the same. The funding of hospital and ambulance services is the remit of the NHS Hospital Trust and the UK Government and is paid for through taxation by all citizens and therefore falls outside the remit of Regulation 122 in terms of being “necessary to make the development acceptable in planning terms” and “directly related to the development”. The Gilston Area applications respond to an allocation in the EHDP to meet the housing needs arising in East Herts. These housing needs largely arise from existing resident household formation. Development itself does not generate new population as households moving into new properties are already housed somewhere, they are therefore already accounted for in terms of their demand on NHS services. Indeed, the plans to relocate and expand the hospital have long been in the pipeline before the adoption of the EHDP and took account of the planned growth in the wider catchment which the hospital serves, which covers a far greater area than the HGGT.
- 13.5.30 The application will instead provide for on-site health care facilities to serve the needs of the households on the Gilston Area, catering for all seven villages. The on-site healthcare provision will cost nearly £15m and will deliver a centre which provides far more than a GP surgery. In addition, the application commits to Sport England Healthy Places principles and will provide a significant quantum and range of sports facilities and opportunities for recreation and active travel. The principles of walkable neighbourhoods are embedded in the Strategic Design Guide, the Development Specification and in the Parameter Plans themselves where every village will provide a village centre to cater for day to day needs within walking distance. The ES considers that the provision of on-site health care services aligns to the wider healthcare strategy of the NHS, and that planned housing growth should not have any significant adverse effects on hospital access for secondary or acute care needs. These measures will assist in reducing the need for acute care services, and is in line with paragraphs 92 and 93 of the NPPF, the East Herts Wellbeing Strategy and Policy CFLR9 (Health and Wellbeing) of the EHDP.

### ***Emergency Services Hub***

- 13.5.31 The application commits to the safeguarding of land (0.6ha or 4,4080sqm), for the creation of an emergency services hub to provide space for police and fire services. This use would contribute towards the overall floorspace for employment and businesses. This figure is greater than the 1,600sqm GEA set out in the Development Specification and has been reached following negotiation with the Council and

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<sup>5</sup> Regulation 122 of the Community Infrastructure Levy Regulations (2010) (as amended)

Hertfordshire County Council to ensure that the Gilston Area properties are served by emergency services. Because a large proportion of emergencies relate to road traffic incidents, rapid access to the trunk road network is also important. It is therefore proposed that land for an Emergency Services Hub will be safeguarded within the mixed-use zone at the southern part of Village 6 to serve all seven villages and as such will be secured via the S.106 Agreement. This location would be accessed via the proposed Village 6 junction to the A414, discussed further in section 13.8 below, with design principles to be developed as part of the Village 6 masterplan. Officers are working with representatives from the fire and police services to develop their proposals further and this would be subject to a Reserved Matters application in due course.

### ***Community facilities***

- 13.5.32 The application makes a commitment to providing up to 460sqm GEA of dedicated floorspace for youth facilities within Village 1. HCC require this floorspace to be additional to and physically separate from any school building. In addition, the application commits to providing a minimum of 520sqm GEA of floorspace to which young people would have dedicated access at set times of the week outside of school hours, this could be provided within a school building or premises, or as part of another community facility. Furthermore, dedicated access to a multi-use games area will be provided at set times of the week, either on a school site with appropriate access arrangements or on a suitably managed site co-located with the dedicated youth facilities. Any facility that is co-located on a school site will need to be secured via a community use agreement with the school.
- 13.5.33 To provide for wider community needs, a multi-functional community centre is planned within Village 1 of at least 1,000sqm GEA. This facility will enable multiple uses throughout the day and evening, including for faith groups, social or community-based groups. This facility could also be used as a library or potentially be a base for the future stewardship body.
- 13.5.34 Community buildings now fall under the Class E and Class F of the Use Class Order and will therefore need to be designed to be flexible and adaptable, and capable of accommodating 'meanwhile uses' until such time that the intended use is self-sustaining. For example, floorspace that is intended to become a community centre could be used as a temporary health centre until the health centre is completed, or could be put towards another community supporting use like a library for example. Likewise commercial uses that serve a community function may adapt the same building over time such as veterinary surgeries, dentists or opticians for example. This will not only prevent buildings from remaining unused but will also allow for uses to respond to demands that may evolve over time.

### ***Parks and Open Spaces for Sport and Recreation***

13.5.35 Village centres will provide opportunities for social interaction and recreation, including seating, planting, public art and incidental play among other features. In addition, the application proposes a tiered approach to the delivery of parks and open spaces to ensure that there is a broad range of facilities within each village to serve a variety of functions. Table 6 below sets out the specification for the following open space types proposed:

- Community Open Space Provision – extensive public open spaces to serve the Gilston community, as well as to provide strategic provision for surrounding communities as well. The land will also cater for sports facilities, allotments, orchards, strategic green corridors and habitat and movement connections.
- Village Parks Open Space Provision – large public open spaces that will clearly ‘belong’ to a village, comprising hard and soft public realm for sports and recreation, community events and gatherings. Each village will include: a village centre, village park, village sports playing fields and village buffers. Each village will also have at least one village playground with equipment to serve different aged children, in reasonable proximity to the primary school to facilitate shared trips, which can be located within the Village Park.
- Neighbourhood Open Space Provision – smaller public open spaces in the form of neighbourhood greens, neighbourhood play spaces, local parks and gardens, and local play spaces within a few minutes’ walk of properties that will provide focal points for within different parts of each village. Pocket parks scattered throughout each village will help structure parts of the village adding character rather than being an open space per se. Lastly, doorstep play opportunities will be integrated into the public realm by creating playable streets and homes zones or car free spaces.

**Table 6: Open Spaces for Sport and Recreation**

Village Provision	Each village will provide:	Defined through Village Masterplans
Village Centre	2,000sqm minimum	To include village identity features such as noticeboards, seating, planting, kiosks, public art, lighting, opportunities for incidental play for example.
Village Park	1.0ha minimum	Villages 1, 2, 4 and 5 defined. More flexibility on location for Villages 3 and 6.
Village Sport – Playing Field	0.8ha minimum	May be beyond village developable area. To have supporting ancillary facilities.
Village Playground	2,000sqm	May be within the 1ha Village Park, to include equipment to suit a variety of ages

Village Green Corridors and Buffers		Villages 1, 2, 3 and 6 with defined locations
Neighbourhood Provision		Defined through Village Masterplans and Reserved Matters Applications
Neighbourhood Greens	2,000sqm minimum	May be several within a village to accommodate 400m radial walk distance from homes.
Neighbourhood Play Space	625sqm minimum	May be located within Neighbourhood Greens but may be more to accommodate 250m walk distance from homes.

13.5.36 The Landscape and Green Infrastructure Report submitted with the application sets out the indicative size and facilities that each of these different types of provision would provide and how they collectively function within the village development. It should be noted that the Landscape and Green Infrastructure Report is only indicative and while it contains useful information, the report itself is not for approval. The Development Specification however defines the space and accessibility criteria for each of the open spaces proposed as well as the sorts of facilities that are to be provided depending upon the type of open space. These criteria will inform the next stages of masterplanning; the Community Open Space Provision tier will be set out in detail at the Strategic Landscape Masterplan, while Village Open Space Provision and Neighbourhood Open Space Provision will be considered as part of each Village Masterplan and Reserved Matters applications in due course.

***Sport pitches and recreation***

13.5.37 Since the application was first submitted the Council updated its Open Space, Sport and Recreation Strategy Supplementary Planning Document (SPD), which also included updating the types and quantum of sports provision that each strategic site should seek to provide. The applicant has therefore worked with Officers and Sport England representatives to better understand the needs arising from the Gilston Area proposals and submitted a Sports and Physical Activity Strategy with the November 2020 amended plans.

13.5.38 The Strategy indicates the sports facility requirements established in the SPD update (Table 2.1 of the strategy included in the Village Addendum Document). The assessment calculated the needs arising from the Gilston Area rather than breaking it down into two parts of 8,500 and 1,500 homes to ensure that the cumulative needs arising from the site were understood and could be planned for. The Sports Strategy sets out how each type of sporting need will be met through the provision of facilities across both application areas. This is considered a suitable approach, particularly when considering the types of facilities required. For example, the Gilston Area will require a leisure centre with a swimming pool of 4.4 standard 25m lanes. This is

clearly best provided within one facility and will therefore be delivered within Villages 1 to 6. Similarly, where the assessment indicates 7.4 tennis courts are required for the Gilston Area, one cannot provide 0.4 of a tennis court, so the strategy rounds this upwards to 8 courts. To create viable and self-sustaining facilities it is better to have fewer, but larger facilities, so in this case, one facility providing 8 tennis courts is proposed.

- 13.5.39 In each case, the site as a whole will meet or exceed the calculated requirement. And with the exception of fitness stations and community halls these requirements are all met within the Village 1 to 6 application. Because of the scale of football need this has been considered across Villages 1 to 7. Based on grass pitch provision alone, the Sport England facilities calculator model (within the East Herts Open Spaces, Sport and Recreation SPD) indicates a potential need for up to 44 natural turf pitches for the site as a whole (adult, youth and mini pitches). Sport England consulted the Football Association and the Herts County Football Association and agreed that 20 natural turf pitches would be requested on the basis that 4 artificial grass pitches (AGP) would be provided. This is because significantly more games can be accommodated on an AGP compared to natural turf pitch. The applicants have agreed that the Village 1 to 6 application will accommodate 15 of those pitches and the Village 7 proposal will accommodate 5 grass pitches as part of a football hub facility. Similarly, a total of 4 senior artificial grass pitches are required, two of which will be provided through the secondary schools in Villages 1 to 6 and two at the Village 7 football hub. This is in response to consultation with the Football Association who cited a preference for a football hub to be provided which could accommodate artificial grass pitches (and associated facilities) alongside grass pitches in addition to provision of individual pitches distributed amongst each village
- 13.5.40 In a scenario in which Village 7 did not come about, the Village 1 to 6 proposal should technically accommodate 17 grass pitches (85% of the total allocation). However, in the context of the overall over-provision of other sports pitches and facilities where all the site allocation requirements are met within Villages 1 to 6, Officers consider that this over-provision of a broad range of sport facilities offsets the under-provision of two grass pitches. Regardless of this, there are opportunities to upgrade one or two grass pitches to artificial grass pitches in the future should needs arise, which would more than adequately cater for the calculated number of games per week. However, the infrastructure associated with an AGPs is significant and comes with its own impacts (lighting, fencing, drainage for example), which would preclude their delivery in many parts of the site. The approach proposed in the application is to locate natural turf pitches within areas of green infrastructure such as community and village parks. Many of these locations would not be suitable for an AGP. Therefore, it is the view of Officers that the provision of 15 grass pitches across Villages 1-6 is acceptable.

- 13.5.41 In terms of rugby, the advice of Sport England is that there will be a need for almost 4 rugby pitches arising from the site. However, it is considered that this need should be directed off-site to the Harlow Rugby Club where capacity improvements will be required, and funding sought for this. Similarly, with regards to athletics, demand arising from the site should be directed to the Mark Hall Sports Centre in Harlow where improvements to the track have been identified as a priority for meeting current and future formal athletics facility needs rather than new provision. Officers therefore recommend that funding should be sought from the applicants towards these off-site improvements and the applicants have agreed to financial contributions to both facilities, which will be secured through the S.106 Agreement.
- 13.5.42 Sports pitches will need to be supported by small facilities such as pavilions, changing rooms or toilet blocks, and therefore the application makes provision for 3,000sqm of floorspace associated with sports and leisure uses (Table 3.1 Development Specification). The Development Specification also allows for a further 25,100sqm to accommodate retail and related uses and leisure floorspace. The full details of the sports and leisure component of this floorspace is set out within the Development Specification but is summarised in Table 7 below.

**Table 7: Built Facilities for Sport and Recreation**

Strategic Provision	Criteria	Defined through Strategic Landscape Masterplan
Leisure centre	4 lane swimming pool (25m long) Teaching pool 7 x 10m, 80 fitness stations, Six-court sports hall (to community use specification), Three studios, Ancillary facilities	Part of 25,100sqm retail and related uses and leisure floorspace. To be located within Village 5 Education and Mixed-Use Zone. Subject to a needs assessment and confirmation of facility viability at the time of the village masterplan. The timing and mechanism to be secured in the S.106. If a need for a larger pool is demonstrated, the facility could provide up to 6 lanes, but funding should be sought from elsewhere.
Gym or health club	60 fitness stations	Additional to or provided within a larger leisure centre.
2 x Artificial grass football pitches	Up to size of a senior community football pitch, floodlit	Located on a school site or co-located with a school site with access to changing facilities either in school or as a standalone facility. Artificial surfaced pitches on school sites to have community use agreements and will count towards overall provision.
15 x grass football pitches	Mini, junior and senior	Additional to any school provision. Within strategic green infrastructure and or Village Playing Fields.

Community sized sports hall		Provided at either a secondary school with a community use agreement or at a community centre.
2 x six-rink bowls facilities	0.4ha minimum	Consolidated on one site with club house and ancillary facilities.
8 x senior tennis courts	0.75ha minimum	Either as part of a tennis club or part of appropriately managed community-access facilities within an open space.
2 x senior cricket pitches		Provided as a cricket club with club house and ancillary facilities on Gilston Fields.
1 cricket square		Location to be determined through SLMP or relevant VMP.
2 x artificial cricket wickets		Provided on each secondary school site with a community use agreement.
Artificial surfaced hockey pitch	Up to senior sized pitch	In Village 5 Education and Mixed-use Zone. Designed to permit access for school use and community use, therefore could be a standalone facility with changing facilities or as part of the leisure centre.
Ancillary facilities	Up to 3,000sqm Signage, toilets and other supporting uses	To be confirmed through SLMP.

13.5.43 The ES considers the effects of the development related to sports and open spaces within the Socio-Economics and Community Effects chapter as well as within the Health chapter. It considers that the development will be designed to promote physical activity and active lifestyles through the built and natural environment, and this engagement with the natural environment assists in improved mental and physical health, and that the effect on existing and future residents through the provision of open space, play space and leisure floorspace will be permanent and large beneficial within the local area.

13.5.44 Officers consider that the breadth of sports and open space provision committed to in this application demonstrates a commitment to creating healthy and active places. There may be some minor shortfalls in pitch numbers when looking at the provision from a purely standards-based approach, but Officers consider that there are longer term opportunities for the conversion of some of the proposed pitches to accommodate different pitch needs in the future as required, to respond to changing needs. In addition, there are opportunities to reconsider the role of the Hunsdon Airfield Park in the future to accommodate sporting needs where commensurate to the character and openness of the park.

***Wellbeing and Social Value***

- 13.5.45 A Health and Wellbeing Strategy was submitted with the original application as an example of how the proposal will contribute towards health and wellbeing objectives. To embed these principles as commitments in the application, the Development Specification, which will be an approved document, now includes each of the principles and commitments. As such, they will inform all future masterplanning stages and Reserved Matter applications.
- 13.5.46 These principles extracted below from Appendix 6 of the Development Specification focus not just on the actual provision of community facilities parks or spaces for sport or recreation, but more on the application of Sport England Active by Design standards and sustainable design principles 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.
1. 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.
  2. Making decisions about the design and delivery of the development based on a detailed understanding of the wider determinants of health.
  3. Ensuring the principles of good design for health and wellbeing are embedded and are reflected at the Village Masterplan and Reserved Matters stages.
  4. 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.
  5. 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.
  6. 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.
  7. 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)
  8. Residents of the Gilston Park Estate will have access to affordable opportunities for sport and leisure close to their homes.
  9. 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.

10. 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.

13.5.47 These considerations are what residents value from a place, what contributes to a sense of belonging and in turn what encourages people to stay in a community for longer. The masterplan scope conditions require collaborative engagement with existing communities and most importantly with those who may become part of future communities. Likewise, the Stewardship Strategy (discussed in section 14 below) describes the process of engaging the community in key decisions relating to the evolution of the new community. These measures will assist in embedding these principles of community ownership and social value in to the design of each village and the Gilston Area as a whole.

***Healthy Communities and Community Infrastructure Conclusion***

13.5.48 The ES considers this application and the cumulative effects of this application together with Village 7 and other cumulative schemes. The development would provide all neighbourhood and district community facilities on site and therefore it is not relevant to consider the cumulative effects of the development in combination with other reasonably foreseeable development on these facilities. However, it the view of Officers that this scheme provides for the primary healthcare needs of Village 7 through the delivery of a healthcare facility in Village 1 and possibly in Village 4, and in this way, Officers consider that the conclusions in the ES in this regard have been superseded as a result of this commitment by the applicant.

13.5.49 The ES considers the effects of the development related to community facilities in the context of the Socio-Economics 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.

13.5.50 The application commits to the delivery of a wide range of community floorspace, both terms of physical delivery as well as in terms of safeguarding land to enable the delivery of community uses in the longer term. This will ensure that the needs arising from the development are catered for which is considered to be of positive weight, and the provision of new community services within proximity to existing residents in surrounding villages is considered to be a beneficial attribute of this proposal. Furthermore, the provision of local day to day 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 and therefore is considered to meet local and national policy requirements.

## **13.6 Protecting and Enhancing the Natural Environment**

- 13.6.1 Policies GA1 (The Gilston Area) and GA2 (The River Stort Crossings) 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.
- 13.6.2 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.
- 13.6.3 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.
- 13.6.4 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.

- 13.6.5 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.
- 13.6.6 Section 6 of this Report summarises the key findings of a Habitats Regulations Assessment (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 the three applications comprising the Development: the Villages 1-6 outline application, the Central Stort Crossing and the Eastern Stort Crossing, 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.
- 13.6.7 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

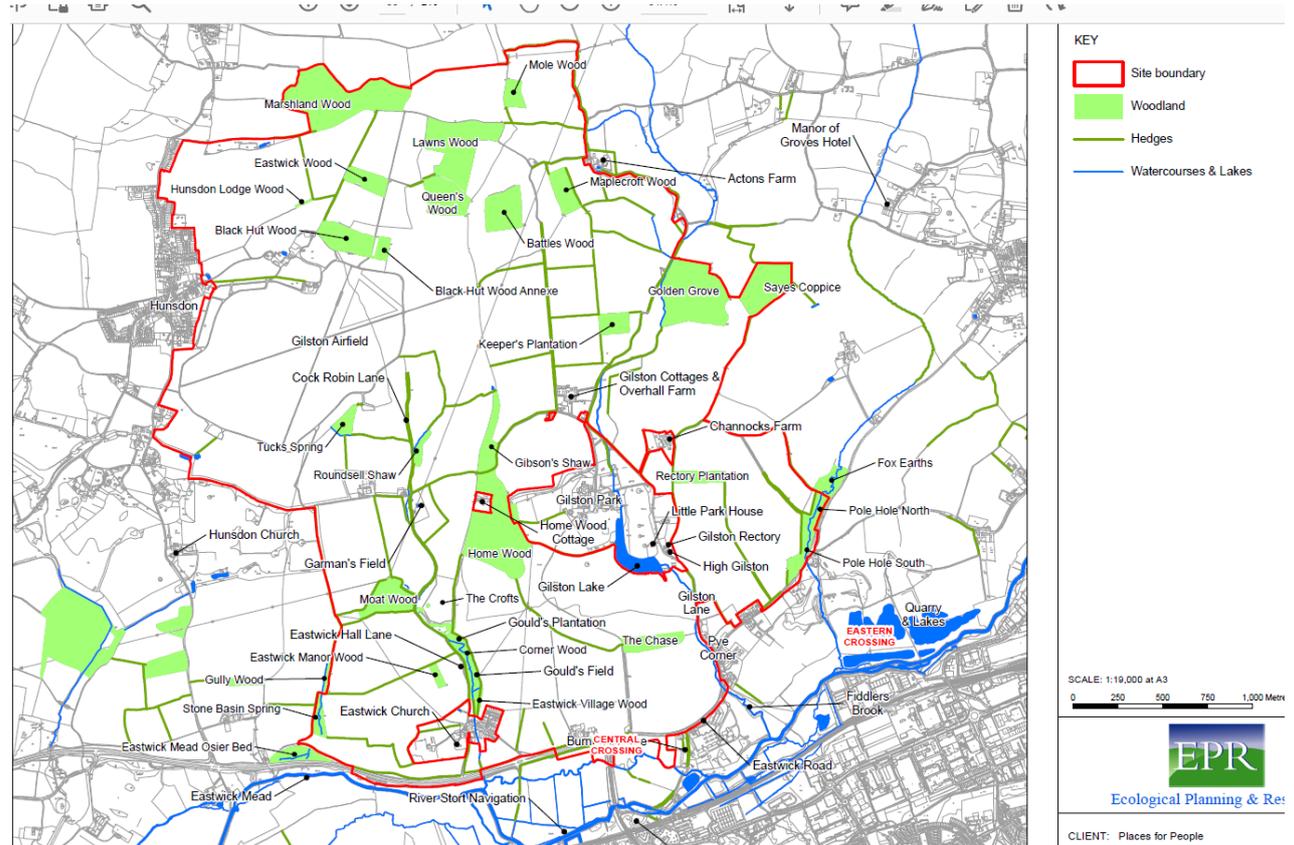
whole Development or in combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site, nor conflict with relevant Conservation Objectives for the National Network sites.

- 13.6.8 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.
- 13.6.9 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.

### **Habitats in the outline application area**

- 13.6.10 The ES contains numerous habitat and species surveys covering the site as a whole, including the crossings dating back over multiple years. The ES and its addendums explains that where there has been no material change to the management of the site or the baseline conditions present for habitats and species as evidenced in the updated Phase 1 habitats surveys, it has been considered unnecessary to update all species surveys in the intervening years.
- 13.6.11 However, more recently Natural England released an updated version of its biodiversity impact assessment calculator (BIAC) known as DEFRA 3 which uses updated habitat classifications. Therefore the ES has updated the Phase 1 Habitat Survey for the whole site to inform the BIAC. In addition more detailed species surveys for the Village 1 study area have also been updated. These updates were included in the December 2022 Viability Amendments. The updated Village 1 survey results were consistent with the previous surveys undertaken, and the ES considers that the updated surveys make no material change to the overall findings of the ES primarily because the ecological baseline across the site remains unchanged since previous surveys. It is considered therefore that the mitigation and compensation measures included in previous surveys continue to be appropriate and proportionate to the predicted impacts of the proposed scheme. Figure 7 below illustrates the location of ecological features referred to in this section.

**Figure 7: Ecological Assets**



**Habitats – Designated Sites**

13.6.12 There are no statutory designated sites within the site boundary. However, beyond the site within the Lee Valley, 2.5km west of the site, are two Sites of Special Scientific Interest which make up part of the Lee Valley Special Protection Area (SPA) (which is a European designation), and Ramsar Site (which is an international wetland designation). Wormley-Hoddesdonpark Woods Special Area of Conservation (SAC) and Epping Forest SAC are approximately 7.5km and 9.5km respectively from the site. The potential effects of the development on these sites are considered in detail in the HRA.

13.6.13 The River Stort and its functional floodplain located beyond the outline application area to the south is one of the best and most extensive functioning floodplains in Hertfordshire and the floodplain itself has high habitat value. There is a series of statutory designated sites and undesignated sites of ecological value along the River Stort in the vicinity of the application site, including (from west to east):

- Hunsdon and Eastwick Meads Herts and Middlesex Wildlife Trust Nature Reserve
- Hunsdon Meads SSSI,
- Eastwick and Parndon Meads Local Wildlife Site (LWS),
- Harlow Marshes Local Nature Reserve (LNR) comprising Parndon Moat Marsh LWS, Marshgate Spring LWS and Maymead Marsh (also known as Honeymead Marsh) LWS
- Town Park Ditches LWS

- Fiddlers' Brook Marsh, Hollingson Meads LWS
- Pishiobury Park LNR.
- North of Sawbridgeworth to Bishop's Stortford are a further three river corridor SSSIs.

13.6.14 The crossing proposals cross the Stort Navigation and the backwaters of the main river into which multiple tributaries flow. The impacts on the Stort Valley habitats were considered in the respective officer reports and the two crossings were granted planning permission in March 2022.

13.6.15 Given the proximity of the village development to the Stort Valley it is reasonable to anticipate that there will be an increased demand for use of the valley as either a destination for recreation or even by those wishing to use the route on their commute to the stations at Roydon or Harlow. Given the sensitive environment of the valley it is necessary to ensure that any increased pressure from recreational use of the valley is directed to parts of the valley and routes within it that are less sensitive and to ensure that habitats present are enhanced to be more resilient to such pressures. This can be achieved by a range of measures such as providing new dedicated footpaths or 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. As such, a financial contribution of £3m is proposed by the applicants towards projects to enhance the valley in this regard (secured through the S.106 Agreement). 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) on this matter. The SVP is a grouping of land owners, 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.

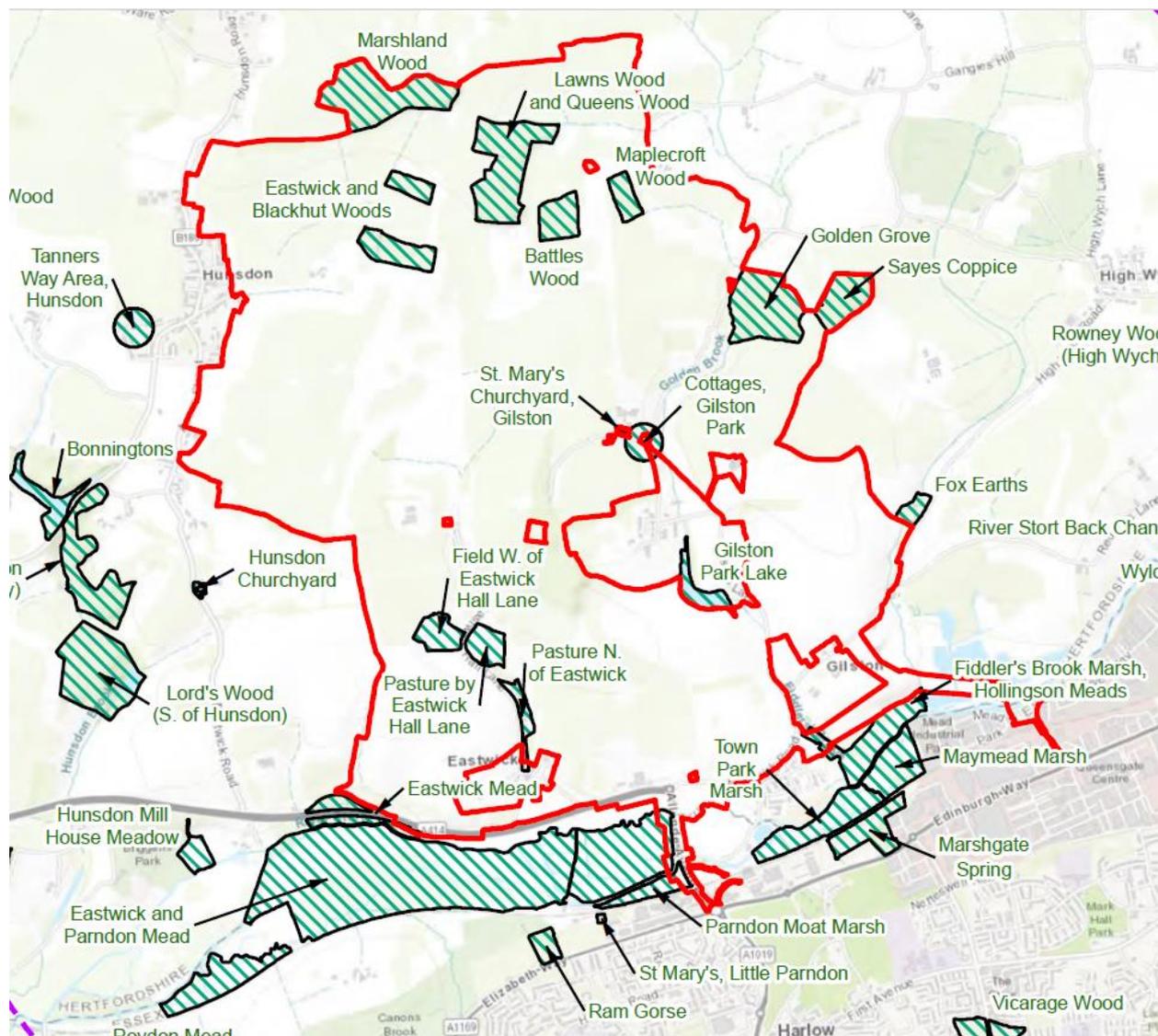
#### ***Habitats – Non-Statutory Designated Nature Conservation Sites***

13.6.16 There are 12 Local Wildlife Sites within the site and a further five adjacent to the site boundary. Of these, seven are woodlands, three are permanent pasture, three are wetland habitats in the Stort Valley and the three remaining sites comprise a lake, a churchyard and a bat roost (as shown at Figure 8 below). The habitat surveys identified a broad range of habitat types, including arable, grassland, woodland, hedgerows and tree belts, scrub, streams, rivers and ponds. The species surveys identified that the site supports protected and notable fauna including Great Crested Newts, bats, badgers, reptiles, water vole, otters, birds, fish and aquatic and terrestrial invertebrates of conservation importance. These are considered in the following paragraphs.

**Habitats - Woodland**

13.6.17 The ES Addendum summarises each of the ecological surveys undertaken and details if any NERC Act S41 species or habitats are found. No nationally rare, scarce or threatened species were recorded from the woodlands within the site, but Herb Paris, which is considered vulnerable in Hertfordshire was recorded in two woods, Marshland Wood (north west edge of site) and Battles Wood north west of Village 4. Bluebells were recorded in 12 woodlands which is a key species in the Hertfordshire Biodiversity Action Plan and is listed in Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). 33 regional ancient woodland vascular plants (AWVP) and 36 county AWVPs were recorded, with Marshland Wood comprising the richest ancient woodland flora. There is a range of woodlands across the site, with some ancient woodlands and some modern plantation blocks. As such, they support a variety of characteristics and flora of county and local value. All the woodlands surveyed are in an unfavourable condition, due to factors such as a lack of traditional woodland management, pheasant rearing introducing non-native species and damage, pressure from deer, replanting with native and non-native species of unknown provenance and agrochemical drift from adjacent farming.

**Figure 8: Local Wildlife Sites**



13.6.18 The outline application proposes that the Eastwick Woods complex becomes a 'country park' providing areas of public open space, access and opportunities for 'long-range' outdoor activities such as walking, cycling, horse riding etc. Acknowledging that parts of the woodland complex comprise sensitive ancient woodland the Development Specification includes the following principles and commitments:

- the sensitive management of existing ancient woodland blocks using traditional coppice techniques where appropriate and reduction of invasive tree species;
- planting of new woodland, woodland pasture, woodland coppice and woodland scrub;
- provision of new ponds and associated aquatic and marginal aquatic habitats to the north of the park;
- provision of a new and upgraded framework of trails for sporting and leisure activities (for example a fitness trail and/or an equestrian trail);
- provision of new hedgerow planting associated with the paths;

- creation of nature and/or heritage trails with signage and interpretation points and viewpoints explaining the habitats and associated landscape and wildlife management
- techniques, and the listed and scheduled sites in the vicinity including the WWII airfield (linking to that provided for Hunsdon Airfield Park, and the wider site if appropriate);
- creation of a woodland destination community play space (for example, including towers and ropewalks); and
- provision of an Eastwick Wood Park shelter and interpretation centre (for example, including learning space, orientation boards, WCs and storage) either within the park or as
- a single facility combined with Hunsdon Airfield Park; and
- enhancements to the existing vehicular access from Acorn Lane and parking facilities, either dedicated or as a single facility combined with Hunsdon Airfield Park.

13.6.19 These principles will be applied through the masterplanning process, the scope of which is secured by condition.

13.6.20 Home Wood, located in the centre of the site, west of Gilston Park is also part of a woodland block comprising ancient woodland and non-ancient woodland. Home Wood therefore lies on a direct route between Villages 1, 5 and 4 and has the potential to become an attractive destination for recreation, more so than the woodland blocks to the north of the site, which are further from the village developments. Home Wood also contains a listed building associated with the former Gilston Park Estate and therefore has a value as part of the setting of heritage assets. The development specification contains specific principles for managing the future use of Home Wood in acknowledgement of these constraints:

- the sensitive management of existing ancient woodland blocks using traditional coppice techniques where appropriate and reduction of invasive tree species, and the planting of
- new trees where appropriate;
- restoration of hedgerow between Gibson's Shaw to St Mary's Church where this is within Home Wood;
- provision of a new and upgraded framework of paths within the park based on connective desire lines between villages and facilities;
- creation of a woodland destination community play space and associated shelter (for example, which may include a small café, WCs and storage) outside the ancient woodland
- area and within the more recent plantation woodland (which has been assessed as appropriate to receive a woodland play area); and
- provision of signage and interpretation for Home Wood (to form part of that provided for the wider site if appropriate).

- 13.6.21 Further specific principles are included in the development specification relating to woodland habitats, with these principles illustrated on the Parameter Plans. These include establishing a buffer of 20m around existing ancient woodland and 10m around existing non-ancient woodland, comprising appropriate vegetation. The buffers should be free of built intrusion with the exception of footpaths, cycleways, SuDS and well-designed recreation furniture and play equipment. These principles will be encapsulated in the strategic landscape and village masterplans which will inform the detailed reserved matters application in due course to ensure that the proposed recreational opportunities are designed and managed in a way that is compatible with the policy and legislative requirements.
- 13.6.22 While new management regimes will assist in improving the health and ecological status of the woodlands, it is important that any proposals to increase recreational use of the woodland in the site does not conflict with the overarching objectives of enhancing the biodiversity of the woodland blocks and protecting vulnerable ancient woodlands from harmful disturbance. A woodland management strategy should be submitted as part of the SLMP which will set out proposed planting and landscaping, the removal of inappropriate species and features, coppicing plans, opportunities for community education and volunteering activities as well as how the development specification principles will be achieved.
- 13.6.23 The Development Specification principles and Parameter Plans are considered an appropriate starting point for ensuring that future proposals are planned in a way that mitigates impacts on woodland habitats in the site.

***Habitats - Trees***

- 13.6.24 At the outline stage an initial but comprehensive arboricultural assessment has been undertaken. The assessment is considered an initial assessment as it is based upon the Parameter Plans, which show only the extent of developable area. As a consequence, the initial assessment considers the arboricultural impact in broad terms and does not consider detailed tree protection measures or mitigation. It does, however, draw attention to specific areas where trees are likely to be lost, but a more detailed Arboricultural Assessment will be required at the masterplan stage to inform the layout of internal roads, location of development plots and open spaces. At the RMA stage, a detailed Arboricultural Impact Assessment (AIA), Tree Removal and Retention Plan and Tree Protection Plan will be required.
- 13.6.25 The exception is however, that the three access junctions are proposed in detailed form in this application and therefore a more detailed AIA has been undertaken and a Tree Protection Plan submitted showing tree removals and tree protection areas.
- 13.6.26 Given the extent of the area, the AIA records the majority of trees as groups rather than individuals unless these were clearly individual trees. Therefore, the data recorded against these groups is generally representative of the group,

acknowledging that groups may contain trees of a number of age classes and quality. A total of 791 trees, 5 shrubs, 313 groups of trees, 277 hedgerows and 65 woodlands or woodland compartments have been recorded, classifying them against standard categories to determine their relative retentive worth as shown at Table 8 below. Category A trees are of high quality that are particularly good examples of their species, with particular visual, conservation or historical importance; Category B trees are of moderate quality that have an impaired condition, that have a higher collective rating as part of a group rather than individual or have material conservation or other cultural value; Category C trees are of low quality with a low life expectancy or are young, being unremarkable or with impaired condition, offering low or temporary landscape merits or with no material conservation or other cultural value; and Category U trees are unsuitable for retention such that they cannot realistically be retained as living trees, often with a serious, irremediable structural defect, are dead or dying or with infections that may harm the health and or safety of other trees nearby.

**Table 8: Tree and Hedgerow Categories**

<b>Tree Feature</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>U</b>	<b>Total</b>
Group	1	75	236	1	313
Hedgerow	20	164	92	1	277
Shrub		1	4		5
Tree	83	316	360	32	791
Woodland	11	42	12		65
Total	115	598	704	34	1451

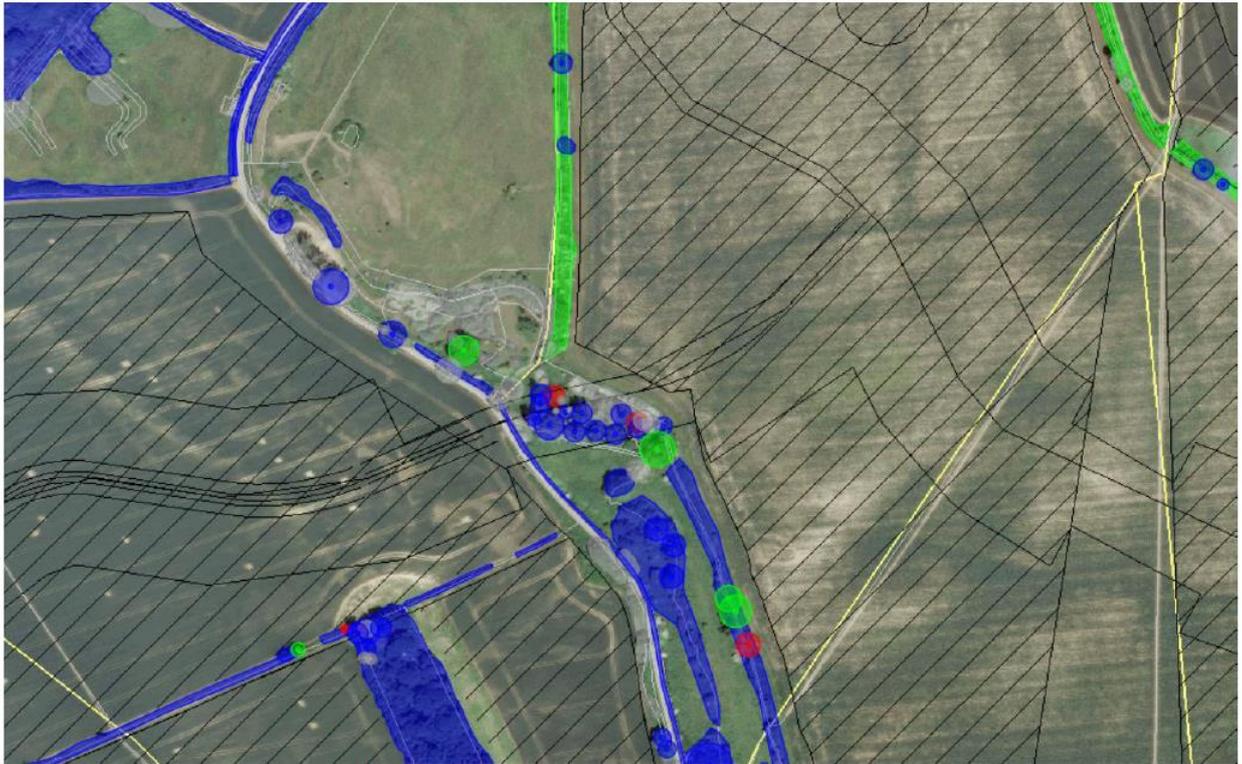
13.6.27 The AIA in the 2020 ES Addendum identifies 80 veteran trees across the site. Of these, 44 were considered high quality (category A) and 35 of moderate quality (category B). One dead veteran tree was recorded. The veteran trees recorded were considered in the ES to be of only local value and of unfavourable, but stable condition. The trees were demonstrated to have few veteran tree features such as rot holes and split limbs that would increase their value as habitats for birds and bats, and many veteran trees are located within areas used for intensive agriculture, placing them at risk from chemical run off from adjacent arable fields. The exceptions to this are the trees associated with the Local Wildlife Site in the Eastwick Valley, which have greater ecological value (county value) given their relationship to the LWS, and also those within Gilston Park Estate. The most recent survey undertaken for Village 1 study area identifies seven trees considered to be consistent with veteran tree classifications, six are mature oaks and one very large ash. These are located in and around The Chase/Coney Spring woodland in an arable field in the north of the village 1 study area, on a field edge in the south-west and adjacent to Fiddler's Brook in the east.

- 13.6.28 The application proposals have been designed to ensure that the majority of trees have the potential to be retained subject to the masterplanning and detailed design stage. Most trees are located within the green valleys associated with the three watercourses that run through the site, in defined woodland areas, field boundaries or associated with heritage assets such as Gilston Park Estate. These areas are protected by defined boundaries set out on the Parameter Plans and through design criteria in the Development Specification.
- 13.6.29 However, there are locations where the internal STC route has the potential to impact trees where the STC runs through green corridors between villages. These include land between Villages 5 and 6 (Figure 9 below), where the STC limit of deviation crosses the location of a number of category B and C trees. Therefore, attention needs to be given to the alignment of the STC at the masterplanning stage to minimise impacts on the category B trees by locating the STC towards the northern part of the limit of deviation where trees are predominantly category C and U. However, this would result in the road being closer to the heritage asset of the Eastwick Moated Site as discussed in section 13.7 below. Giving great weight to the need to protect the significance of heritage assets, the loss of Category B trees is considered acceptable in this circumstance. The role of the limit of deviation is to be able to test the impact of a potential road route, but allows for the detailed design stage to work within the parameter of the limit to reduce as far as possible each type of impact.
- 13.6.30 In addition, while the village access junctions have been located to reduce as much harm as possible to trees, the application proposes the removal or partial removal of 56 trees and groups to create the junctions categorised as shown in Table 9 below. The majority of hedges and trees lost due to the junctions are relatively young, linear plantations adjacent to the existing highway, likely to have been planted as screening for the road. A replacement planting scheme has been proposed as illustrated on the proposed Landscape masterplan Drawings HNP495-GRA-X-XX-DR-L-1001 and individual junction landscape plans HNP495-GRA-X-XX-DR-L-5141, 5152, 5153 and 5161.

**Table 9: Tree Features for Removal by Category**

<b>Category A</b>	<b>Category B</b>	<b>Category C</b>	<b>Category U</b>
None	3 Trees 1 Group 2 Groups (part removal) 5 Hedgerows 8 Hedgerows (part removal)	17 Trees 14 Groups 1 Group (part removal) 1 Hedgerow 1 Hedgerow (part removal) 2 Woodlands (part removal)	1 Tree

**Figure 9: Tree and Hedgerow Potential Impacts – Villages 5 and 6**



Plan 6: Access Road between Village 5 and 6 requiring removal of a group of category B and C trees.

Green = Category A, Blue = Category B, Grey = Category C, Red = Category U

13.6.31 The Arboricultural Assessment considers the potential impacts on trees based on the Parameter Plans and has clearly identified where losses or harms may occur at an outline stage, taking a worst-case approach to impacts. Where 'limits of deviation' are identified such as the route of the STC, at the masterplanning stage detailed appraisals will be undertaken to ensure that the location of the STC is defined in a way that minimises impacts on trees. As such, up to date surveys of trees will be required to support this process. This stepped approach of masterplanning and Reserved Matters Applications that are supported by further detailed assessments secured by condition, will ensure that trees that will actually be impacted by the detailed layouts are identified and assessed, that tree protection areas are defined, and appropriate mitigation measures are applied. Such measures would include the erection of protective fencing during construction to avoid root damage or compaction, locating paths outside root protection areas and providing additional planting within woodland buffers to add resilience to the more sensitive trees within for example.

**Habitats - Hedgerows**

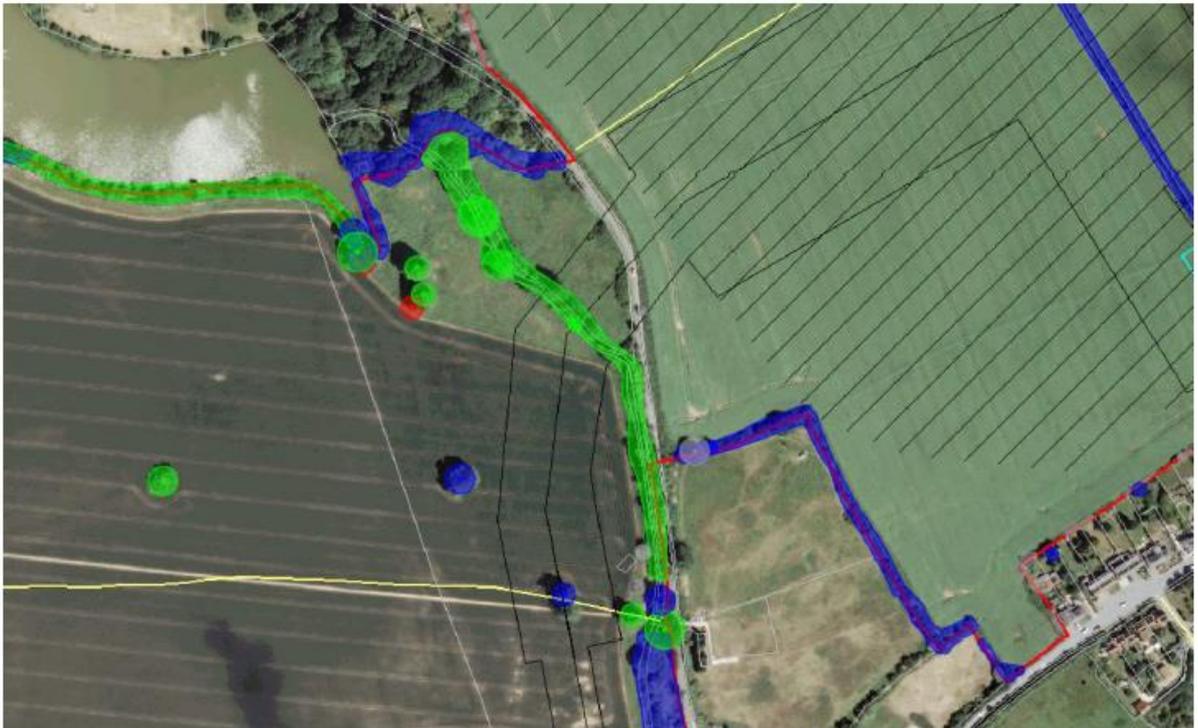
13.6.32 Hedgerows across the site comprise a variety of vegetation types, including species-rich and species-poor hawthorn hedges, species rich hedges with hazel, blackthorn hedges and elm hedges, but nationally rare, scarce, threatened or Section 41 plant species were not recorded, nor any species listed as notable or important within

Hertfordshire. Due to the intensive agricultural management of large parts of the site and the discontinuous and outgrown structure exhibited by many hedges, the hedgerow resource is in unfavourable declining condition. However, all the hedgerows do qualify as UK Biodiversity Action Plan hedgerow habitat and are therefore a material consideration under S41 of the NERC Act.

- 13.6.33 Parameter Plan 1 (Existing Vegetation and Buildings) illustrates the location of notable hedgerows. Some demark estate boundaries and formal routes such as Lime Avenue, others are associated with field boundaries or tributary valleys that have defined the proposed developable areas either side of the valleys. Hedgerows within the village developable areas will be greater impacted by the village development than those located in the green corridors between the villages. The ES has considered the level of harm associated with the loss or damage to these hedgerows to represent a worst-case scenario, however, Officers requested that the parameters and principles of the outline start with the principle that all hedgerows will be retained unless there are extenuating reasons that would justify their loss or displacement. Paragraphs 4.2.2 to 4.2.5 of the Development Specification explains how some loss of hedgerows and vegetation will be necessary to achieve the placemaking and other policy objectives of the application but acknowledges that any loss should be kept to a minimum and should be robustly assessed and justified and compensated for appropriately.
- 13.6.34 The existing hedgerows have therefore been incorporated into other parameters such as Parameter Plan 4 (Access and Movement), where the hedgerows are proposed to become corridors for active and sustainable travel through and between villages, and Parameter Plan 3 (Green Infrastructure and Open Space), where the hedgerows continue to play a role in green connections and linkages between larger spaces and habitats.
- 13.6.35 There will be some locations where it is difficult to retain all parts of hedgerows, such as where the access to Village 2 is located. Here, there is a balance between protecting and retaining the hedgerow and protecting and retaining mature trees or impacting on the amenity of residential properties. The submitted Interim Access Plan (Drawing VD17516/V2i-100-GA Rev 01) shows it is proposed to relocate part of a hedgerow and add additional planting to compensate for the loss due to the alignment of the access. While this is considered acceptable on balance, Officers have recommended a condition that seeks a refinement to this plan at the detailed highways approval stage to demonstrate that the road alignment minimises as far as possible the loss of Hedgerow H194.
- 13.6.36 Where each village is connected by the STC through a green corridor there will be an impact on hedgerows. Between Villages 1 and 2 the Parameter Plans indicate a potential impact on Tree T324 (an ancient Horse Chestnut) and a section of historic hedgerow H327 (Figure 10 below). The Strategic Landscape Masterplan will be

required to align the STC within the limit of deviation to avoid harm to the ancient Horse Chestnut.

**Figure 10: Tree and Hedgerow Potential Impacts – Villages 1 and 2**



Plan 8: Access road between Village 1 and 2 including T324 and a section of H327.

Green = Category A, Blue = Category B, Grey = Category C, Red = Category U

13.6.37 Between Village 2 and 3 the STC crosses a hollow way that runs from Fox Earths to Channoeks Farm (Figure 11 below). Hedgerows H170 and H171 are category A hedges and while their condition is variable, the hollow way is a significant feature in this location and will need to be considered at the masterplanning stage to ensure impacts are minimised and mitigated through additional planting and other appropriate measures.

**Figure 11: Tree and Hedgerow Potential Impacts – Villages 2 and 3**



Plan 9: The access corridor crosses the hollow way and this important feature is within the Village 2 development area.

Green = Category A, Blue = Category B, Grey = Category C, Red = Category U

13.6.38 Between Villages 3 and 4 there is a section of Hedgerow 287 which is located in the Golden Brook corridor (Figure 12 below) that will be impacted by the proposed STC route. The AIA survey identified this hedgerow as category A due to the habitat value offered and the role it provides in achieving connectivity to the south of Golden Grove Wood. However, the survey also noted that the hedge is neglected and 50% of it did not contain specimens, and therefore there is an opportunity to improve the hedge through a replanting programme with measures considered to maintain a wildlife corridor at the masterplanning and detailed design stage. Within Village 4, there is a series of hedgerows to be incorporated into the masterplan.

**Figure 12: Tree and Hedgerow Potential Impacts – Villages 3 and 4**



Plan 5: Access road between Villages 3 and 4, crossing hedgerow H287.

Green = Category A, Blue = Category B, Grey = Category C, Red = Category U

**Figure 13: Tree and Hedgerow Potential Impacts – Villages 4 and 5**



Plan 7: Removal of section of H89 south of Home Wood within the access corridor between Village 4 and 5.

Green = Category A, Blue = Category B, Grey = Category C, Red = Category U

- 13.6.39 Between Villages 4 and 5 the STC runs past the south-western corner of Home Wood, which will impact Hedgerow H89 (Figure 13 above). As discussed in section x Home Wood is an important woodland block which requires a buffer around its edges which will need to inform the location of the STC.
- 13.6.40 The ES considers the impacts to hedgerows throughout construction and operation (once homes are occupied). Activities related to construction can be controlled through standard measures employed through a Code of Construction Practice. Such measures include buffer fencing, siting compounds away from sensitive areas, controlling waste and wastewater for example. However, the clearance of vegetation required to construct the STCs or within Village 4 cannot be mitigated and will have a significant, permanent negative impact at the local level, even if the lost hedgerows are considered species poor composed of common and widespread species. It may be possible to relocate some hedgerows within the development, but compensation will be required to ensure there is no net loss to biodiversity.
- 13.6.41 During operation, it is considered that urban effects will be avoided through the creation of buffer areas and incorporating hedgerows into green infrastructure areas which will benefit from management measures set out in the SLMP and VMPs. At this outline stage it is not possible to determine if a hedgerow was to become part of a curtilage of a property. In such a scenario it would not be possible to prevent clearance of a hedge and therefore a significant permanent negative impact at the local level would occur. At the VMP and detailed RMA stage, designs will need to ensure that retained hedgerows remain an incorporated part of the public realm.
- 13.6.42 Section 3.16 of the Development Specification contains biodiversity principles for the development to address, which includes protecting and restoring retained hedgerows, delivering ecological enhancement using select species to support native diversity to be resistant to changing climate and soil conditions. In addition, the Biodiversity Strategy proposes compensation will take the form of 3km of new native, species-rich hedgerow in green infrastructure areas and the restoration of intact hedgerows to promote species diversity. These principles will be encapsulated in the strategic landscape and village masterplans which will inform the detailed reserved matters application in due course to ensure that the proposed STC routes through green corridors minimise impacts on hedgerows as far as possible. It is considered that the benefits associated with the development and with the proposed STC in terms of enabling active and sustainable travel around the village development, connecting to key destinations within and beyond the site outweigh the potential harms to the identified hedgerows and trees.
- 13.6.43 The recently undertaken BIA undertaken for the scheme indicates that the proposed compensation strategy has the potential to deliver a 20.55% net gain to hedgerow units on site.

***Habitats - Grasslands, wetlands and watercourses***

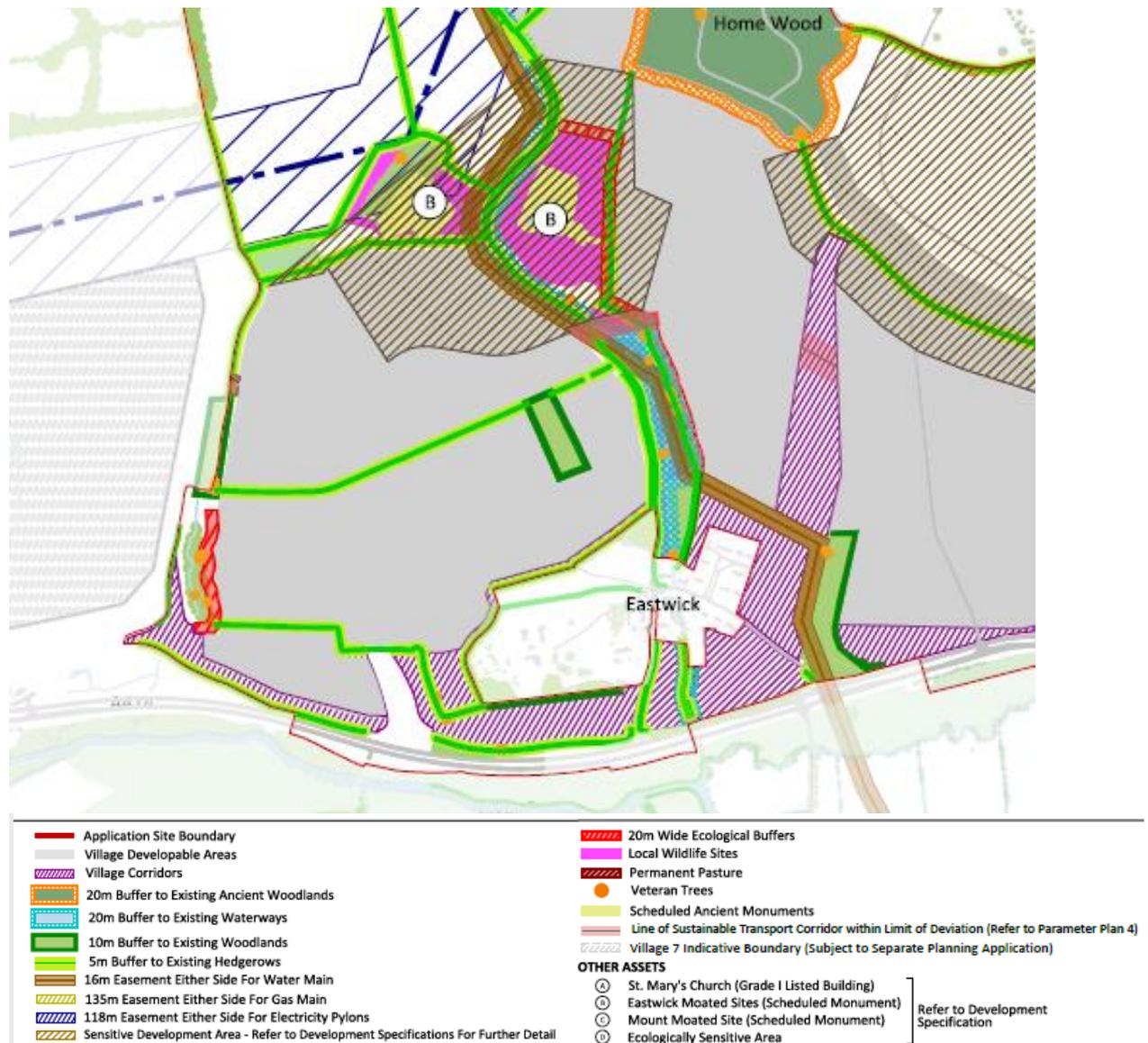
- 13.6.44 Within grassland habitats, no Section 41 NERC Act species were found. However, two species (Quaking Grass and Ragged Robin) listed on the Red List for Vascular Plants in England were found. Approximately 15ha of grassland have been identified in the surveys as being of some ecological importance, particularly those associated with wetlands. All these areas are located on valley sides of watercourses or are on sites associated with scheduled monuments (Eastwick Moated Site). All grasslands/wetlands that are within existing LWSs are of County value, but all grasslands have an unfavourable, declining conservation status mainly due to inconsistent management, agrochemical drift, past improvements, shading and drying out due to tree planting or scrub development. Outside of LWSs grasslands are of local value only.
- 13.6.45 The proposals include buffers around watercourses and around the Eastwick Valley corridor and Golden Brook corridor which contain the grasslands. It is therefore considered that there will be no negative effects from development on the grassland and associated wetland habitats within the site. The Parameter Plans identify these areas as being located within the SLMP area, which will need to establish approaches to maintaining and improving the environment within the green corridors and village buffers.
- 13.6.46 Within the Stort Valley and its tributaries, each LWS is of County value. In other wetland and river corridor habitats there are a number of individual species of local or County importance, but historic degradation of these habitats over time has limited their ecological value somewhat. Their value now comes from their corridor features providing linkages and commuting routes for fauna.
- 13.6.47 Golden Brook/ Fiddlers Brook has a limited aquatic habitat value due to a lack of flow, the channel being heavily modified in places. Golden Brook flows through the north-eastern part of the site between the proposed Villages 3 and 4, in to the Gilston Park Estate crescent lake, south of which the brook becomes Fiddlers' Brook which flows past the western edge of Pye Corner and eastern edge of Terlings Park where the brook meets Fiddler's Brook Marsh LWS which is considered to be in unfavourable, declining condition in the absence of management. The brook then flows to the Stort Valley.
- 13.6.48 Despite parts of the valley being steep sided the lack of vegetation management has prevented opportunities for birds such as kingfishers that like bare earth banks, from nesting. Despite this, because the valley runs between large areas of intensive farmland the valley is a valuable corridor providing food sources for small mammals and birds and nesting sites, as well as providing a north-south linkage and commuting route between habitats. The valley has local ecological value, but is the only tributary in the site with its status classified in the Thames River Basin District River Basin Management Plan (RBMP), and is classified as having a moderate

ecological potential with the objective of reaching good status by 2027. Appropriate management is required to reverse the current unfavourable, declining condition.

- 13.6.49 Parameter Plan 3 indicates that the Fiddlers Brook corridor will become a part of a strategic green corridor between Villages 1 and 2, thereby avoiding impacts on the brook through physical development. However, the STC will need to bridge the brook just west of the Village 2 developable area. The SLMP will be required to address the design of this crossing and demonstrate how the infrastructure protects impacts on the brook and its riparian environment following the principles established in the Development Specification. Such specifications include maintaining an 8m undeveloped buffer from the banks of any watercourse and to create amenity grassland with rough long grassland wildflower meadows or woodland flora to the eastern edge of the proposed Gilston Park community park.
- 13.6.50 In addition, paragraph 4.4.14 of the Development Specification seeks to provide valuable and enhanced habitat connections through the following principles:
- enhancement of existing riparian habitat as appropriate;
  - additional tree and hedgerow planting as appropriate where this is necessary to enhance habitat value; and
  - incorporation of features to form part of the SuDS network.
- 13.6.51 Stone Basin Spring is a small cutting in the southern edge of the site to the west of Village 6 within a green buffer between the site and the adjacent Village 7 application. The Spring valley comprises a small but rich mosaic of habitats due to naturally occurring calcium-rich seepages. The site supports the only modern record in Hertfordshire of the bryophyte Curled Hook-moss. Although not nationally rare or scarce it is rare in Hertfordshire and therefore has county importance, despite being in an unfavourable, declining condition due to scrub encroachment or agrochemicals. The ES considers that changes to the hydrological characteristics of the spring/seepage waters, including to flow volume, periodicity and chemistry could have a significant negative impact on the nature conservation value of Stone Basin Spring whether through construction or operation if unmitigated.
- 13.6.52 Stone Basin Spring lies within an area of the Parameter Plans identified as a green buffer between Villages 6 and 7 (Figure 14 below) and will therefore not be impacted by any physical development of Village 6. Being located within the SLMP area, the masterplan will ensure the biodiversity principles set out in the Development Specification are applied through the creation of a 20m wide ecological buffer as shown in the extract of Parameter Plan 2 (Village Corridors and Developable Areas) and landscape management among other measures. The SLMP will also be required to demonstrate that any approach to strategic drainage solutions will have no detrimental impact on the flows and ecology of the Stone Basin Spring valley.

13.6.53 Notwithstanding the protection afforded by an ecological buffer, construction of development on the western edge of Village 6 could potentially damage hydrological processes supporting the Open Bryophyte community or result in dust pollution, which could likewise damage mosses in the valley. However, it is considered that through the implementation of standard methods of construction practices such impacts will be avoided.

**Figure 14: Extract of Parameter Plan 2 (Village Corridors and Developable Areas) Eastwick Valley Corridor**



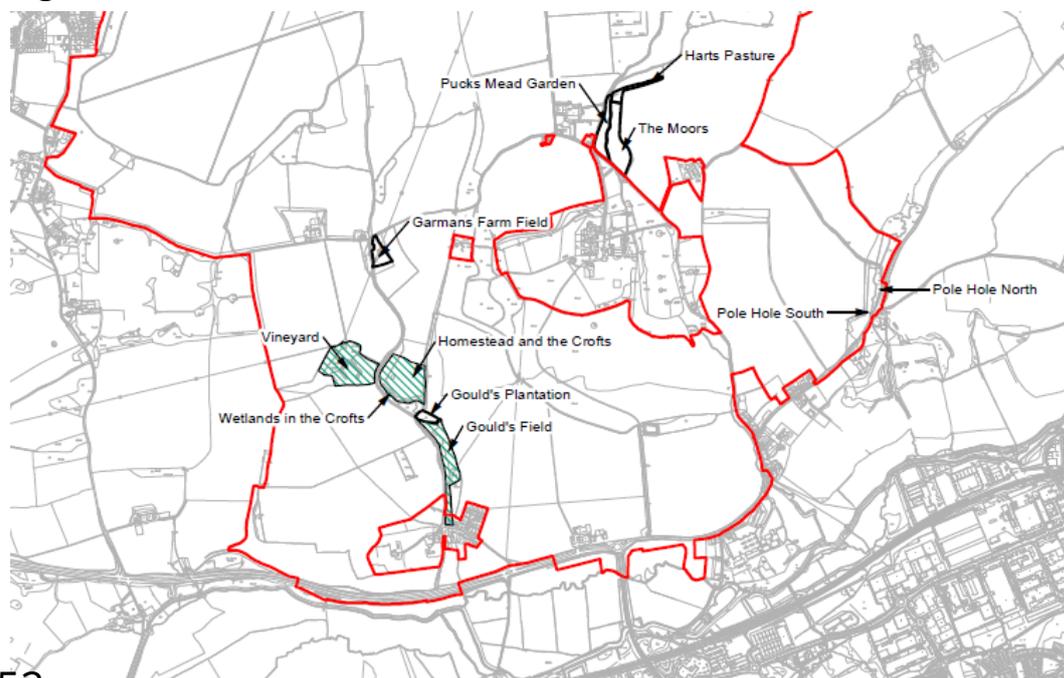
13.6.54 Operational impacts are also related to the use of the valley for recreational purposes. Being situated in the green buffer between proposed Village 6 and 7, the valley could be attractive to local walkers and dog walkers. While formal access is not proposed to the valley given its steep slopes, ecological enhancements proposed to improve the seepages such as the clearance of nettles and scrub may enable more determined walkers leading to informal tracks developing over time, which in turn will make general use easier. Dog walking in particular would be harmful in this location due to the potential fouling and eutrophication of the delicate ecosystem.

leading to damage or loss of the vulnerable mosses, which would be considered a significant negative impact. It will therefore be necessary that the Ecological Management Plan, SLMP and VMP for Village 6 plans for the provision of alternative attractive locations for such recreational activity or designs measures that prevent access to the valley for recreational purposes.

13.6.55 Eastwick Brook is a tributary of the River Stort, which runs from the plateau of the airfield through the proposed strategic green corridor between Villages 5 and 6 towards the village of Eastwick and beyond to the River Stort. The Brook has limited ecological value with limited water flow but has several seepages and spring lines along the valley which support wetland vegetation. Parts are affected by the intensively farmed agricultural land, over-management where it is close to Eastwick Hall Lane, and limited management in other parts resulting in semi-natural terrestrial vegetation encroachment. Despite this, the Brook provides nesting areas for birds and a food source for birds and small mammals, thus having a local value.

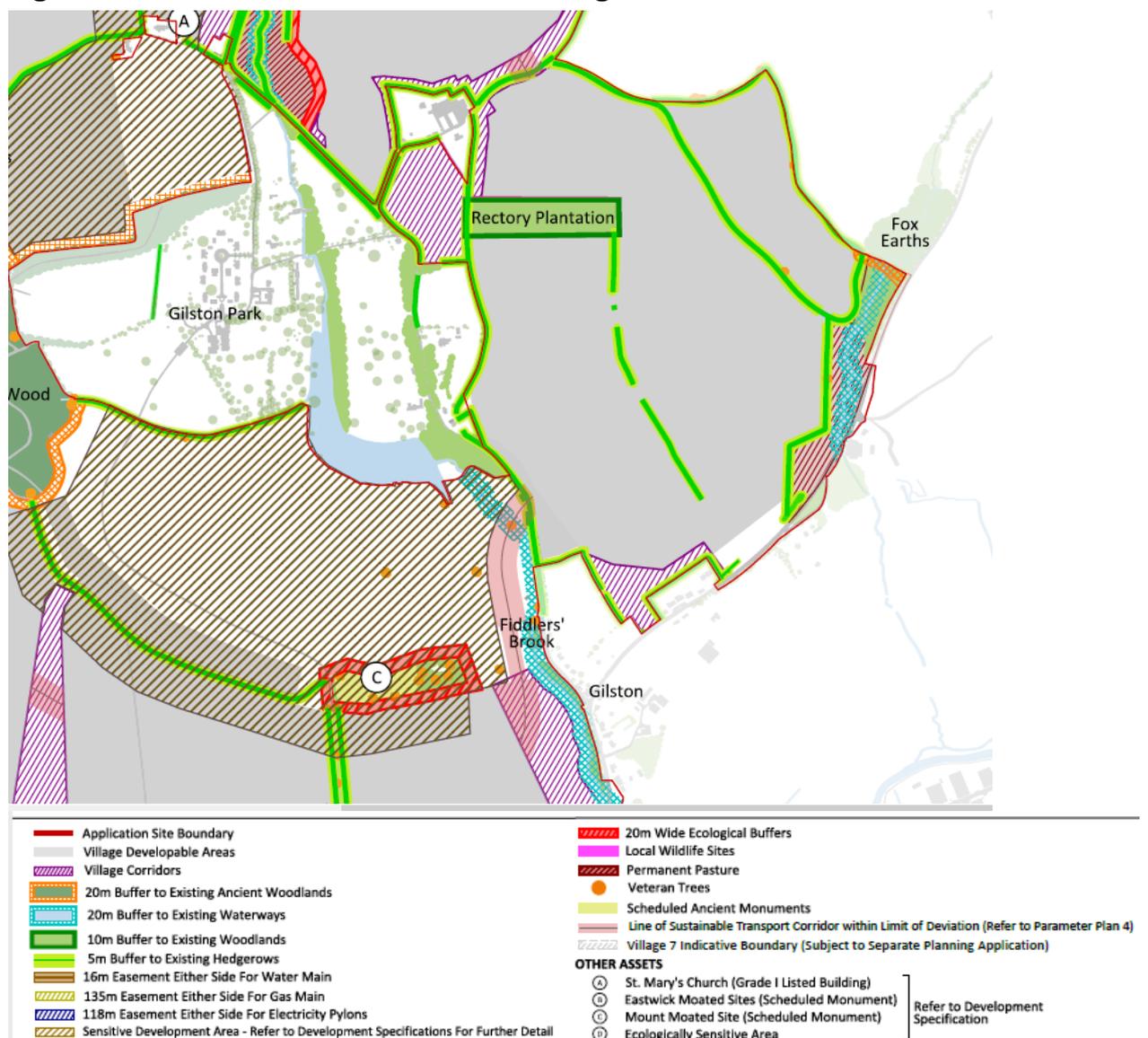
13.6.56 There are three Local Wildlife Sites (LWS) within the Eastwick Brook valley, two covering the heritage asset of the Eastwick Moated Sites (Vineyards, and Homestead and The Crofts) and one covering much of the length of the Brook between the Moated Sites and Eastwick Village itself (Goulds Field) as shown in Figure 15 below). The extract of Parameter Plan 2 above shows that there will be multiple layers of protection for the valley, including the LWS designation, 20m buffer to the waterway and 5m buffers to hedgerows. The route of the STC is proposed to run in the gap between the LWS areas and has a narrow limit of deviation to avoid impacts on the sensitive landscape either side. The SLMP will be required to demonstrate how the STC design responds positively to the various constraints affording protection to both heritage and ecological assets in this location.

**Figure 15: Grassland/Wetland Local Wildlife Sites in Eastwick Brook Valley**



- 13.6.57 Pole Hole Brook lies to the east of the site, forming the eastern boundary of Village 2. The Brook is important due to the terrestrial vegetation associated with it. The Brook contains intermittent groups of mature trees and stretches of hedgerows providing commuting routes, a food source for birds and small mammals and a habitat for nesting birds where this resource is limited. There are two small areas of wetland grassland which contribute to a mosaic of habitat in the valley. It has local value with an unfavourable, declining status due to lack of appropriate management.
- 13.6.58 As shown on Parameter Plan 2 (Figure 16 below) the village developable area of Village 2 is designed to avoid encroachments on the valley by applying a 20m buffer to the waterway, recognising areas of permanent pasture and a 5m buffer from hedgerows on the north side of the valley. The SLMP will be required to set out measures to ensure that the drainage strategy is designed to maintain areas of wetland pasture.

**Figure 16: Extract Parameter Plan 2 – Village 2: Pole Hole Brook**



- 13.6.59 The ES considers the impacts to grasslands and their associated wetland habitats and watercourses throughout construction and operation (once homes are occupied). Activities related to construction can be controlled through standard measures employed through a Code of Construction Practice. Such measures include buffer fencing, avoidance of vegetation clearance, siting compounds away from sensitive areas that may otherwise cause soil compaction, ground levelling or changes to drainage patterns, controlling waste and wastewater, and the prevention of pollution incidents for example. The creation of paths to enable public access during construction where required to maintain public right of way routes may, if unmitigated, result in soil compaction, erosion, trampling of flora and vegetation, littering, dog fouling (and resultant eutrophication of habitats) and vandalism. Mitigation will therefore be required to ensure any routes are located and designed to avoid such impacts, with necessary, temporary facilities such as bins provided along routes.
- 13.6.60 During operation, it is considered that urban effects such as littering, planting inappropriate species for screening gardens or disposal of household or garden waste, recreational activities in addition to those in paragraph xx above, if unmitigated could cause significant negative impacts at the local or zone of influence level.
- 13.6.61 Impacts on the grasslands and their associated wetlands and watercourses will be avoided through the creation of buffer areas and incorporating the grasslands/wetlands into green infrastructure areas, which will benefit from management measures set out in the SLMP and VMPs. Strategic drainage systems will be designed to avoid conflicts with sensitive wetland areas where necessary, such as changes to flow or chemical composition for example, and in other locations the drainage strategy may be designed to support and maintain wetland habitats where appropriate. Appropriate treatment trains will be necessary to ensure the quality of water discharging into any watercourses. Detailed Drainage Strategies will be required by condition for the SLMP, VMPs and RMAs, undertaken in consultation with the LLFA and EA where necessary.
- 13.6.62 For the Eastwick Brook area, specific measures will include bridging the valley where it crosses the watercourse, with bridge infrastructure located to avoid impacting the valley environment. To keep the watercourse open, this may require a small loss of land from the adjacent Local Wildlife Sites (The crofts and Goulds Plantation and Field shown in Figure 12 above). This will be determined at the SLMP stage where the route of the STC will be defined within its limit of deviation to reduce impacts on the LWSs as far as possible. The bridge will be designed in consultation with the LLFA, the Environment Agency and Historic England to ensure all necessary mitigations are considered. This will be controlled by condition. The loss of any part of the LWSs will need to be compensated for but would be considered acceptable in the context of maintaining the river environment. Compensation could be in the form of

enhancement to the remaining LWS areas and the creation of new species-rich grassland within the Eastwick valley. Such measures will be identified at the VMP and RMA stages in response to detailed designs. Further ancillary mitigation will arise through a reduction in agricultural activity on the site, leading to a reduction over time in fertilisers and agri-chemicals affecting the watercourses.

- 13.6.63 The recently undertaken Biodiversity Impact Assessment Calculation undertaken for the scheme indicates that the proposed mitigation and compensation strategy has the potential to deliver a 16.60% net gain to watercourse units on site.
- 13.6.64 The River Stort and its functional floodplain has high habitat value. However, some individual Local Wildlife Sites and Sites of Special Scientific Interest such as Hunsdon Meads and Hollingson Meads within the valley require some improvements. Notwithstanding this, the watercourse is known to support otter and kingfisher and is therefore of county value. The Water Framework Directive applies to the watercourse, and with a number of initiatives undertaken to enhance the quality of the watercourse for wildlife, it has favourable, stable status. The Village development is not considered to have any direct impact on the Stort Valley, however, there is a potential for indirect effects through increased recreational demands arising from the village development in proximity to the valley, as discussed in paragraph 13.6.15 above. The impacts arising from the two river crossing proposals are considered in the respective application reports, to which members are directed.
- 13.6.65 The SLMP covering the tributary valleys within the development site will ensure that appropriate measures are incorporated to maintain water quality and quantity through an integrated drainage network with necessary treatment trains and landscape management. The development proposes a significant quantum and variety of green spaces and routes for recreational and commuting purposes throughout the site in order to reduce demands upon the valley. Notwithstanding this, as explained in 13.6.15 above the applicant will be making a financial contribution of £3m to assist in improving the resilience of the valley to mitigate impacts from recreational demand.

### ***Impacts on Species***

- 13.6.66 In addition to the habitat surveys, the application includes comprehensive surveys on the species supported across the various habitats. More recently specific surveys have been undertaken for the Village 1 study area to inform the masterplanning stage in more detail. Survey methods include on-site field study and desk-based study using data held by the Hertfordshire Biodiversity Records Centre, use of aerial photography and review of geological and historical mapping. With any development there will be some unavoidable impacts on habitats and species and the ES considers the range of impacts considered possible on species as a result of construction activities and once development is operational. During construction

potential impacts can occur through noise, lighting and visual disturbance, through loss or fragmentation of habitats, be they temporary or permanent, changes to water quantity or quality, through increased presence of humans and recreational activities to predation of species through the introduction of higher order mammals (cats and dogs).

**Species - Bats**

- 13.6.67 In terms of impacts on bats, 11 species of bats were recorded in the 2017 full site survey, four of which are listed under the NERC Act 2006: Soprano Pipistrelle, Noctule, Brown Long-Eared and Barbastelle. Natterer's Bat is also recorded on site, which is recognised as a Biodiversity Action Plan (BAP) species in Hertfordshire. Eight bat species were recorded in the 2022 Village 1 update survey. The overall bat assemblage is considered to be of County importance with the exception of the Barbastelle colony which is of national importance.
- 13.6.68 The most valuable habitats for bats are the woodland blocks, hedgerows and river valley corridors, but the arable landscape also provides foraging ground (though few bats were seen during surveys), as does the Gilston Park area, particularly in the copse in the east of the Park and the Gilston Lake where the greatest variety of foraging bats were recorded, including rarer species (Nathusius' Pipistrelle and Leisler's Bat). The woodland blocks in the north of the site in particular support Barbastelle bats. Home Wood in the centre of the site is recorded as a significant foraging resource for Common Pipistrelle. An increase in recreational use of the woodlands may have a detrimental impact on the species through day time disturbance. The SLMP will therefore be required to demonstrate that areas of most sensitivity are protected from disturbance, putting in measures to prevent access where required through appropriate measures and woodland management regimes should be designed to improve resilience in the woodland through additional planting to increase the woodland area over time, increasing the habitat of the Barbastelle. Education information boards should be included in any areas where recreational activity is directed.
- 13.6.69 The application proposes through its Biodiversity Strategy and Outline Ecological Management Plan, to provide extensive new woodland and grassland planting to link the existing woodland blocks to create Eastwick Wood Park. Additional habitats will be introduced such as ponds and scattered groups of trees, to provide buffering between proposed recreational areas and the more sensitive woodland blocks such as Marshland Wood. Creating dedicated areas for recreation within the woods, such as cycle tracks, paths and picnic areas from early occupation will assist in preventing the spontaneous use of more sensitive areas for recreation.
- 13.6.70 In addition, the structure of the village developable areas being surrounded by green corridors and buffers containing a mixture of habitats including new areas of standing water as part of the drainage strategy will assist in providing new

opportunities for foraging bats and retaining existing bat commuting corridors. Soft edges to villages with a lighting strategy that reflects the transition from a built to non-built environment will also assist in creating environments suitable for bats and other mammals. These measures are considered appropriate and will be secured through conditions that require the submission, approval and implementation of a Biodiversity Strategy and Ecological Management Plan with the SLMP and each VMP to which each RMA will need to accord.

- 13.6.71 A number of buildings within the site are known to support bat roosts, the majority of these are outside the application area in listed buildings and farm buildings to be retained. However, three Common Pipistrelle day roosts are located in the cluster of buildings at Eastwick Lodge Farm; Eastwick Animal Feeds and Eastwick Lodge. These buildings are not designated and except for the Lodge are in relatively poor condition. Parameter Plan 1 (Existing Vegetation and Buildings) indicates the animal feed building as 'to be demolished' and the Lodge as 'retained or demolished'. The decision as to whether these buildings are capable of re-use and retention will be taken at the village masterplan stage. The ES however, considers the loss of the buildings as a worst-case scenario in terms of the impact on bats.
- 13.6.72 While the Common Pipistrelle has a widespread distribution and has a 'common' conservation status, nonetheless, the loss of known roosts will have a significant detrimental impact at the local level. Mitigation will therefore be needed in the form of additional planting and artificial roosts throughout the southern edge of the Village 1 site. The Biodiversity Strategy includes the provision of a purpose-built bat house within the proposed green infrastructure to the east of Eastwick village. Any demolition will need to be carried out carefully and only after any removal under license issued by Natural England. Although the injury or death of individual bats is unlikely to represent a significant impact on the conservation status of the bat assemblage, this would result in an offence under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).
- 13.6.73 Overhall farm in the northern-central part of the site (north of St Mary's Church) is also known to support small roosts of common bat species (Soprano Pipistrelle and Brown Long-Eared bats) in the farm buildings. Parameter Plan 1 (Existing Vegetation and Buildings) shows a large number of farm buildings as 'to be demolished' and some, including the farm house as 'retained or demolished'. The decision as to whether these buildings are capable of re-use and retention will be taken at the village masterplan stage. The ES however, considers the loss of the buildings as a worst-case scenario in terms of the impact on bats. While the Soprano Pipistrelle and Brown Long-Eared bat have a widespread distribution and has a 'common' conservation status, nonetheless, the loss of known roosts will have a significant detrimental impact at the local level. Mitigation will therefore be needed in the form of additional planting and artificial roosts throughout the central part of the site in

the vicinity of the current farm buildings. And as above, any demolition will need to be carried out carefully and only after any removal under license issued by Natural England.

- 13.6.74 While the development parameters have been designed to minimise impacts, there will be some fragmentation of bat commuting routes where the STC links between villages resulting the loss of hedgerows, such as in the Golden Brook corridor. The loss of vegetation will result in a permanent reduction in foraging habitat available and reduce the permeability of the area to bats commuting between roosts and foraging areas, which in the absence of mitigation will have a negative impact, significant at the local level. As such the Biodiversity Strategy proposes a series of mitigation measures that include taking all measures possible to minimise vegetation loss, buffering vegetation from development and reinforcement of flight lines through strategic landscape planting. The adoption of conservation-led habitat management in green infrastructure areas, buffer strips along field margins, creation of beetle banks and formation of ditches and standing water, along with the increased species diversity that will result from changing arable landscapes to a richer mosaic of habitat will increase invertebrate prey suitable for bats. 80 bat boxes will also be installed throughout the development, focussing on woodland blocks to provide roosting opportunities.
- 13.6.75 Where commuting routes are bisected by roads, detailed design measures will include minimising road widths where possible, reducing lighting, and retention of mature trees to provide natural aerial 'bridges' where possible. The strategy suggests providing artificial bat bridges, but current evidence is inconclusive as to their effectiveness compared to simpler methods such as dark zones and tree planting. Notwithstanding this mitigation, the STC route will have an impact that cannot be mitigated to an insignificant level and will have a residual negative impact.
- 13.6.76 There will be an inevitable impact associated with the creation of new urban environments into an area of countryside relatively devoid of light and disturbance. Artificial lighting from vehicles, street lamps, homes, businesses and sports pitches will have a significant negative impact on the bat assemblage, although the severity of impact varies according to species. The most abundant species in the area, Common and Soprano Pipistrelle, are relatively light tolerant, as are Noctule and Leisler's bats, whereas Myotis species, Brown Long-Eared and Barbastelle are relatively light averse. In the absence of mitigation, artificial lighting will have a negative impact, significant at the county level for Barbastelle bats and at the district level for the broader assemblage of bat species.
- 13.6.77 To inform the design and layout of the village development the SLMP and VMPs will be required to undertake detailed bat surveys, such as that carried out for Village 1 in the 2022 Viability Submission ES Addendum (controlled by condition). This will inform the approach to lighting, layout and distribution of open spaces,

reinforcement planting and surface water features to minimise impacts on known commuting routes and provide opportunities for foraging. Additional mitigation measures will be required in relation to lighting and the Biodiversity Strategy and Development Specification principles in relation to lighting are considered appropriate and will be secured via condition. Detailed lighting will form part of the SLMP, VMPs and RMAs in due course.

- 13.6.78 The occupation of the village developments will serve to increase the number of domestic cats in the area. However, studies have shown that the number of cats regularly catching bats is likely to be low, with bats comprising only around 0.2% of an average domestic cat's wild prey. Consequently, cat predation is unlikely to affect the conservation status of the bat assemblage and is not considered likely to result in a significant effect.
- 13.6.79 Given the overall character of the village development it is not anticipated that new roads will be constructed which enable high speeds, the likes of which are likely to result in bat mortality through collision. Notwithstanding the proposed mitigation, the overall village development will have an impact that cannot be mitigated to an insignificant level resulting in a residual negative impact significant at a district level for all assemblages of bat species.
- 13.6.80 There will also be temporary effects during construction, including noise and general disturbance. While construction related activities are generally confined to daylight hours, which would not impact bats foraging or commuting, there is a potential for lighting (for security and compound safety) to impact at night. The implementation of a Code of Construction Practice submitted with a Construction Environment Management Plan (secured by condition) will minimise such impacts such as the use of limited functional lighting only and use of LED luminaires in line with best practice guidance.
- 13.6.81 Bats are protected under both national and European legislation, and under national and local planning policy. They are protected from intentional killing, injuring, or taking, as well as possession and trade. In addition, places used for shelter and protection are safeguarded against intentional or reckless damage, destruction and obstruction of access and disturbance to animals occupying those places. To carry out any activities relating to development that may otherwise result in any of the offences above, it is necessary under the Habitats Regulations to obtain a European Protected Species Licence from Natural England. The licence application must include a mitigation strategy to be agreed with Natural England, which will include updated surveys, erection of artificial roosts in suitable locations, details of appropriate timing of demolition or vegetation removal to avoid the maternity and hibernation seasons, supervised demolition and long-term monitoring of artificial roosts. For the licence to be granted the following conditions must be satisfied:

- The proposal must be necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- 'There is no satisfactory alternative'
- The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

13.6.82 Officers consider that the benefits associated with the outline development in terms of its significant contribution to the district's housing and economic needs, the provision of considerable community infrastructure and creation of new green infrastructure represent imperative reasons of overriding public interest. All measures have been considered at this outline stage to locate developable areas where least harm can occur. In the case of the agricultural buildings that may be lost, consideration will be given at the masterplanning stage as to whether the buildings can be re-purposed, although the poor condition of some buildings may preclude this option. Notwithstanding this, it would still be possible that the future use may prejudice the viability of current bat roosts. Alternative locations and scales of development were extensively considered during the Plan-making stage of the District Plan and the Gilston Area was allocated for development, acknowledging there would be a baseline level of harm to habitats and species. It is considered that there is no satisfactory alternative to the loss of the identified agricultural buildings, in the context of the impact on bats. The bat surveys indicate that the loss of several small roosts that support low numbers of common bat species that are widespread in the locality will not be detrimental to the maintenance of the conservation status of the bat assemblage.

### ***Species - Mammals***

13.6.83 In terms of other mammals, given the unmanaged nature of the tributary streams in the site, no suitable habitats and therefore no evidence of Water Vole or Otter has been found. Similarly, surveys found no evidence of Dormouse. The proposed Biodiversity Strategy sets out several measures to improve the tributary valleys which may improve their suitability as Water Vole habitat, such as the removal of invasive species, naturalisation of the watercourses, creation of floodplain scrapes and replacement of hard engineered banks with soft engineering methods where possible. Overall improvements to water quality through reduced agricultural activity and through the creation of drainage systems with stages of treatment will also improve water quality and water flow within the tributaries which will improve the aquatic flora diversity. These effects will have a permanent significant positive effect at the local level.

13.6.84 While no evidence of Water Vole or Otter have been found, the SLMP, VMPs and where necessary RMAs, will be required to undertake updated species surveys

(controlled by condition) and appropriate measures will be agreed to prevent injury or death of species in consultation with Natural England.

- 13.6.85 The Stort Valley has been identified as having the potential to support Water Vole and Otter. Increased recreational activity in the valley may have unintended impacts through disturbance, particularly from dogs or from accidental or reckless damage to shelters or habitats. Although unlikely to occur, this would constitute a legal offence with a significant negative effect at the local level in the absence of mitigation. The CSC application proposed the creation of new dedicated routes within the valley in proximity to the crossing to direct walkers to appropriate paths. As discussed, the outline application proposes a financial contribution towards measures in the Stort Valley to mitigate recreational impacts.
- 13.6.86 Several badger setts have been identified on the site, but their number and levels of activity has varied over the survey years, increasing in the most recent survey years to five clans using multiple setts and foraging areas around the site. Setts found have been either main setts, subsidiary, or outlier setts, primarily located in wooded areas. Given the need to protect Badgers, this report will not provide more details than strictly necessary for the impact of the development to be considered. The area is well-used by Badgers and the area is considered typical for the rural landscape but given the relative lack of foraging ground due to intensive agricultural use which has only seasonal value for Badgers their conservation status is considered unfavourable, stable.
- 13.6.87 Out of 36 setts, one subsidiary and one outlier sett may potentially require removal to permit the development. However, given the dynamic nature of Badger activity and the long time frame of the development new setts could be dug in areas proposed for development, possibly even as a result of earlier displacement. It will therefore be necessary to undertake up to date surveys prior to the commencement of construction and enabling works to ensure no offence is caused under the Protection of Badgers Act 1992. If required, a sett closure licence must be obtained from Natural England and works can only take place in accordance with the terms of the licence. The level of harm to the conservation status would depend upon the status and current usage of the sett to be removed.
- 13.6.88 During construction there is a risk of injury and death from machinery operations or excavations particularly during periods of low light. Indirectly, harm could occur through general disturbance, by Badgers falling into or becoming trapped in exposed excavations for example. Standard measures proposed in the Code of Construction Practice and CEMP would prevent such incidents. Night-time construction works are not anticipated for the village development but will be prohibited in the CEMP in the vicinity of setts to avoid disturbance of breeding and foraging activities.

- 13.6.89 There is a potential long-term positive effect of the development on Badgers due to proposed measures to reinforce woodland and valley habitats through additional planting and management. This is considered to counter short term negative effects caused by the loss of cereal crops through the development. As has been noted in paragraph 13.10.7 below the intention is for agricultural activity to continue for as long as possible on the site and such gradual reduction would minimise impacts to Badgers.
- 13.6.90 Because Badgers repeatedly use the same paths between setts, which often follow landscape features like hedgerows, the removal of hedgerows to enable the STC route through strategic green corridors would have a significant permanent negative effect that could affect the conservation status of the Badger population. Mitigation will therefore be required in the form of mammal tunnels to enable continuous routes to be retained and barriers to prevent injury from Badgers crossing roads. The proposed creation of new green buffers and the retention of a significant amount of existing green infrastructure, together with the creation of new open spaces are anticipated to provide the potential location of new sets and foraging grounds, particularly where open spaces are close to village edges. The SLMP, VMPs and RMAs will need to provide details of how such spaces will be managed for the benefit of Badgers and other species (mowing regimes, buffer and border landscaping, lighting etc).
- 13.6.91 The increased levels of human activity that will come from the development is likely to have a negative impact on Badgers, particularly where setts are located in a green corridor between villages and that area is attractive to dog walkers for example. To mitigate the effects of human disturbance in terms of damage or interference to setts, 10-20m of prickly landscape planting using native species of local provenance will be planted as buffers to setts at the start of works so they mature by completion of the development. For the Eastwick Valley corridor and recently found sett in the Village 1 study area however, it is considered more humane to relocate any setts under the terms of a Natural England licence.
- 13.6.92 Badgers do live successfully in urban areas and over time it is considered likely they will become habituated to raised disturbance levels, especially given that the development will take around twenty years to fully develop and within that period between ten and fifteen years before development is located near to currently known setts. Through careful design, management of green infrastructure and education of residents it is considered that no overall harm to the conservation status of the Badger population in the Gilston Area will occur.

***Species - Birds***

- 13.6.93 In terms of birds, important bird communities are primarily found within the northern woodland blocks and areas of arable farmland. A total of 77 species of birds were recorded over the survey period of 2004 to 2017. Of the species recorded,

18 are listed under the S41 NERC Act 2006 list of priority species. A number of specialist farmland birds appear on the Birds of Conservation Concern (BoCC) list. Hertfordshire also has its own Red Data List of declining bird species, those that are rare or where Hertfordshire holds a significant proportion of national breeding or wintering population. These species are already recorded on the BoCC list. These species are therefore given special consideration when assessing the conservation importance of breeding bird assemblages.

- 13.6.94 It is noted that species diversity has changed in subsequent survey years, with rare birds that appeared in earlier surveys not being recorded in more recent surveys. For example, Tawney Owl (an amber listed species) and Lapwing, Turtle Dove, Lesser Spotted Woodpecker, Yellow Wagtail, Marsh Tit and Spotted Flycatcher (red listed species) were recorded in 2012 but not in 2016/17. In the 2017 survey an estimated total of 53 species of breeding birds were recorded, of these species, 9 are red listed on the BoCC and 10 are amber listed. Of these BoCC species, 29 are listed on the Hertfordshire Red List. However, none of these species recorded were present in numbers approaching the 1% national threshold or the 5% county threshold for important populations of breeding birds. Given that the landscape and habitats have not changed significantly in the intervening years, the ES therefore assumes that the landscape has the potential to support these species.
- 13.6.95 The overall assemblage of breeding birds and the assemblage of farmland breeding birds are treated as the important ecological feature of county importance in the bird assessment since many species are declining. Intensive agriculture, with large fields, few hedgerows and mismanagement of existing hedgerows, autumn crop sowing and no stubble over winter all contribute to declining farmland bird numbers and diversity.

*- Farmland Birds*

- 13.6.96 In terms of farmland wintering birds 51 species were recorded during winter surveys (42 within the application area and 9 in the Village 7 area). This puts the assemblage of winter birds in the upper range of district importance. Relatively large flocks were recorded in 2013 including waders such as Golden Plover and Lapwing, and farmland birds such Skylark, Linnet, Yellowhammer and Starling, which are all BoCC red listed species apart from Golden Plover which is amber listed and are declining in numbers.
- 13.6.97 The main impact on farmland birds will be habitat loss due to the village development and through the proposed enhancement of the woodland blocks in the north of the site, which will further reduce the extent of nesting and foraging resources that support farmland birds. Overall, approximately 328ha of mixed habitats which currently support farmland birds will be lost, either for nesting or feeding:
- The proposed area for Village 1 supports Skylark (5), Linnet (1), Yellowhammer (1) and Song Thrush (3). Skylark will lose nesting habitat and all species will lose

feeding habitat. Although hedgerows will remain around Village 1 enabling some continued nesting for Song Thrush the level of disturbance will prohibit hedge-nesting species Linnet and Yellowhammer to persist.

- The proposed area for Village 2 supports Skylark (3), Linnet (3), Yellowhammer (5), Corn Bunting (1) and Song Thrush (3). Skylark will lose nesting habitat and all species will lose feeding habitat.
- The proposed area for Village 3 supports Skylark (3), Yellowhammer (3) and Corn Bunting (1). Skylark will lose nesting and feeding habitat and Yellowhammer will lose feeding habitat. The area will no longer be able to support these species.
- The proposed area for Village 4 supports Skylark (5), Linnet (1), Yellowhammer (7), Grey Partridge (1) and Song Thrush (2). All species will lose nesting and feeding habitat.
- The proposed area for Village 5 supports Skylark (1) and Linnet (1). These species will lose their nesting and feeding habitat. The proposed land for the secondary school in Village 5 supports Skylark (1), Yellowhammer (2), Linnet (2) and Song Thrush (2). All except Song Thrush will lose nesting and feeding habitat.
- The proposed area for Village 6 supports Skylark (4), Linnet (1), Yellowhammer (4) and Song Thrush (3). The Skylarks, Yellowhammers and Linnets will lose nesting and feeding habitat and Song Thrush will lose feeding habitat.
- Eastwick Village supports House Sparrows and Starlings that nest in the village but forage on the surrounding farmland. The nesting sites will remain but many foraging areas will be lost.

13.6.98 In terms of wintering farmland birds, large areas of habitats suitable for flocks of wintering waders (Lapwing and Golden Plover) will be lost, particularly in the area proposed for Village 3. Flocks of Skylarks, Yellowhammers, Chaffinches, Reed Buntings and Linnets will lose wintering habitat in the area proposed for Village 6. In the absence of mitigation this impact from habitat loss on the wintering farmland bird assemblage of district importance would result in a permanent, significant negative effect.

13.6.99 During construction, activity, noise, and disturbance has the potential to negatively affect the breeding farmland bird assemblage and wintering farmland bird assemblage as construction moves around the site, dissuading breeding birds from using habitat close to construction areas. Works during nesting season will have the greatest effect, and even where hedgerows are to be retained, construction activity will disturb hedge-nesting species, plus permanently remove their feeding habitat regardless of any temporary nature of the disturbance. Species such as Yellowhammer and Linnet are likely to disappear, but Song Thrush may return post construction.

13.6.100 Once homes are occupied, while the relative effects of cat predation on bird mortality is unclear, it is considered that cat predation is likely to have a permanent, significant negative effect at the zone of influence level if unmitigated. Human disturbance and

dog walking are also considered likely to have a permanent, significant negative effect, though at the local level if unmitigated. The creation of buffer zones, allotments and orchards will have limited benefit in terms of avoiding these impacts as they will, in most locations, be used for recreational purposes.

13.6.101 The Biodiversity Strategy proposes the retention of the Hunsdon Airfield plateau as agricultural land and enhancing the capacity of the airfield area for breeding birds through a conservation-led approach to land management. However, over time there is the potential for the conversion of retained agricultural land to an informal country park landscape which will enable recreational activity that will have the potential to disturb farmland birds and wintering birds in particular. Therefore, notwithstanding the retention of the north-western part of the site as farmland, because farmland birds are already in decline, the loss of supporting habitat is contrary to the conservation objectives for farmland birds. Consequently, the development will result in a permanent, significant negative effect on the farmland breeding bird and wintering bird assemblage at the county level.

*- Woodland Birds*

13.6.102 Within the northern woodland, the assemblage of birds comprises 7 BoCC species (5 red and 2 amber-listed). The species include: Lesser Spotted Woodpecker, Marsh Tit, Song Thrush, Mistle Thrush and Spotted Flycatcher, all of which apart from Song Thrush are found in low numbers and therefore the northern woodland assemblage is evaluated as being of district importance. Use of the woodlands for pheasant rearing has had harmful impacts on bird populations, mainly due to competition for food, structure of the field layer and disease. The conservation status of the woodland assemblage is regarded as being unfavourable and declining.

13.6.103 During construction, activity, noise, and light disturbance is predicted to disturb breeding birds within some woodlands, with those woodlands located closest to the Village Developable Areas experiencing greater levels of disturbance than those in the woodland blocks in the north of the site. Construction effects will be temporary, moving around the site as development progresses, affecting one or two woodlands at a time. In the absence of mitigation, the impact of construction disturbance on the northern woodland breeding bird assemblage of district importance will result in a temporary, significant negative effect at a local level.

13.6.104 Once homes are occupied, as before, while the relative effects of cat predation on bird mortality is unclear, it is considered that cat predation is likely to have a permanent, significant negative effect at the zone of influence level if unmitigated, especially in the woods closest to residential development.

13.6.105 The impact of the development including the two crossings on the River Stort Valley breeding and wintering bird assemblages was considered in detail in the two committee reports. The Stort floodplain is a habitat of local importance for

supporting breeding, foraging and over-wintering of birds. The ESC was considered to have a detrimental impact on ground nesting birds and areas of compensatory wetland habitat were identified as being required to replace lost habitat and mitigate negative effects.

- 13.6.106 To reduce construction impacts on all bird assemblages as far as possible, measures will be taken to prevent harm to nesting birds and the loss of occupied nests through ensuring that vegetation clearance occurs outside nesting seasons and undertaking detailed surveys by an ecologist prior to any works that cause disturbance. Appropriate cordons will be used to keep works a safe distance from any active nest. Construction disturbance will be reduced by virtue of the creation of buffers and protective boundary treatments along with controls over working hours and lighting. These measures are set out in the Code of Construction Practice which will form part of a CEMP, controlled by condition. The ES considers that controlling disturbance will reduce impacts to a non-significant level, however, Officers consider that the overall effect of construction which will ultimately result in the loss of habitats will mean that notwithstanding these mitigations there will remain a residual significant negative effect on bird assemblages due to the development.
- 13.6.107 This will require compensation in the form of the managed creation of safe nesting habitats in the retained areas of agricultural land and the implementation of conservation-led management regimes with spring crop planting, tussocky grass margins, hedgerows, retained and new nest boxes, nectar flower mixtures through spring and summer and late flowering species to provide food for insects, which in turn provide food for birds, managed mowing, grazing and fertiliser regimes, the creation of beetle banks, cultivated uncropped margins, conservation headlands, and ditches. To support wintering birds wild seed mixes should be used and spring sown stubbles left in situ over winter. It will be necessary to retain this management regime through the implementation of an Ecological Management Plan, secured by condition, which any subsequent stewardship body or landowner will need to follow. As such, it is proposed that this is controlled by condition and its implementation secured by the S.106 Agreement. Other enhancements will be provided by the installation of barn owl boxes and bird boxes in suitable locations.
- 13.6.108 The recently undertaken BIAE undertaken for the scheme indicates that the proposed compensation strategy will have the potential to deliver a 20.55% net gain to hedgerow units on site and a net gain of 33% for habitat units following mitigation and compensation measures. Notwithstanding this, it is not possible to fully mitigate or compensate for the loss of large open arable field habitat and there will be a residual permanent, negative effect, significant at the local level. Officers are satisfied however, that all possible measures have been taken to design out impacts where possible, to minimise impacts that will occur, to mitigate impacts through protective measures and enhancements and to compensate for impacts, albeit residual negative impacts will remain, which is in line with the approaches required

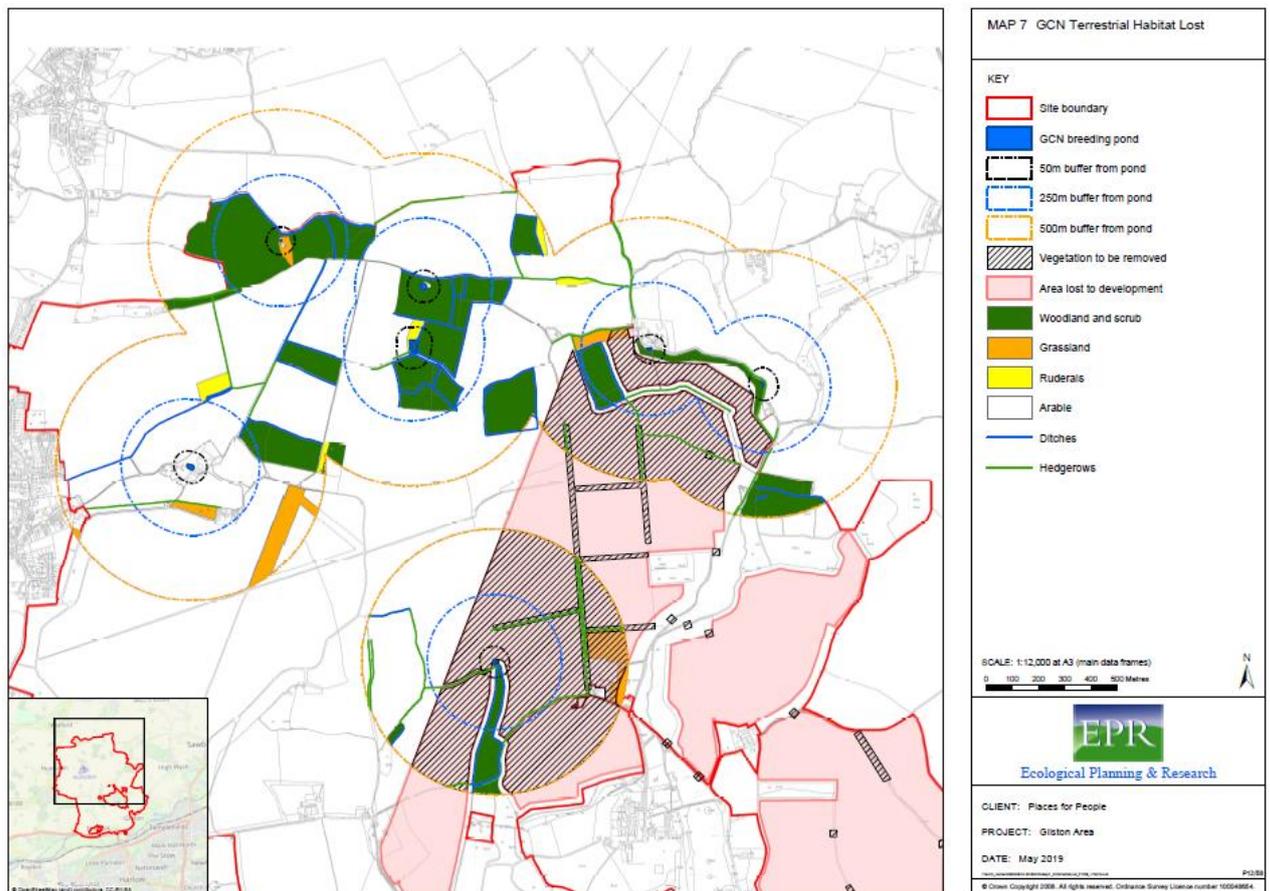
in Policies NE2 (Sites or Features of Nature Conservation Interest (Non-Designated)) and NE3 (Species and habitats).

**Great Crested Newts**

- 13.6.109 Great Crested Newt (GCN) are listed as a UK BAP priority species along with being a priority species in the Hertfordshire BAP. GCN are also listed as a Species of Principal Importance protected under S.41 of the NERC Act 2006, are legally protected under S.5 of the Wildlife and Countryside Act 1981 (as amended). The habitat of GCN is not legally protected, but the replacement of habitat lost through development may be required through the planning system. GCN are also listed as a European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended). As such, to carry out any activities relating to development that may result in offences to GCN such as intentional or reckless injury, capture or death it is necessary to obtain a licence from Natural England.
- 13.6.110 GCN are vulnerable to biophysical changes due to construction of development including loss or alteration or pollution of supporting aquatic habitat, the fragmentation of habitat or ground works such as excavation or movement of soils or vegetation. Once development is occupied GCN are vulnerable to biophysical changes resulting from the presence of people, cars and pets, lighting, addition of fish to water bodies, the implementation of habitat management plans or the creation of new habitats that may change the existing environment to the detriment of habitats supporting GCN.
- 13.6.111 A total of 38 water bodies have been surveyed through the various survey years, 13 of which are within the site area, 8 are within 500m, 5 ponds within restricted areas and 11 ponds beyond 500m of the site. Based on the last surveys undertaken in 2015 seven GCN populations were recorded ranging from small to large, distributed among meta-populations where movement between ponds is considered likely. Other species of amphibian were also recorded including Smooth Newt, Palmate Newt, Common Frog and Common Toad. Populations of GCN that are part of a meta-population have a much greater likelihood of long-term persistence, however, chronological data sets have recorded a reduction in suitable pond habitats. Therefore, while the on-site GCN population is of district value, without habitat management further ponds could deteriorate reducing their suitability for GCN, therefore the conservation status of the population is unfavourable, declining.
- 13.6.112 The proposed development will retain all aquatic habitats on site but site clearance that will occur through construction will result in the permanent loss of approximately 370ha of terrestrial habitat, which equates to 35% of terrestrial habitat available to GCN, which without mitigation can have serious consequences for GCN. While ponds are used for breeding, the terrestrial habitat within 250m of a pond is necessary to support GCN. Only three ponds are directly affected by the scheme through loss of terrestrial habitat. For ponds 20 and 24 located on the

northern edge of the area proposed as Village 4, approximately 8ha of terrestrial habitat will be lost within 250m of the pond and for Pond 17, located between areas proposed for Villages 4 and 5 at the northern most point of Gibsons Shaw woods, an estimated 11ha of terrestrial habitat within 250m of the pond will be lost due to the village development (Figure 17 below). In the absence of mitigation this is a significant negative impact on the GCN population at the district level.

**Figure 17: Habitat lost supporting Great Crested Newt populations**



13.6.113 The ES considers the worst-case scenario of hedgerows within Village 4 being lost due to the village development. However, since the ES appendix containing the GCN survey was submitted (original 2019 submission) the Development Specification has been amended to seek to retain all hedgerows in Village 4 unless it can be demonstrated that their loss is necessary to deliver the village development, with their loss/retention to be determined at the VMP stage. Nonetheless, for the ES it is appropriate to consider the impacts on GCN populations based on the removal of supporting terrestrial habitat. The fragmentation of habitat that would occur through removing hedgerows that act as vegetation corridors for the movement of GCN due to the development, either through construction or operation, would have a significant negative impact on the GCN population at the district level in the absence of mitigation.

13.6.114 Risks associated with construction on water quality could, if unmitigated, result in the deterioration of pond quality through turbidity, loss of aquatic vegetation or loss

of invertebrates which would reduce food available for developing larvae or reduce courtship habitats, jeopardising the long-term survival of the population. Harm (accidental or deliberate) during construction, such as through excavation would represent an offence under the Habitat Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Construction works will take place within proximity of Ponds 17, 20 and 24 where disturbance may if unmitigated cause noise, vibration and light. Standard methods implemented through an approved Code of Construction Practice will prevent such disturbances and harms occurring.

- 13.6.115 When masterplanning the strategic landscape area and villages it will be necessary to ensure that development located in proximity to ponds is designed to prevent impacts associated with lighting, recreational activity such as dog walking and vehicle movements. In terms of cat predation, while cats have the potential to increase mortality rates, GCN are likely to move around using dense hedgerow as cover. Therefore, cat predation is unlikely to severely impact the GCN population. The introduction of fish to existing ponds could dramatically reduce GCN numbers as fish predate GCN eggs. Management of ponds close to residential properties or in public open spaces will be required to prohibit fish introduction.
- 13.6.116 The extent of hydrological change to retained ponds is not currently known in sufficient detail until a detailed drainage strategy is developed to support the masterplan for Village 4. The village drainage strategy will therefore be required to demonstrate that no alteration to the water table, siltation or chemical change will occur through the provision of attenuation and treatment trains. These details will be secured by condition.
- 13.6.117 To mitigate the loss of terrestrial habitat supporting GCN ponds additional hedgerow planting will be undertaken along with the creation of green spaces that will offer more suitable habitats than the arable land lost. Details will be set out in the SLMP (for Ponds 20 and 24) and VMP for Pond 17 and the management of green spaces will be secured through the submission and implementation of a biodiversity strategy (secured by condition). Habitat fragmentation will be minimised through the retention of dispersal corridors between meta-population 3 (northern fringe of Village 4) and subjected to a 5-15m buffer on both sides. Newt tunnels may be required to ensure safe passage of GCN subject to the identification of roads and layouts at the masterplan stage.
- 13.6.118 Once layouts have been confirmed and detail is known about the extent of vegetation and habitat to be lost at the masterplan stage it will be necessary for a European Protected Species Licence to be applied for necessary to conduct works that would otherwise be considered unlawful. In order for a licence to be granted the following conditions must be satisfied:

- The proposal must be necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- 'There is no satisfactory alternative';
- The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

13.6.119 Officers consider that the benefits associated with the outline development in terms of its significant contribution to the district's housing and economic needs, the provision of considerable community infrastructure and creation of new green infrastructure represent imperative reasons of overriding public interest. All measures have been considered at this outline stage to locate developable areas where least harm to GCN can occur. Consideration will be given at the masterplanning stage to maximise the retention of suitable habitats supporting GCN including hedgerows, acknowledging that the loss of some hedgerows has been identified as being necessary to enable the village development. Alternative locations and scales of development were extensively considered during the Plan-making stage of the District Plan and the Gilston Area was allocated for development, acknowledging there would be a baseline level of harm to habitats and species. It is considered that there is no satisfactory alternative to the loss of the identified habitats, in the context of the impact on GCNs.

13.6.120 The ES considers it may be necessary to relocate the GCN populations in Ponds 17, 20 and 24. However, Officers consider that this impact can only be determined at the SLMP and VMP stages once detailed layouts are determined, and the extent of impact fully known. Any relocation would be carried out under the terms of any licence granted with phased removal of vegetation outside of breeding and hibernation seasons. The proposed biodiversity strategy and Development Specification principles that will inform the SLMP and VMPs will ensure the development provides buffers and creation of new suitable habitats, fencing of ponds where necessary, safe routes for passage under roads where required and the installation of education/ interpretation panels. It is acknowledged that the creation of new habitats may take time to mature, leading to a delay in the establishment of suitable supporting habitats, but this temporary effect will be partly reversible with beneficial effects in the longer-term.

13.6.121 The biodiversity strategy proposes the creation of new ponds across the north of the site as part of the habitat restoration proposals for the Eastwick Woods Park area. This would offer new breeding and connecting habitats for the two main GCN meta-populations in the form of stepping-stones which will help to increase the dispersal and therefore genetic stability within the meta-population, to the overall benefit of the conservation status of the GCN population. Further aquatic habitats will be created through the introduction of sustainable urban drainage systems into the

villages and the strategic landscape, again offering the potential for connections between pond habitats where appropriate. Some locations in the SLMP will be designed to encourage recreational activity, including off-leash dog walking to direct users away from more sensitive environments. New terrestrial habitats will be created within the northern woodland areas to create refuge and over-wintering habitats, including log/brush piles, dead-wood, and rock piles near to ponds. Such measures will be implemented, monitored, and managed through an Ecological Management Plan (secured by condition).

- 13.6.122 With the proposed range of mitigation measures it is considered that a significant negative residual effect on the conservation status of GCN populations in the zone of interest is highly unlikely. The development will comply with legislation, policy, and best practice. There is therefore no expectation that a licence would not be granted by Natural England should one be required.

***Species - Reptiles***

- 13.6.123 All four of the widespread British species of reptile (Common Lizard, Slow Worm, Grass Snake and Adder) are Species of Principal Importance protected under protected under S.41 of the NERC Act 2006 and are legally protected under S.5 of the Wildlife and Countryside Act 1981 (as amended). The habitat of the four widespread species is not legally protected, but the replacement of habitat lost through development may be required through the planning system.
- 13.6.124 Reptile populations are vulnerable to biophysical changes due to construction of development including through the movement of construction vehicles, the fragmentation of habitat or ground works such as excavation or movement of soils or vegetation, demolition operations, construction of hard standing or structures, noise and dust emissions, lighting, and environmental accidents. Once development is occupied reptiles are vulnerable to biophysical changes resulting from the presence of people, cars and pets, lighting, the implementation of habitat management plans or the creation of new habitats that may change the existing environment to the detriment of habitats supporting reptiles.
- 13.6.125 Very little evidence was found across the site, although Grass Snake, Slow Worm and Common Lizard were recorded in low numbers in the five Habitat Parcels surveyed. Habitat Parcels are in geographic areas considered suitable for reptile habitation based on the Phase 1 Habitat Surveys to focus the assessment. These are located within the tributary corridors which are proposed to form the network of strategic landscape and green infrastructure between villages and therefore excluded from the village development area. These include the LWS at the Eastwick Moat Mounted Sites. However, none of the Habitat Parcels surveyed meet the criteria required to be identified as a Key Reptile Site. This is likely due to a lack of suitable habitat as much of the site is currently arable farmland which has little potential to support reptiles, and the locations that are suitable are limited in number and small in scale

and therefore unlikely to support significant reptile populations. The density of reptiles is considered typical of the rural landscape in the locality and therefore reptile populations on the site have no more than zone of influence importance.

- 13.6.126 The recent Village 1 survey found only grass snake within the study area and no more than two on any visit during the survey period. However, previous survey years indicated that Slow Worm, and Common Lizard were also found within the study area albeit at low numbers. As the ecological baseline remains substantially unchanged from previous assessment years it is considered that the land could still support these species and therefore detailed species-specific surveys will need to be carried out prior to construction to ensure no harm is caused to reptiles in the village 1 area.
- 13.6.127 Notwithstanding the low reptile population, it is an offence to cause deliberate or reckless injury or death of reptiles under the Wildlife and Countryside Act 1981 (as amended) and therefore construction activities will need to be undertaken in accordance with an agreed Code of Construction Practice and CEMP to avoid impacts. Detailed site surveys will be required prior to construction activities by a qualified ecologist, and if updated surveys reveal new or increased populations to good or exceptional levels or sites meet the criteria for Key Reptile Sites then appropriate mitigation measures will be required, which could include the translocation of reptiles to pre-identified suitable receptor sites which are outside the Village Developable Areas and have been enhanced for reptile habitation.
- 13.6.128 Any reptile receptor sites created will be required to be subject to an ecological management plan (secured by condition) that maintains the suitability of the habitat for reptiles in the long term. This could also include measures that provide education for residents on the conservation of reptile species. The biodiversity strategy measures that include the creation of a variety of habitats and landscapes across the development will, over time, offer new opportunities for reptile habitation. In terms of impacts on reptiles the development is considered to comply with legislation, policy and best practice and no significant residual effects are predicted.

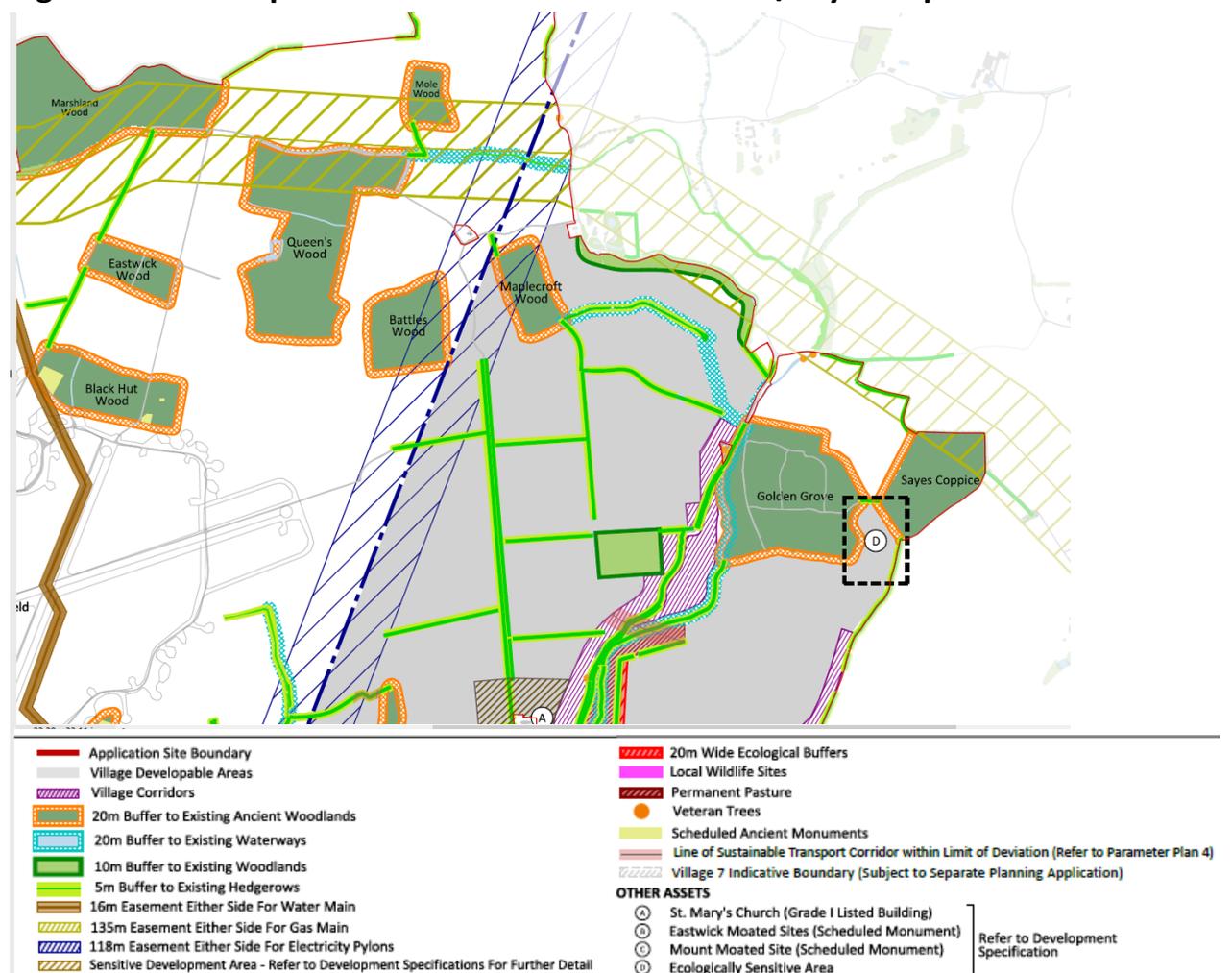
***Species - Terrestrial Invertebrate***

- 13.6.129 No legally protected terrestrial invertebrate species were recorded, but one S.41 NERC Act 2006 species has been identified on site – the White-Letter Hairstreak butterfly in the north-eastern Golden Grove woodland block, which is located within the strategic corridor between Villages 3 and 4. No Priority Species of moths were recorded, but 19 ‘Research Only’ moth species were. The status and distribution of these is well known in Hertfordshire. Six species listed in the British Red Data Books as being critically endangered, endangered, and nationally vulnerable or near threatened have been found in this same Golden Grove woodland block. These include two species classed as ‘Vulnerable’: the fly *Homoneura limnea* and the soldier fly *Oxycera terminate*. The presence of these in trap surveys is considered a surprise

because the woodland habitat was not previously considered suitable for either species. The survey found two species that are classed as 'Rare': the false darkling beetle *Osphya bipuncta* and the mining beetle *Lasioglossum pauperatum*. Two species with undetermined class include: the fly *Platypalpus aeneus* and the tumbling flower-beetle *Mordellistena neuwaldeggiana*.

13.6.130 Eight species recorded are listed as Nationally Scarce (formerly Nationally Notable-Na category); 24 species listed as Nationally Scarce (formerly Nationally Notable-Nb category); Seven of the species recorded are Diptera that feature in the 'Nationally Scarce' (formerly Nationally Notable-N category); 63 of the species recorded are Nationally Local'. These species were found primarily within woodland blocks and the tributary valleys, which will remain outside the Village Developable Areas. The Golden Grove and Sayes Coppice woodlands were found to support the greatest variety and density of terrestrial invertebrates and as such are considered of regional importance for terrestrial invertebrate populations and this has led to the identification of an ecologically sensitive area in this location on the Parameter Plans (Figure 18 below). Other parts of the site include field margins, tributary valleys and the lower contributing arable landscape are considered of no more than local importance.

**Figure 18 Extract parameter Plan 2 – Golden Grove /Sayes Cope**



- 13.6.131 The conservation status of the assemblage of terrestrial invertebrates overall is likely to be unfavourable, declining due to the large area of arable landscape and the lack of woodland management. The construction phase will result in the loss of some sections of hedgerow as previously discussed, which may impact on some key species that are supported by deadwood associated with trees in hedgerows where the deadwood is removed for safety and tree health reasons or to accommodate the development. The application of a Code of Construction Practice and CEMP will prevent impacts through the protection of important ecological features, through pollution prevention measures and management of noise, lighting, movement, and activity in darker hours. This will be secured by condition.
- 13.6.132 Once homes are occupied, the lighting of roads and other built development will introduce artificial lighting into an area which is currently relatively dark. Certain invertebrates are known to be sensitive to elevated levels of light and therefore without mitigation, the impact of lighting is likely to result in a permanent significant effect at the zone of influence level across the site, and of district level for impacts at Golden Grove and Sayes Copse.
- 13.6.133 Without mitigation, the impact of habitat loss on the site-wide assemblage of terrestrial invertebrates will result in a permanent, significant effect at the zone of influence level only. However, the integrity of the Golden Grove and Sayes Copse will be maintained by virtue of the creation of a 20m buffer around the woodlands and through the creation of an ecologically sensitive zone supported by specific criteria within the Development Specification relating to the form of development in the vicinity of the woodlands. With these mitigations in place the assemblage of terrestrial invertebrates associated with these woodlands will not be impacted. Likewise, each tributary valley is also located within the strategic landscape area, within which the provisions of the biodiversity strategy and Development Specification principles will apply. The proposed enhancements set out in the Outline Ecological Management Plan include protecting, restoring and enhancing the ancient woodlands designated as LWSs using traditional management techniques, extend the area of woodland habitats and improve their connectivity through new planting, enhancing the existing riparian habitats associated with Golden Brook, including the management of waterside trees, incorporate appropriate planting into SuDS elements and manging existing habitats for biodiversity benefit and amenity value in the long-term. These enhancements will result in a positive effect which is expected to be sufficiently large to result in a beneficial effect on the conservation status of the (site-wide) assemblage of terrestrial invertebrates and result in a permanent, significant positive effect at the district level.
- 13.6.134 The recent Village 1 habitat survey indicates that land to the north of Eastwick Lodge Farm which has been left undisturbed in recent years has reverted to rough grassland with a higher structural and species survey than in previous surveys,

capable of supporting invertebrates. 119 species were recorded during the survey, three of which are species of conservation concern:

- nationally scarce (Notable a) Coleoptera *Polydrusus formosus*, a weevil
- nationally scarce (Notable b) Coleoptera *Rhinocyllus conicus*, a weevil
- rare Hemiptera *Lygus pratensis*, a mind bug

13.6.135 The invertebrate assemblage of the Village 1 area is considered to be of local importance. However, as the ecological baseline remains substantially unchanged from previous assessments, it is considered that the mitigation and compensation measures prescribed in the ES continue to be appropriate and proportionate to the predicted impacts of the proposed scheme.

13.6.136 Surveys undertaken on aquatic invertebrates indicated that while the prominent watercourses on the site had reasonably good water quality, the invertebrate population was low, suggesting that habitat diversity may be a limiting factor. It is considered that the proposed Ecological Management Plan will introduce measures that will improve the wider ecological value of watercourses by clearing scrub encroachments, improving banks, improving the diversity of aquatic plants, and where appropriate the integration of SuDS with existing watercourses will assist in improving flow and water quality, partly through the reduction in agricultural practices and agri-chemical pollution and partly through treatment trains upstream of watercourses.

#### ***Impact on the Natural Environment Conclusion***

13.6.137 There has been a considerable wealth of ecological surveys over a long time frame which has enabled a thorough assessment of the potential impacts of the development on Priority Habitats and Species. The ES has considered the impacts associated with both the outline application, the two crossings and the adjacent Village 7 application, indeed the earlier surveys were undertaken for the allocation area as a whole (and beyond), providing a comprehensive series of assessments allowing the recording of ecological change over time.

13.6.138 This report acknowledges that there will be negative effects on some species, particularly through the loss of hedgerows in the landscape areas proposed to form green corridors between villages to enable the provision of a sustainable transport corridor that connects each village. The loss of hedgerows will detrimentally effect migration routes of reptiles and mammals and these impacts, if unmitigated, will have a significant detrimental effect. Mitigation will be required to minimise these effects through replacement planting, mammal tunnels and construction management techniques. However, there will be a fundamental change to the environment from a rural, agricultural landscape to a mixed development containing a variety of land uses, including open spaces (formal and informal), an integrated SuDS network and creation of new and enhanced green buffers and corridors between village developments.

- 13.6.139 The Outline Ecological Management Plan proposes enhancements to habitats across the site which provide biodiversity benefits to species and habitats and introduce measures to minimise human and urban impacts and has the potential to deliver a biodiversity net gain for habitats (33%), hedgerows (20.55%), and watercourses (16.60%), which is clearly above the 10% minimum commitment. The Ecological Management Plan will be secured via condition, which will provide updated surveys prior to the masterplanning and construction stages and will set out management and maintenance strategies for the long-term stewardship of ecological assets as well as strategies to educate residents on conservation objectives with private and public spaces designed encourage biodiversity. Some enhancements will reduce impacts to the conservation status of some species to an insignificant level, such as Woodland Birds and Bats, Badgers and Great Crested Newt and in the long term will improve the conservation status of terrestrial invertebrates. Notwithstanding this, the loss of large areas of agricultural land will have the greatest impact on farmland breeding and wintering birds in particular, the effect of which cannot be mitigated and remains a residual significant negative effect.
- 13.6.140 There are no 'irreplaceable habitats' as defined in paragraph 180 of the NPPF that are impacted by the development as the parameters have been designed with limits of deviation where required which enable loss or harm to veteran trees to be avoided. 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. There will however, be some loss of priority habitats in the form of species-rich and species-poor ancient hedgerow to enable the delivery of the sustainable transport corridor connecting each village by active and sustainable means. As has been discussed above, Officers consider that the negative effects on Priority Habitats and Species are 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. The Gilston Area allocation represents a significant proportion of the district's housing land supply and in the absence of a five-year housing land supply the tilted balance applies.
- 13.6.141 In allocating the site the Council accepted in principle that there would be a baseline level of harm to habitats and species which were explored at a high level through the Plan-making process. The proposed application is considered to provide imperative reasons of overriding public interest being the benefits of a social and economic nature in terms of delivering a significant proportion of the Gilston Area allocation and unlocking the delivery of the wider Gilston Area strategic allocation to the total of 10,000 homes. The outline application will deliver and enable the creation of a sustainable transport corridor which supports the growth and sustainable transport

objectives of the HGGT and provide significant new community infrastructure to support new and existing residents in accordance with policy allocations and the growth to be enabled by sustainable transport corridors which will be enabled by the development of the outline and the two approved river crossings. Officers consider that the principles set out in the District Plan and Gilston Area Neighbourhood Plan have been met and that there will be no offence under Section 41 of the Natural Environment and Rural Communities Act 2006, the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017, 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.

### **13.7 Climate Change, Flood Risk and Sustainable Drainage**

- 13.7.1 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.
- 13.7.2 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.
- 13.7.3 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.

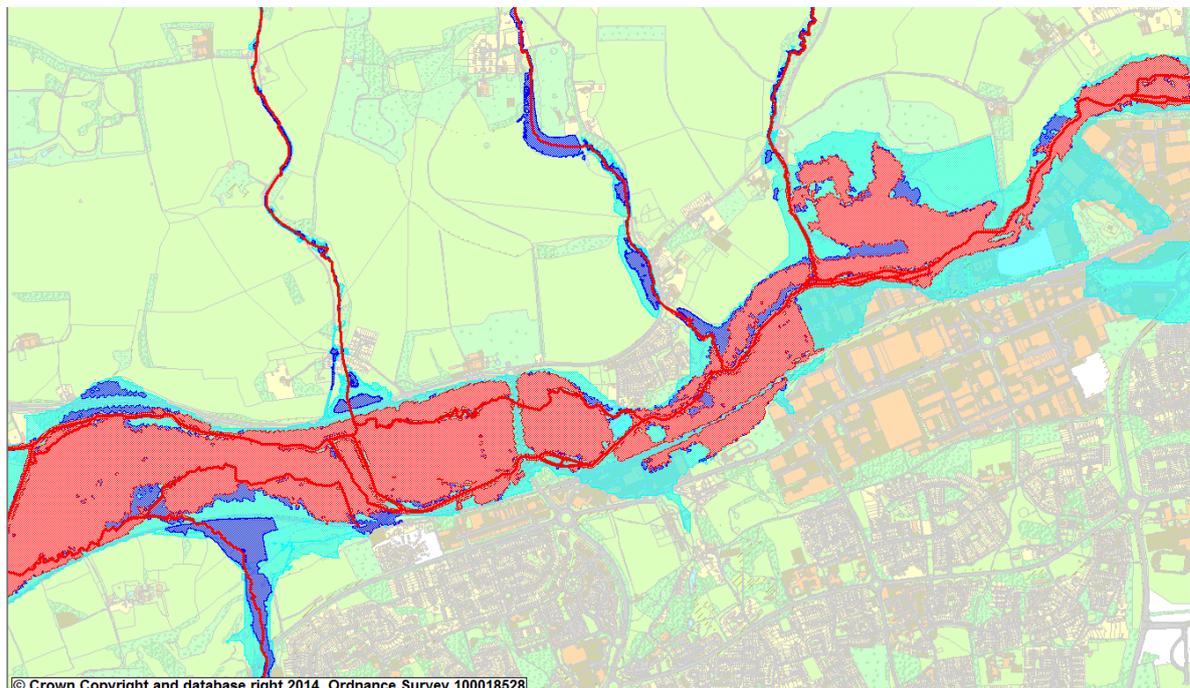
- 13.7.4 Policy AG1 (Promoting Sustainable Development in the Gilston Area) of the GANP states that development should incorporate measures to conserve water resources, protect existing communities from the impacts of flood risk and climate change, maximise energy and water efficiency, and deliver high-quality 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.
- 13.7.5 Hertfordshire Minerals Local Plan 2007 Policy 3 (Sites for sand and gravel extraction and the working of preferred areas), Policy 5 (Mineral Sterilisation) and Policy 7 (Secondary and recycled materials) encourage 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. Appendix 5 of the Hertfordshire Minerals Local Plan and the Mineral Consultation Area SPD also identified Pole Hole Quarry as a specific site for sand and gravel extraction (under Policy 3) as it had permission for extraction at the time of the Plan production. These Policies 3, 5 and 7 are relevant as part of the ESC proposal site falls within a Mineral Safeguarding Area (MSA) identified in both the Essex Minerals Local Plan and Hertfordshire Minerals Local Plan.
- 13.7.6 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.

***Flood Risk and Sustainable Drainage***

- 13.7.7 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.
- 13.7.8 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, and there are several smaller tributary rivers within and near to the site that drain north to south into the main river. These include Fiddler's Brook, Eastwick Brook, Pole Hole Brook, a seasonally flowing watercourse known as Stone Basin Spring and other minor ditches. Within the Gilston Park Estate is a small ornamental lake and across the site are numerous ponds. Groundwater Source Protection Zones 2 and 3 and a Secondary A Aquifer underlie a proportion of the site which are sensitive receptors to any potential land contamination from previous or future land uses.

**Figure 19: Flood Zones in the Stort Valley and Tributary Valleys**



- 13.7.9 The development comprising six new villages 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 woodlands/ plantations. While approximately half the application will remain undeveloped the village development will introduce built landscape into the area, and as such the development must be designed to prevent flooding as a result of surface water entering the natural water network too quickly during a storm event. Therefore, 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 (tidal<sup>6</sup>,

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Tidal flooding occurs when an exceptionally high tide.

fluvial<sup>7</sup>, pluvial<sup>8</sup>, groundwater flooding<sup>9</sup>, flooding from drains and sewers, flooding from water mains and artificial sources.. 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 no flood risk occurs, and that sewerage infrastructure capacity is not compromised.

- 13.7.10 In addition, as the development is upstream of the main watercourse of the River Stort, and the Hunsdon Mead SSSI within the Stort valley, a Preliminary Water Framework Directive Assessment (WFD) was undertaken. The main objective of the WFD is the protection of controlled waters from pollution incidents under the Environmental Permitting (England and Wales) Regulations 2016 and the Water Resources Act 1991 (as amended), to return watercourses to 'good ecological status'. A specific assessment was therefore undertaken for the two river crossing proposals which was considered in the respective application reports. This determined that risks associated with construction and operation of the crossings could be successfully managed through the application of standard codes of construction practice, controlled by condition on the two crossing permissions and through the design of a drainage network that operates outside the flood envelope of the functional floodplain and includes multiple treatment stages before discharge into the watercourse.
- 13.7.11 In order 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 scope of the village masterplans therefore includes a requirement to incorporate water into the village design.

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<sup>7</sup> Fluvial flooding occurs as a result of the overflowing or breaching of a river or stream banks when the flow in the watercourse exceeds the capacity of the river channel to accommodate that flow.

<sup>8</sup> Pluvial flooding results from rainfall generated overland flow before the run-off enters any watercourse, drain or sewer.

<sup>9</sup> Groundwater flooding is caused by the emergence of water from sub-surface permeable strata.

- 13.7.12 The illustrative Landscape Strategy and Ecological Management Plan sets out a vision for a considerable amount of woodland planting and landscaping across the site to improve the functionality of green corridors as well as providing habitats for birds and bats. Importantly this woodland planting and landscaping is supported for its 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.
- 13.7.13 There will however, be parts of the strategic landscape that is not suitable as being incorporated as part of the SuDS network where this could have a detrimental effect on the hydrology and chemical composition of outfalls such as Stone Basin Spring for example, where the current riparian valley meets the conditions necessary to support rare moss species. Detailed hydrological modelling will be required at the SLMP stage to confirm the location of drains or seepages that supply the spring. As the SLMP is to be prepared collaboratively with both applicants this will ensure an appropriate strategy is agreed for managing watercourses, culverts and drainage upstream of the basin.
- 13.7.14 Residual surface water still needs to be managed through the use of 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.
- 13.7.15 However, as the application is at Outline stage only 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 masterplanning process further drainage modelling will be required to iteratively test the emerging layout and built form. A Village Drainage Strategy 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.
- 13.7.16 The ES identifies the potential significant effects that could arise during construction if unmitigated. Given the location of the village development in relation to the

tributary valleys and ditches on the site there is the potential for construction activities to have an adverse impact on watercourses through a pollution event such as from construction site runoff that may contain sediment or chemical spillages. However, the Code of Construction Practice submitted with the application sets out the various measures that will be applied as standard to prevent such events happening, such as using drip trays or membranes under plant and equipment, and using contained vehicle washing facilities on site. As such, this risk is considered to below.

- 13.7.17 A more likely adverse effect would be due to changes to land levels and surfaces which will have an effect on surface water drainage patterns. However, these effects will be temporary and transient as construction moves around the site. Again, 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.
- 13.7.18 Following the construction of the development there is the potential for adverse impacts on waterbodies from: surface water runoff that may contain potentially harmful substances washed off new urban surfaces; from physical changes to the form of waterbodies through new structures such as culverts or bridges; and changes in flood risk from the creation of new waterbodies. However, it is considered in the ES that the proposed drainage and foul drainage strategies will provide suitable mitigation measures and as such, no significant adverse effects on the surface water environment are predicted. Where the STC crosses a watercourse, the application intends that all crossings will be open 'bridge' structures unless culverts or in-river structures can be demonstrated to not adversely impact ecology or flood risk. The Environment Agency strongly recommend that open space structures are used, and culverts are strongly resisted due to their adverse impact on the water environment. Furthermore, additional culverting is contrary to Policy WAT3 of the District Plan. However, these are matters of detailed design that will be considered at the Strategic Landscape Masterplanning and Village Masterplanning stages, following engagement with the Environment Agency as necessary.
- 13.7.19 As part of the assessment of site-wide impacts, to mitigate impacts arising from the loss of habitats associated with the construction of the Eastern Stort Crossing, it has been agreed that ecological enhancements will be undertaken in the Fiddler's Brook valley. These enhancements to the channel and river corridor will have significant beneficial effects, contributing to its target of achieving 'Good Ecological Status' by 2027. Details of the enhancements will be secured at the Strategic Landscape Masterplanning stage.
- 13.7.20 In terms of foul drainage, the Foul Drainage Strategy explains 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, however

further upgrades to the network may be needed prior to this date depending upon the delivery of the development. Given delays to the delivery of planned strategic sites, this is now considered as unlikely. Notwithstanding this, these improvements will be funded through contractual arrangements with developers connecting to the network. The Environment Agency cite that they have no concerns on the understanding that planned improvements to Rye Meads will occur and that Thames Water have the ability to take the increased foul water without deterioration to water courses receiving discharges from the treatment works. Officers have met with Thames Water representatives and supplied the latest anticipated housing trajectory. Thames Water is using this information in dialogue with the applicant to plan for improvements in line with housing delivery. This is in line with Policy WAT6 of the District Plan.

- 13.7.21 The LLFA has reviewed all documents and additional information submitted in support of the application and confirmed that the ES is satisfactory and provides sufficient evidence to demonstrate that the development as proposed, with parameter plans showing the maximum extents of development, , subject to a series of conditions, will present no likely significant effects in terms of flood risk either on-site or elsewhere. The LLFA has recommended conditions which identify the further information which is required to accompany and support applications for reserved matters approval. These recommended conditions proposed reflect the same stepped approach to refining detail as the application moves from outline stage to masterplans and reserved matters.
- 13.7.22 Recognising that policies and guidance will continue to change throughout the lifetime of this development, this stepped approach will ensure that more detailed updated flood risk assessments, directed at the details submitted at reserved matters stage, will be carried out and submitted to confirm test the infiltration opportunities and proposed layout and design of the masterplans to ensure that the proposed SuDS are designed to accommodate surface water and ground water attenuation, storage and treatment prior to any discharge. The SuDS management strategy, which will be submitted for approval at reserved matters stages , will need to take account for areas of ecological sensitivity and ground source protection zones as necessary. Similarly, each Reserved Matters application will be supported by detailed drainage strategy information. The LLFA has confirmed that the information provided is sufficient to allow assessment of the surface water flooding and related implications at this outline stage and that the development is acceptable. Further assessments will need to be provided to support detailed layout and other matters for which reserved matters approval is required. The LLFA does not object to the grant of outline planning permission.
- 13.7.23 In terms of water supply, Affinity Water have confirmed that they have the capacity within the current network to supply the planned growth in the Gilston Area. New water supply networks will be required which would be secured through contractual

arrangements with the applicant, and through the statutory duties of the water supplier. Water companies in England have a legal duty to produce a Water Resources Management Plan (WRMP) every five years setting out how the water company intends to maintain the balance between water supply and demand over a 25 year period. The 2020 ES Addendum considered the 2014 WRMP. This has been superseded by the 2020 published 2019 WRMP which updated baseline forecasts and proposed several strategic interventions relating to the distribution of water supply within the Affinity Water network, but no specific measures were identified for the Water Resource Zone 5 covering the Stort catchment. The emerging 2024 WRMP updates baseline forecasts up to 2080 and contains emerging plans for strategic infrastructure proposals to ensure there is resilience in the water supply network across the Affinity Water supply area. It is important to note that each of the Water Resource Management Plans have accounted for the planned levels of growth within the region identified by local plans and forecast models.

- 13.7.24 The application is supported by an Energy Statement, which has been updated to reflect the changes to policy and updates to part L of the Building Regulations that have been introduced since an original statement was prepared. The Energy Statement sets out a proposed energy strategy for the village development that will contribute towards a vision of

*“delivering comfortable, modern homes that go above and beyond national requirements for minimising carbon emissions and reducing the environmental impact of the Village Development. Passive design principles will help to ensure that all occupants can enjoy places that are warm in winter and cool in summer, while keeping bills lower for households and businesses. Well insulated, high-performance homes will be fitted with smart and efficient controls and have the flexibility to capture the benefits of new technology as it emerges, enabling residents to play their part in managing energy use and carbon emissions. The Village Development will utilise renewable energy systems, such as solar technologies and heat pumps, increasing energy security, further reducing carbon emissions in the face of a changing climate and helping to reduce energy costs.”*

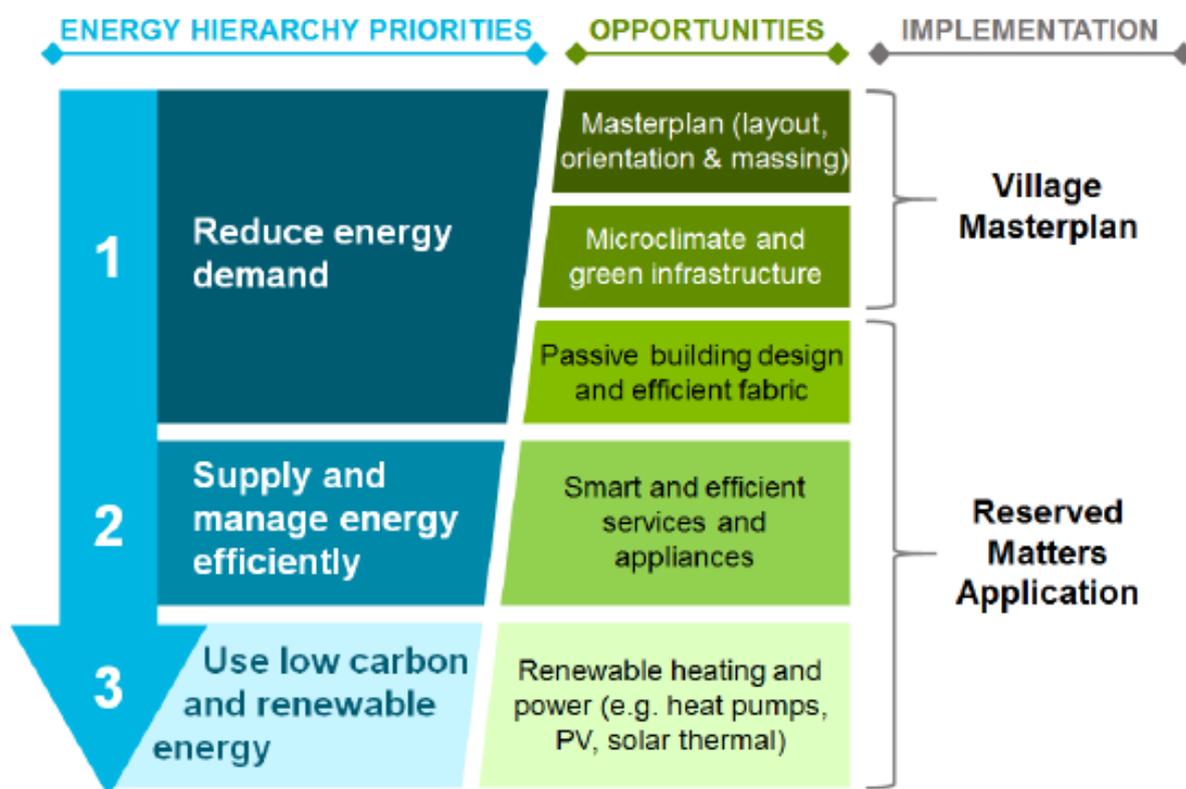
- 13.7.25 The strategy states that the village development will be designed to be fossil fuel free for building energy uses, which will enable its transition to net-zero emissions in line with the Government’s commitment to decarbonise the electricity grid by 2035.
- 13.7.26 With the proposed measures set out in the strategy, it is anticipated that the village development will deliver a carbon emission reduction of greater than 50% against part L 2021 of the Building Regulations, exceeding the highest recommended standard in the Council’s Sustainability SPD. This will be achieved through applying the following principles to each stage of the planning process.

1. To use masterplan layout, orientation and massing to provide good access to daylight, enable effective natural ventilation and increase access to solar energy for renewable energy generation.
2. To incorporate green infrastructure and lighter materials to provide natural cooling and shade, reduce heat build-up and minimise the urban heat island effect.
3. To follow passive design principles in the building designs. This will help to provide natural light and encourage solar gains for space heating in winter, whilst reducing excessive gains that could contribute to overheating in summer.
4. To deliver energy efficient building fabric in line with the recently updated Part L 2021.
5. To ensure homes are fossil fuel free and heated with heat pumps to enable the delivery of zero carbon emissions as UK grid electricity emissions are reduced to zero.
6. To use Photovoltaic (PV) panels to generate renewable electricity and reduce demands on the electricity grid and costs for residents.
7. Where provided, to install low energy domestic appliances to reduce unregulated energy demands.
8. To incorporate smart meters that provide feedback to consumers on their energy demands, enabling them to make informed choices on how they can reduce energy use.
9. To promote the use of smarter energy demand management, as technology and fiscal incentives evolve to enable this.
10. To assess and minimise the embodied carbon of the buildings and infrastructure as detailed designs are developed.
11. To assess overheating risk and develop detailed designs that seek to provide comfortable homes that are resilient to the projected impacts of climate change including warmer summers.

13.7.27 As this application at outline stage is not planning for detailed plot layouts or dwelling designs it will be necessary to refine how these principles are applied at each planning stage as illustrated in Figure 20 below taken from the Energy Strategy. The outline Energy Strategy focusses on demonstrating that the proposed operational CO2 emission targets can be delivered. Each Village Masterplan and the SLMP will be required by condition to submit an Energy and Sustainability Strategy with the masterplan to demonstrate how these principles have been achieved through the layout and distribution of land uses, massing and orientation of development, green infrastructure, and sustainable drainage features. Each Reserved Matters Application will be required by condition to submit an Energy and Sustainability Statement to demonstrate how these principles and any village-specific principles and/or targets have been achieved through detailed design. Such details will include measures to reduce embodied carbon, proposed fabric efficiency standards, glazing ratios, ventilation strategy, shading systems, heating system choice, deployment of renewable generation and smart energy demand and storage solutions. This

stepped approach allows for changes to policy, best practice, and advancement in technology to be captured over time.

**Figure 20: Energy Strategy Implementation and Delivery Strategy**



13.7.28 The Energy Strategy has reviewed a variety of energy technologies and approaches. Decentralised heating systems no longer offer carbon savings compared to plot level alternative sources and would introduce heat losses into the distribution system. Biomass and wind turbines have been ruled out based on initial technical screening, which considered supply risks, air quality implications and a lack of wind resource given the topography and disrupted wind patterns of the location. However, photovoltaic panels and solar water heating systems along with air source heat pumps have the potential to deliver carbon savings and energy cost reductions for residents and are compatible with the proposed heating strategy of having an all-electric heating system and are most effective when combined with an efficient building fabric. Therefore, such technologies will be incorporated as standard across residential and non-residential buildings alike and the costs of the new Part L standards have been accounted for in the viability submission.

13.7.29 In addition to principles relating to the energy and water efficiency of the development, the Development Specification also includes principles that commit the applicant to ensuring that environmental sustainability principles are embedded in all stages of the decision-making process, including through design, procurement, implementation, operation, and stewardship, working in partnership with parties to achieve the following aims:

1. To create a place which protects and enhances our landscape and heritage assets and which allows them to be appreciated and enjoyed by future generations.
2. To create a place which protects and enriches biodiversity, supports healthy, well-functioning ecosystems and provides more and better places for nature for the benefit of wildlife and people.
3. To conserve and protect water resources, reduce flood risk and improve water quality.
4. To work towards eliminating avoidable waste in construction and design, and support moves towards a circular economy.
5. To protect and maintain soil resources and food systems which support the health of our community, ecosystems, and climate.
6. To ensure Gilston Park Estate is highly energy efficient, reduces carbon emissions in the long-term and provides an environment where a low carbon lifestyle can be combined with enhanced quality of life.
7. To ensure the community and environment at Gilston Park Estate is resilient to current and future climate change.
8. To create a walkable, bikeable community supported by other low carbon transport which encourages a healthy community and environment.

13.7.30 The Energy Strategy includes an assessment of the potential carbon impact of the village development, which considers baseline carbon emissions without mitigation and 'regulated' emissions once measures including solar photovoltaic panels and air source heat pumps are employed. This assessment indicates that the site as a whole has the potential to achieve a 75% reduction in regulated carbon emissions compared to the forecast baseline without mitigation.

13.7.31 In terms of whole life carbon (WLC) the assessment considers the carbon emissions resulting from the materials, construction and use of a building over its lifetime, including its demolition and disposal. It considers its embodied carbon emissions which includes emissions related to the raw extraction of material, the manufacture and transport of building materials and construction; and the emissions associated with maintenance, repair and replacement, as well as dismantling, demolition and eventual material disposal, including any potential re-use or recycling of components at the end of a building's useful life.

13.7.32 At this outline stage the application addresses WLC through principles relating to re-use, recycling and local sourcing of materials where possible, managing the procurement of supply chains and committing to a 'fabric-first' and sustainable energy approach. However, a WLC assessment can only really be carried out once the design of a building is being established as then elements such as proposed construction and finishing materials will be known. The Sustainable Energy Statement required at RMA stage will be expected to model the WLC of the proposed detailed application and will be expected to include details relating to the use of energy efficient built forms and structural solutions, opportunities for the use of

natural materials over steel and concrete, selection of products with improved Environmental Product Declarations and using green infrastructure in place of hard surfacing to reduce embodied carbon of landscaping and infrastructure for example.

- 13.7.33 The ES indicates that as individual developments are required to attenuate impacts to surface water on site and to take account of climate change resilient measures, no significant cumulative effects are predicted during the construction or operational phase of the development. The assessment has identified no significant climate change risk effects to the Development which could not be effectively managed through current or future stages of design. However, periodic reviews would be required to ensure the latest published predictions on climate change effects and risks are taken into account which will be captured through future Energy and Sustainability Strategies and Statements submitted with masterplans and detailed applications which will be secured by conditions. Officers consider that the stepped approach to planning for and designing in sustainable energy principles and technologies is appropriate given the scale and timeframe of this development and will meet the requirements of local and national policy in this regard.
- 13.7.34 Furthermore, the application makes appropriate allowances for climate change when assessing flood risk and planning for suitable SuDS solutions, demonstrating that the development will prevent flood risk to existing communities and watercourses, in line with local and national policy.

## **13.8 Transport Considerations**

- 13.8.1 Policy GA1 (The Gilston Area) of the East Herts District Plan 2018 requires the development to follow Garden Town Principles, namely the creation of an integrated and accessible sustainable transport system, 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 local destinations.
- 13.8.2 EHDP Policy GA2 (The River Stort Crossings) seeks improvements to the existing A414 crossing of the River Stort, including the provision of northbound and southbound bus lanes and a new footway/cycleway, which together will form part of a north-south sustainable transport corridor through Harlow.
- 13.8.3 EHDP Policy TRA1 (Sustainable Transport) seeks the provision and prioritisation of sustainable and active forms of travel and seeks contributions towards the provision of strategic transportation schemes. EHDP Policy TRA2 (Safe and Suitable Highway Access Arrangements and Mitigation) requires development proposals to provide safe and suitable access for all users, and that proposals should not have a significant detrimental effect on the character of the environment.

- 13.8.4 EHDP Policy TRA3 (Vehicle Parking Standards) requires that an appropriate quantum of cycle storage is provided to support each use, designed to be safe, secure waterproofed and located to encourage use. Car parking should be integrated as a key element of design in development layouts.
- 13.8.5 GANP Policy AG8 (Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities) is the principal policy related to transport infrastructure. Objectives relate to minimising the impact of new transport infrastructure on existing communities, including from impacts such as air quality and noise. Proposals are expected to minimise impacts on heritage assets and the natural environment, including through the prevention of pollution. Construction and Environmental Management Plans are to be prepared along with a monitoring and management regime to address issues that may arise through the construction or operation of the development.
- 13.8.6 GANP Policy TRA1 (Sustainable Mobility) requires developments to be designed to achieve the sustainable mobility targets set by the HGGT Transport Strategy, commit to these targets and to the monitoring of the development against these targets. Further, proposals should provide integrated, well connected, direct and where possible dedicated pedestrian and cycle route opportunities for sustainable travel in order of active and sustainable mode priority within the development, and which connect with existing communities and key destinations such as rail stations. Early provision of bus services is required to serve new and existing communities, with bus stops located within walking distance. Provision for cycle parking and electric vehicles charging is required and parking provision should be minimised making allowance for reduction in parking standards over time.
- 13.8.7 GANP Policy TRA2 (Access to the Countryside) seeks to ensure that PRoW networks are enhanced where possible and that development is to provide an extended network of safe and where possible, separated footpaths, cycleways and bridleways integrated with the existing wider Public Right of Way network. Policy TRA2 (Access to the Countryside) also states that 'routes' should consider the tranquillity of the Green Infrastructure Network and other natural green spaces, and the need to minimise environmental impacts such as noise and light pollution. Policy AG9 (Phasing of Infrastructure) supports the early delivery of infrastructure.
- 13.8.8 Paragraphs 110 to 113 (section 9) of the NPPF 2021 relate to the consideration of development proposals in the context of promoting sustainable transport. Key principles include ensuring opportunities to promote sustainable transport modes are taken, safe and suitable access can be achieved, significant impacts on the transport network in terms of capacity and congestion can be acceptably mitigated, priority is firstly given to pedestrian and cycle movements and secondly to public transport use.

***Sustainable Transport***

- 13.8.9 As stated in paragraphs 13.1.1 to 13.1.5 above, the principle of development at this location was resolved through the Gilston Area allocation in the District Plan, whereby it was demonstrated that the allocation was located and planned to be of sufficient scale to enable sustainable journeys to be made to key services and facilities to support the regeneration of the Harlow area. There is therefore no conflict with EHDP Policy TRA1 part (a).
- 13.8.10 EHDP Policy TRA1, part (b) states that development proposals should take account of the provisions of the Local Transport Plan (LTP)<sup>10</sup>. The application commits through the Development Specification (section 4.5) to seek to achieve 60% of all trips originating in the development being made by active and sustainable modes of travel through applying the following hierarchy, which is in line with the road user hierarchy set out in the Hertfordshire LTP:
- Reduce travel demand and the need to travel through design;
  - The creation of walkable neighbourhoods that prioritise walking and cycling;
  - Public transport user needs;
  - Powered two-wheeler (mopeds and motorbikes) user needs; and
  - Other motor vehicle user needs.
- 13.8.11 EHDP Policy TRA1 part (c) requires that developments ensure that a range of sustainable transport options are available to occupants, including through the improvement of existing routes and creation of new routes, services and facilities, or through the extension to existing infrastructure which may incorporate off-site mitigation as appropriate. Part (d) requires that developments ensure that site layouts prioritise access to key services and facilities by active and sustainable transport modes. Part (e) requires the early implementation of sustainable travel infrastructure or initiatives that influence active and sustainable travel behaviour from the outset of occupation. Part (f) seeks to protect existing rights of way, cycling and equestrian routes, or where diversion is unavoidable, to provide suitable replacement routes. Part (g) requires the long-term management and maintenance of infrastructure mitigation.
- 13.8.12 Given that this application is in outline form, with internal movement networks reserved for later consideration following the masterplanning process, the application material does not define the exact location of new active and sustainable travel routes, but instead provides indicative locations of different types of routes and connections in *Parameter Plan 4: Access and Movement* (PP4).
- 13.8.13 PP4 identifies existing Public Rights of Way (PRoW), which for the purpose of the Parameter Plans include designated PRoWs, a restricted bridleway (through Village 4) and a byway (through Village3) within the site as well as PRoWs immediately

beyond the site. The plan identifies PRowS to be improved or potentially modified, along with indicative new active travel routes, which would be designed according to their proposed function. For example, some indicative pedestrian and cycle routes that connect key destinations within and external to the site lend themselves to be identified as commuter routes. These would be designed for higher volumes of use, with hard surfacing, lighting and signage for example. While other routes may be more suitable for leisure use or occasional cyclists and would be less direct routes, of a more informal design and with no lighting for example. It should be noted that Parameter Plan 4 shows indicative new routes; the locations of new routes and improvements to existing routes will be confirmed through the masterplanning process. Where existing PRowS are to be modified in any way there is a requirement under the Wildlife and Countryside Act 1981 to undertake a consultation and approval process beyond the planning application process, which would be carried out during the masterplanning stage.

- 13.8.14 A key feature of Parameter Plan 4 is the identification of a Sustainable Transport Corridor (STC), which connects in a loop each of the villages, with a connection through to Village 7. The route of the STC is subject to a limit of deviation, to allow for the optimal location to be defined through the masterplanning process. This limit of deviation shown on the parameter plan is generally +/- 60m either side of the central line within village developable areas, except for Village 5 where additional flexibility is possible. In locations where it is appropriate to be more specific; for example, where the STC route transects a green buffer or village corridor, the limit of deviation is reduced to +/- 30m. Where the STC runs in proximity of a heritage asset or ecological feature, the limit of deviation is reduced to +/- 0m. In such instances where the limit of deviation is more narrowly defined this enables the environmental statement to assess the impacts of the STC with greater accuracy commensurate to the importance of the assets.
- 13.8.15 Each village centre will be connected via the STC, with each village centre containing a Sustainable Transport Hub to provide quick, efficient, and direct connections between each village centre and the key destinations within such as schools, community and commercial uses. The design of the Sustainable Transport Hubs will follow a hierarchy based on the size of the village. For example, Village 1 will contain a primary hub that will be located on the STC and will be an interchange of transport routes, creating a gateway into the Gilston Area and the Garden Town. Secondary hubs will be located on the STC or at key destination points within the village development such as employment areas or existing or new community destinations. Tertiary hubs will serve a more local purpose at a convenient location as an interchange to access the STC or other public transport service that provides onwards journeys.
- 13.8.16 The hubs may therefore accommodate the following facilities:

- Public transport information and ticketing
- Cycle hire, including potentially electric cycle hire
- Cycle parking
- Car hire club and parking; and
- Community concierge services, including parcel collection points for example.

13.8.17 One of the key ways to encourage travel by active and sustainable modes is to make car travel a less attractive or more time-consuming option than the alternatives. Officers have worked with the applicant to refine the role and purpose of the STC to ensure that the route is first and foremost a route for buses, cycling and walking unless it is necessary for the route to accommodate other vehicles. For example, where villages are separated by a green corridor it would not be appropriate to create multiple roads that would break through the green infrastructure, so in these cases it would be preferable to permit all vehicles to use the STC where it is demonstrated at masterplanning stage that priority is given to sustainable modes over other motor vehicles. This can be achieved through the design of junctions and layouts and the masterplan will need to demonstrate that this does not undermine the ability of the site to achieve the 60% mode share target. These principles are included in paragraph 4.5.9 of the Development Specification.

13.8.18 Whilst the layout of the village development is reserved at this outline stage, the Development Specification commits to all homes being within a 10-minute walk (c800m) of a transport hub or the STC and within a five minute walk (c400m) of a bus stop. However, the Development Specification acknowledges that homes on the periphery of villages may be beyond this objective and will require other measures to encourage and enable active and sustainable travel, including through the creation of walkable neighbourhoods that comprise healthy streets that are safe, vibrant public spaces. The masterplans for each village will be required to demonstrate that these principles are achieved and as such is required through the masterplan scope condition.

13.8.19 Elsewhere within the village, routes for other motor vehicles would be more circuitous with a clearly defined street hierarchy of primary streets, secondary and tertiary streets, the latter two designed not to encourage through traffic, but to create low traffic neighbourhoods with filtered permeability and restricted vehicular access. The Village 1 access with the Central Stort Crossing has been amended through the course of the application to be a dedicated route for active and sustainable travel with other vehicles needing to divert east and west to access the village development. The Village 2 and Village 6 accesses have been designed with bus priority at signal-controlled junctions, so there will be a clear journey time advantage to using STC over other vehicular means.

13.8.20 Beyond the site to the south, the STC through Village 1 is designed to connect to and become a continuous part of the wider Gilston Area to Harlow Town Centre STC

which comprises the internal Village STC, the Central Stort Crossing and North to Centre STC, the latter of which will be delivered by Essex County Council, with funding secured through the Housing Infrastructure Grant. In addition, the S.106 agreement will secure the contribution of £35.7m towards the delivery of the wider STC network as proposed within the HGGT Infrastructure Delivery Plan 2019 and the HGGT Transport Strategy.

- 13.8.21 The Village 1 sustainable modes access and all modes access will be delivered at the same time along with the re-alignment of the current Eastwick Road. This will ensure that from the earliest occupations, opportunities will exist for residents to travel via active and sustainable routes. The early delivery of a bus service to connect the Village 1 centre towards Harlow Town Station and town centre will be procured through financial contributions secured through the S.106 agreement, with new routes and increased frequency delivered in parallel with the growth of the village development. This phased approach to the delivery of bus services has been agreed in principle with the Highway Authority.
- 13.8.22 The application will also secure financial contributions towards the provision of sustainable travel vouchers worth £500 available to each household (£4.25m). A Sustainable Transport Innovation Fund of £10.4m is provided, of which £6.4m is earmarked for public transport services. In addition, £1.25m is provided for Travel Plan monitoring. This totals £21.5m.
- 13.8.23 EHDP Policy TRA3: Vehicle Parking Provision sets out specific design requirements related to parking, both domestic and public. Parking is a design and layout matter and is therefore reserved for future consideration as part of the masterplanning and reserved matters application stages. However, to embed principles into the outline application, the Development Specification sets out a series of commitments in section 3.10 Parking Standards. These focus on provision of parking 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. Each village masterplan will include a parking strategy which will set the detailed principles for how storage for cycles will be located and managed to give priority to their use, and how the design, location, and management of parking spaces for private vehicles will encourage trips that are easier, safer and more convenient by walking, cycling and public transport as opposed to private car journeys. The parking strategies will also provide guidance for the provision of non-residential parking such as at the village centre and employment areas and will include measures such as car clubs and pooled parking. Each reserved matters application will be required to demonstrate how parking provision achieves the principles set in the village parking strategy.
- 13.8.24 Planning cannot control car ownership, but what it can do is to ensure that the design of places reduce the need to travel by car. Officers consider that the principles set out in the Development Specification will guide the masterplanning process for each

village and subsequent reserved matters application to achieve the ambitious mode share objective.

**Access Arrangements**

- 13.8.25 Policy TRA2 (Safe and Suitable Highway Access Arrangements and Mitigation) requires that development proposals ensure that safe and suitable access can be achieved for all users. The second part of this policy requires that site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should (a) be acceptable in highway safety terms; (b) not result in severe residual cumulative impact; and (c) not have a significant detrimental effect on the character of the local environment.
- 13.8.26 The first part of the policy asks can the four access points proposed in the application achieve a safe and suitable access for all users? The Village 1 sustainable access, the Village 1 all modes access and the Village 2 access were included in their final form design in the approved Crossing applications. The proposed interim layouts of each access have been included in detail in this outline application. In purely design terms the accesses, have been designed in accordance with the DMRB and Highway Authority guidelines and have been agreed in principle by the highway authority of HCC. Notwithstanding this, HCC have commented specifically on the Village 6 access which is discussed further below. Each access may however be subject to further design refinement as part of later technical highway approval stages through agreements under S278 of the Highway Act 1980, which will be required in the S.106 Agreement.
- 13.8.27 Each access achieves correct sight lines, curvature to allow for vehicle manoeuvres and safe crossing points for pedestrians and cyclists and for disabled users. Figure 20 below illustrates the Village 1 sustainable modes only access. This junction has been designed to enable surface crossing on the northern, eastern and western arm in its interim form, with the new active routes tying into the existing path network of the Fifth Avenue bridge. The final form of this junction will have surface crossings on all approaches. To avoid abortive works, the earthworks required for the south-western arm of the junction heading westbound will be built out to the final design extents, and new islands installed to enable safe crossing of the western arm during the interim stage. This will enable users to cross the junction in advance of the completion of the proposed dedicated foot and cycle bridge, the principle and parameters of which was agreed through the Central Stort Crossing permission.
- 13.8.28 To the west of the main junction, the application includes the provision of a new access point into the Eastwick Lodge business park to the west of the existing car parking area. During the interim stage the existing entry point will become a left-only exit and the existing exit will be closed. In the final scheme, the existing entry point and left-only exit will both be closed, additional parking will be provided and the car park re-designed with a one-way system so vehicles enter and exit from the

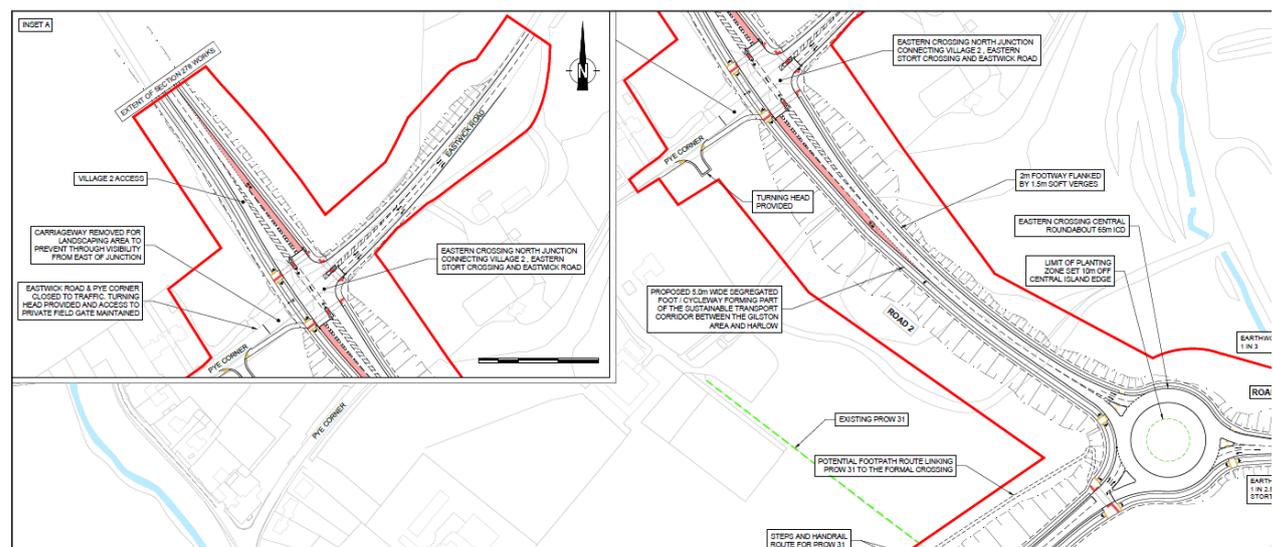




**Figure 23: Interim Village 2 Access Extract of VD17516/V2i-100-GA**

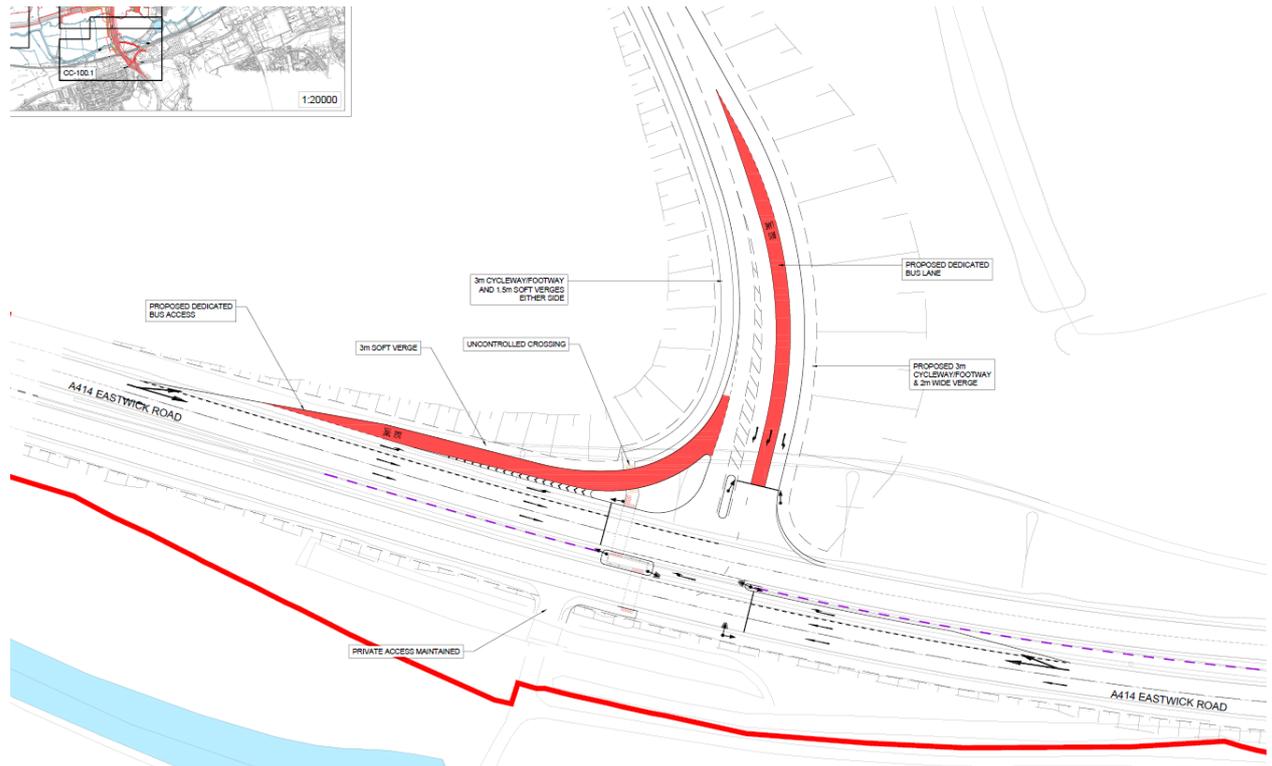


**Figure 24: Eastern Stort Crossing Village 2 Access as Approved**



13.8.33 Part of the planning application for Gilston v1-6 includes the detailed application for Village 6 access (as shown in Figure 25 below). The form of the access is supported in principle, however it only works in the context of the Village 7 access not being built. This is because it includes bus priority access into the site which would not be required if Village 7 were to be built. Equally if Village 6 were to be built prior to Village 7, the Village 6 access would need to be reduced in scale at an appropriate point in the future. Furthermore, the junction proposed at present doesn't currently set out where pedestrians and cyclists would go once they have crossed the A414 via the proposed crossing. HCC Officers have advised that more information is required regarding the connection south of the A414 crossing to tie in with the Parndon Mill link.

**Figure 25: Village 6 Access Junction Extract of VD17516-V6-100-GA Rev P02**



13.8.34 In the scenario where the Village 7 junction is delivered and the Village 6 junction is no longer required to serve the village development, it is proposed that the junction is retained to serve the Emergency Services Hub as described in paragraph 13.5.31 above, the employment uses and Travelling Showperson site identified in the southern part of Village 6 on Parameter Plan 4. In the interests of encouraging trips by active and sustainable modes of travel, this access will only be accepted by HCC on the basis of the following:

- No through access to the wider development.
- Access is restricted to HGV's serving those facilities. The intention is to restrict use of the access to prevent it from being used as a means of access for employees or equivalent in private vehicles
- Any case for employment to be served from the Village 6 access will need to be evidenced and an LTP4 compliant case made at the appropriate Masterplanning/Reserve Matters stage. Only employment which involves HGV movements which would otherwise have to access the site via villages are likely to meet the test to warrant access via a village 6 access.
- Any proposed access seeking to facilitate restricted access as per the above will only be acceptable if it can be demonstrated to the satisfaction of the Highway Authority that the above has been satisfied and that it is legally enforceable.

13.8.35 The ES has considered the effects of this junction in terms of landscape and visual effects as well as noise effects, and has identified a moderate adverse effect in terms of landscape and visual effects during construction and a minor to moderate adverse effect post completion and maturation of the landscaping around the access. Noise effects north of the junction can be successfully mitigated through the detailed

layout, orientation and mass of buildings. As such, Officers recommend that the Plan be approved as submitted, but a revised detailed drawing should be submitted for approval at the Reserved Matters stage, which would sensibly follow the Village 6 masterplan stage, at which point there will be clarity as to whether Village 7 has commenced development. To ensure the sequential delivery of the Village 7 and Village 6 junctions are managed appropriately Officers recommend this is set out within the S.106 Agreement.

13.8.36 Considering the second part of Policy TRA2, the site layout, access proposals and measures designed to mitigate trip generation should be acceptable in highway safety terms, not result in severe residual cumulative impact and not have a significant effect on the character of the local environment. As discussed in paragraphs 1.12 to 1.3 above, the site layout of the scheme is a matter that is reserved, and beyond the parameters identified in the Parameter Plans is not available for consideration as part of this outline planning application. The access proposals have been designed in accordance with highway design standards, are supported by Stage 1 Road Safety Audits and Swept Path Analysis, thereby preventing highway safety issues. In physical design terms the accesses have been designed to lessen visual impacts through landscaping proposals and lighting arrangements; and in terms of their size and layout being commensurate to their location in the road network and their intended functions. Furthermore, each junction has been designed specifically to enable the long-term management of traffic flows from the development site onto the local highway network, thereby contributing towards the mitigation of the development traffic on the network.

13.8.37 To determine if the development proposals result in any severe residual cumulative impacts, extensive transport modelling has been undertaken over several years prior to and following the submission of the application to assess the impact of the development-related traffic on the wider transport network, including when considered cumulatively with other identified growth locations in the HGGT area. This report considers the impacts of both construction and general vehicular movements in the context of the Environmental Statement appraisal of:

- Construction
- Severance
- Pedestrian Delay
- Pedestrian Amenity
- Cyclist Delay and Amenity
- Driver Delay
- Accidents and Safety and
- Public transport

13.8.38 As such, the report considers the temporary amenity and severance effects to local road users (including pedestrian and cyclists) during construction activities, and the

potential for increased/reduced severance, pedestrian amenity and delay and driver delay due to changes to traffic to and from the completed development, including the new access points to the village development and off-site highway improvements. The effects of the two crossings on these considerations were reported in the relevant reports. The report considers the effect of the development on public transport, such as provision of and improvements to public transport connections and increased patronage of bus and rail services; the effects on pedestrian and cycle amenity from changes to the pedestrian and cycle networks and traffic flows once the development is complete, including the effects of leisure traffic using the river Stort /Navigation.

- 13.8.39 In addition, the report considers the modelling assumptions and where the outputs indicate mitigation is required whether the proposed triggers for the delivery of that mitigation is delivered at a reasonable time to ensure the continued operation of the wider transport network, i.e. whether there are severe residual cumulative impacts.
- 13.8.40 It should be noted that at each stage of modelling and assessment, the HGGT partner authorities have been consulted and comprehensively engaged. Jacobs, commissioned by Essex County Council, along with Essex Highway Authority and Hertfordshire Highway Authority have scrutinised every aspect of the modelling, with key stages signed off by the authorities before proceeding with analysis. For example, key inputs into the model are the assumptions made in relation to trip generation – how many journeys will be made based on the land uses proposed. The trip rate assumptions were scrutinised by the highway authorities and amendments made accordingly. The model also goes through a series of validation stages, including a comparison against the modelling used to inform the local plans. Whilst the model is based mainly on flows from 2014, all subsequent relevant changes, such as the opening of Junction 7a and other committed developments in the area are included to ensure that the model will accurately reflect future conditions. As such, Officers consider that the model is a sound basis upon which to assess the likely effects of the application.
- 13.8.41 Notwithstanding this, it is important to reiterate that modelling is only one tool used to consider the impacts of development. A transport model considers the baseline situation and using various forecast assumptions, calculations and micro-simulation computer software models the impacts on junctions and links between them and the movement of simulated vehicles around the road network. The model predicts driver behaviour only in the context of a simulated vehicle choosing the quickest route through the model. It does not obviously apply human behavioural responses to congestion in the model, such as moving to an alternative mode of travel. This change is instead input into the model as a reduction in the percentage of trips leaving the development.

- 13.8.42 This approach is taken in the submitted transport model. The modelling undertaken demonstrates that there is already congestion in the Harlow network where at peak times of the day the network quickly reaches nominal capacity, and this remains across the AM and PM three-hour peak modelling periods. As a result, the modelling software determines that with all the planned growth in the HGGT area a gridlock situation is reached and can no longer distribute vehicles through the network effectively. For the model to operate effectively the applicant applied at first a 10% shift (reduction) of vehicle movements from the Gilston and HGGT sites in scenarios where 2,250 dwellings are delivered within the Gilston V1-6 development, then a 20% shift (reduction) when the delivery of homes in the Gilston V1-6 development had reached 3,500 homes in the core and cumulative tests. This is considered reasonable in the context of the proposed sustainable transport strategy delivering new bus routes from the Gilston development to key destinations along routes not served by the proposed STC network at these stages of delivery.
- 13.8.43 In modelling terms, the effect of applying a 20% mode shift leads to reductions in the overall traffic growth forecast in the HCC COMET model of 6% in the AM peak and 7% in the PM peak period. The 35% growth predicted by COMET in the AM peak reduces to 25% growth, while the 36% growth predicted by COMET in the PM peak reduces to 29% with the mode shift applied. This cumulative residual growth in traffic of 25% to 29% within the town over a 20 year period is considered a conservative approach because no account has been taken in the model of the long-term effects of the COVID-19 pandemic on travel and employment habits, which is expected to reduce peak vehicle movements through an accelerated shift towards flexible working.
- 13.8.44 The modelling demonstrates that with these mode shifts applied the network operates effectively except for the Burnt Mill Roundabout, the Edinburgh/Howard Way roundabout and Edinburgh Way/River Way roundabout, which continued to experience congestion, particularly in the pm peak period. Consequently, the authorities agreed a scheme of mitigation for these junctions which addressed capacity issues, with these mitigation schemes being delivered either by the Applicant or by ECC as set out in the HoT, to be secured in the S.106 Agreement. Through further negotiation carried out since the December 2022 amended Viability Submission, it has been agreed that the ESC will be delivered by 3,250 homes, thereby providing the benefits associated with the ESC earlier than proposed in the viability submission.
- 13.8.45 Some objections have suggested it is unreasonable to have applied a 20% reduction in the model. It is therefore important to highlight that the HGGT Transport Strategy identifies that 20% of existing trips within the HGGT area are undertaken by active and sustainable means, and this is achieved ahead of the proposed strategy of improvements to active and sustainable travel across the network set out in the HGGT Transport Strategy. Given the proposed active and sustainable transport

prioritisation measures committed to by the application, both within the village development and through the delivery of the CSC by 1,500 homes and the ESC by 3,250 homes, which will deliver and enable significant prioritisation towards active and sustainable travel it is considered reasonable that a mode shift of at least 20% to active and sustainable modes would also be achieved by the proposed development.

13.8.46 What this means in model impact terms is that the application must achieve at least a 20% mode shift to avoid severe residual cumulative impacts on the network. It is therefore important to note that the transport model demonstrates that with the on-site provision of day-to-day services and active and sustainable transport prioritisation, even with conservative assumptions being applied to trip generation figures, the scheme will be able to deliver a circa 60% mode share of active and sustainable trips. A full description of the proposed sustainable transport strategy is included within the Transport Assessment (Appendix 9.1 of the ES Addendum) and summarised in paragraph 9.5.8 of the ES Report. In brief these proposals include:

- Provision of on-site facilities such as schools and local centres to encourage internal trips
- The creation of pedestrian and cycle linkages within the village development and to key external destinations
- Provision of segregated cycle and pedestrian routes adjacent to roads, on-street cycle routes on lightly trafficked roads, shared surface and off-road segregated cycle and pedestrian routes
- Improving opportunities for walking and cycling within the Stort Valley through off-site financial contributions
- Direct bus services to Harlow Town railway station, Harlow town centre and Templefields and Pinnacles industrial areas with new bus infrastructure where required
- Bus loop around the village development site with bus priority at all vehicle accesses, including sustainable modes only via the CSC/A414 junction; and
- Improvements to cycle storage at Harlow Town Station and contributions towards a northern access to the station if a feasibility study indicates such an enhancement is required.

13.8.47 The achievement of the mode share objective also requires the delivery of the two river crossings along with off-site highway improvement schemes at the Burnt Mill Roundabout and Edinburgh Way/Howard Way junctions, both of which experience existing congestion in advance of planned growth; and the delivery of the North to Centre element of the STC, which connects Gilston to the station and town centre south of the CSC. The delivery of the two river crossings by 1,500 and 3,250 homes will be secured through the S.106 Agreement, both being fully paid for and delivered by the applicants, with assistance from grant funding that will be repaid by the applicant and the developer of Village 7, subject to a discount being received for

forward funding 41% of the costs of the ESC to enable the delivery of other planned HGGT local plan sites, employment and post plan growth. The delivery of the identified junction improvement scheme at Edinburgh Way/ Howard Way junction will be delivered and paid for by the applicant, secured through the S.106 Agreement and subsequent S.278 Agreement with Essex County Council. And the funding of the Burnt Mill Roundabout scheme and North to Centre STC has been secured through grant funding for delivery by Essex County Council.

- 13.8.48 The modelling considers that other planned HGGT local plan sites will apply the same prioritisation to active and sustainable travel through their masterplans and through contributions towards off-site mitigation to the wider transport network. Given that these sites are also to be determined in line with the HGGT Transport Strategy and the Essex Local Transport Plan, this is a reasonable position to take. Furthermore, the application will contribute the sum of £35.7m towards the delivery of the wider STC network as set out in the HGGT Transport Strategy and HGGT 2019 IDP, which once delivered will further enable wider patronage of active and sustainable modes and reduction in private vehicle travel.

#### ***Sensitivity and Magnitude of Impact***

- 13.8.49 The sensitivity of a road can be defined by the vulnerability of the user group who may use it e.g., elderly people or children. A sensitive area may be where pedestrian use is high, for example, in the vicinity of a school or retirement home or where there is an existing accident issue. Receptors with low sensitivity to traffic flow changes are those sufficiently distant from affected roads and junctions. Sensitivity also takes account of the existing nature of the road; an existing 'A' Road is likely to have a lower sensitivity than a minor residential road. Sensitivity can be classed as negligible, low, medium or high.
- 13.8.50 Magnitude of impact is essentially a judgement based upon the predicted deviation from the baseline conditions. IEMA guidelines<sup>11</sup> advise that changes in traffic flow can be categorised by the magnitude of change and categorised as a level of significance accordingly. Two broad rules are suggested which can be used as a screening process to limit the scale and extent of the assessment:
- **Rule 1:** include highway links where traffic flows will increase by more than 30% (or where the number of heavy-duty vehicles will increase by more than 30%).
  - **Rule 2:** include any other specifically sensitive areas where traffic flows have increased by 10% or more.
- 13.8.51 Where the predicted increase in traffic flows is lower than the above thresholds, the IEMA guidelines suggest the significance of the effects can be stated to be negligible and further detailed assessments are not warranted. Furthermore, increases in

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<sup>11</sup> IEMA Guidelines for the Environmental Assessment of Road Traffic

traffic flows below 10% are generally considered to be insignificant in environmental terms given that daily variations in background traffic flow may vary by this amount.

- 13.8.52 Table 9.3 of the ES Addendum November 2020 (Volume 1) summarises the criteria used to determine the magnitude of impacts. However, as previously discussed, absolute numbers can be as important as percentage change, particularly where existing flows are low. Table 10 below sets out the thresholds used in the Transport Assessment to assess the magnitude of effect.

**Table 10: Thresholds for Magnitude of Impact based on IEMA guidelines**

Impact	Negligible	Minor	Moderate	Major
Severance	Change in total traffic or HDV flows of less than 30%	Change in total traffic or HDV flows of 30-60%	Change in total traffic or HDV flows of 60-90%	Change in total traffic or HDV flows over 90%
Pedestrian Delay	Two-way traffic flow < 1,400 vehicles per hour	A judgement based on the road links with two-way traffic flow exceeding 1,400 vehicles per hour in context of individual characteristics		
Pedestrian Amenity	Change in total traffic or HDV flows <100%	A judgement based on the routes with >100% change in context of their individual characteristics		
Cyclist Delay and Amenity	Based on professional judgement as set out in the Transport Assessment			
Driver Delay	A judgement based on the results of network statistics assessment			
Accidents and Safety	A judgement based on quantitative analysis as set out in the Transport Assessment			
Public Transport	A judgement based on quantitative analysis as set out in the Transport Assessment			

- 13.8.53 Table 11 below sets out how the magnitude of impact and the sensitivity of a receptor are combined to determine the significance of the effect. Any effect greater than Moderate is considered to be significant in EIA terms.

**Table 11: Significance Criteria**

Sensitivity	Magnitude of Change			
	Negligible	Minor	Moderate	Major
Negligible	Neutral	Neutral or Slight	Neutral or Slight	Slight
Low	Neutral or Slight	Neutral or Slight	Slight	Slight or Moderate
Medium	Neutral or Slight	Slight	Moderate	Moderate or Large

High	Slight	Slight or Moderate	Moderate or Large	Large or Very Large
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13.8.54 There are 125 links in the transport model. Links are the connections between junctions and the use of links enables the assessor to determine where vehicle flows increase or decrease and enables journeys to be mapped across the network. Each model scenario takes the baseline vehicle flow and the scenario year vehicle flow and works out the percentage difference between them in order to determine the magnitude of the effect as per the threshold range in Table 9 above. For each impact type the Transport Assessment discounts from further appraisal the links where the thresholds are not met. Depending upon the sensitivity of a link the magnitude of the effect will differ. For example, a link which has a high sensitivity to change in vehicle flow (such as a link near a school or care home) will be affected by a lower magnitude of change. The significance of the effect would therefore be greater on that link compared to the same magnitude of change on a link that already has high vehicle flows in an urban area. It should be noted that an element of judgement is always required when assessing the effects based on percentage difference because absolute numbers may have a greater bearing. For example, traffic flow on a link could increase from ten to twenty vehicles, which is a 100% increase and therefore a major magnitude of change, but the addition of ten vehicles over an assessment period of one hour would not be considered significant, particularly if that link has a low sensitivity to change.

13.8.55 The TA contains 25 different scenarios, the first scenario is the baseline which takes account of traffic counts and traffic data information based on a 2020 model year. There are four scenario runs which assess the impacts of the Gilston Village 1-6 development on the network independent of other planned growth in comparison to the baseline. Each of these scenarios demonstrated that the thresholds and rules applied are not met and therefore do not warrant further specific assessment. However, once growth from other planned growth sites across the HGGT including Village 7 are input into the model, the thresholds are exceeded for some types of impact and therefore are assessed in more detail in the TA.

**Construction Impacts**

13.8.56 The Transport Assessment (TA) considers the likely significant effects of vehicle movements associated with the construction of the development of Village 1-6 (and the two crossings) cumulatively with other HGGT Local Plan sites, including Village 7. Construction traffic includes the movement of workers plus construction vehicles; Heavy Duty Vehicles (HDVs) and Light Duty Vehicles (LDVs). The Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic thresholds and best practice advice have informed the methodology used in the Transport Assessment and these guidelines focus on HDVs given they have a greater impact than LDVs in terms of visual size,

noise and air quality impacts. Therefore, the assessment considers the increase in HDV vehicle flows, both in absolute numbers and percentage increase, and also within the AM peak hour of 08:00 to 09:00, the PM peak hour of 17:00 to 18:00 as well as Annual Average Daily Traffic (AADT) which is the number of two-way vehicle movements in a 24 hour period. Vehicle delay and accident rate impacts are also appraised during the AM peak period of 07:00 to 10:00 and the PM peak period of 16:00 to 19:00.

- 13.8.57 For the purpose of assessing the worst-case scenario, the TA considers the 2033 'with development' scenario. This scenario is when the construction of Villages 1-6 is delivering a peak of 500 dwellings per year across multiple outlets, the CSC has been delivered, the ESC is under construction and other HGGT Local Plan sites are completed or near completion (i.e. all Plan period assumed growth). The scenario is compared against 2020 baseline traffic flows (i.e., without development traffic). Table 12 below summarises the Transport Assessment predicted impacts. Please note that the greatest significance of effect on each impact type on any link is reported in this table to present a worst-case output.

**Table 12: Summary of Construction Effects (2033) 'With Development' Scenario**

Predicted Impact	Significance of Effect
Severance	Slight or moderate adverse
Pedestrian Delay	Neutral
Pedestrian Amenity	Temporary long-term slight adverse
Cyclist Delay	Neutral
Cyclist Amenity	Temporary long-term slight adverse
Driver Delay	Temporary long-term slight adverse
Accidents and safety	Neutral
Public Transport	Slight beneficial

- 13.8.58 To mitigate the impacts arising through construction related traffic a Construction Traffic Management Plan (CTMP) will need to be submitted and approved prior to the commencement of any phase of development and adhered to during the development. A draft Code of Construction Practice is included in the ES which describes the various standard practices that will be applied to minimise impacts of construction activity. Section 9.5 (Scheme Design and Management) of the ES Addendum sets out the types of measures to be included in the CTMPs such as restrictions on vehicle routing, working times and delivery times, and also how labourers are to travel to the site, which will be set out in a Construction Workforce Travel Plan within the CTMP. Given the scale and longevity of the construction period, while the CTMP will seek to minimise impacts from construction traffic, it is considered that there will remain some residual long-term slight adverse effects for some impacts as summarised in Table 13 below. Notably, with mitigation there will be no moderate adverse residual constructions affects, with slight adverse being the highest impact.

**Table 13: Summary of Residual Construction Effects 2033 'With Development' Scenario**

Predicted Impact	Significance of Effect	Mitigation	Residual Effect
Severance	Temporary slight adverse	CTMP	Temporary long-term slight adverse
Driver Delay	Temporary slight adverse	CTMP	Temporary long-term slight adverse
Pedestrian Delay	Neutral	CTMP	Neutral
Pedestrian Amenity	Temporary slight adverse	CTMP	Temporary long-term slight adverse
Cyclist Delay	Neutral	CTMP	Neutral
Cyclist Amenity	Temporary slight adverse	CTMP	Temporary long-term slight adverse
Accidents and safety	Neutral	CTMP	Neutral
Public Transport	Slight beneficial	CTMP	Temporary long-term slight beneficial

**2027 Intermediate Year 1 assessment Construction and Operation**

- 13.8.59 One area of key concerns raised by representations is the operational and construction effect of the development on local roads following the construction of the CSC but in advance of the ESC. As such, the transport modelling considers this through Scenarios 5 and 6. These scenarios compare the 2033 'with development' and 'with Local Plan plus Village 7' scenarios with the baseline, using the same modelling forecasts but adjusted on a linear basis to reflect the likely growth levels achieved by 2027. Based on the trajectory in the transport modelling Scenario 5 includes Local Plan growth plus 750 homes in Village 7, accessed via the Village 7 access. Scenario 6 is the same as Scenario 5 but with 2,250 dwellings at the development (Villages 1-6). The CSC is included in only Scenario 6, along with the construction traffic (workers and HDVs) associated with the delivery of the ESC. This enables an assessment to be carried out of the impact of growth at the operational stage i.e., when homes are occupied within the development (V1-6), plus half of Village 7 and Local Plan sites within the HGGT area expected to be delivered by 2027 at the same time as construction.
- 13.8.60 It should be noted that the trajectory used at the time of the transport modelling has since been superseded, with delivery delayed by two years not only within the Gilston Area, but also in the other HGGT sites. To assess the impacts of an interim period of growth however, the 2027 Intermediate Year 1 scenarios in the ES are considered sufficient to make a reasoned assessment of the impact of the development delivered in advance of the completion of the ESC as the scenario is about assessing impacts alongside a set level of growth and infrastructure delivery and not the actual date/year itself.

- 13.8.61 Table 14 below summarises the impacts of the development when it is partly operational and partly in construction. The CSC is complete in this intermediate year scenario, but the ESC is under construction. It should be noted that this summary table presents a worst-case scenario by reporting the most significant impact on any link, even if that link is not closest in relevance to the development.
- 13.8.62 What this assessment scenario demonstrates is that there are predicted significant effects (moderate or large) on severance, pedestrian and cyclist amenity as a result of the percentage increase (magnitude) of traffic related to the partial occupation development of 3,000 homes in addition to the partial occupation of other HGGT Local Plan sites in advance of the completion of the ESC. The two links with the greatest effects are Link NH1 Pye Corner and NH2 Eastwick Road (between the Fifth Avenue junction and proposed Village 1 all modes access, which during this interim period will serve not only east-west movements, but also Gilston development traffic until such time the Village 2 access and ESC bypass is complete. These worst-case effects will be for a temporary period only, which is demonstrated by later year scenario assessments which predict a significant decrease in vehicle flow through Pye Corner as a result of the bypass and the reduction in construction traffic across the wider network.

**Table 14: Summary of Operational Impacts (with construction) 2027  
Intermediate Year 1 Scenario**

Predicted Impact	Significance of Effect
Severance	Moderate or large adverse
Pedestrian Delay	Slight adverse
Pedestrian Amenity	Moderate or large adverse
Cyclist Delay	Slight adverse
Cyclist Amenity	Moderate or large adverse
Driver Delay	Slight adverse
Accidents and safety	Neutral or slight adverse
Public Transport	Slight beneficial

**2033 Intermediate Year 2A Scenario**

- 13.8.63 To assess the likely effects from the operational stage of the development i.e., once properties are occupied in the Gilston Area cumulatively with the operation of other HGGT Local Plan sites, the 2033 Intermediate Year 2A model scenario considers the change between the 2033 baseline ‘without development’ scenario 7, which includes Local Plan growth across the HGGT area that are due to be complete by the end of the 2033 Plan period plus 750 homes in V7, and the 2033 ‘with development’ scenario 8b, which includes 3,000 homes in the Gilston Area (comprising the 750 at V7 plus 2,250 at V1-6).

- 13.8.64 The 2033 Intermediate Year 2A baseline includes the M11 Junction 7a scheme, and junction improvements within the network to be delivered by ECC or the applicant. For comparison, both the CSC and ESC are included in the 'with development' scenarios. Table 15 below summarises the results of this scenario. What this assessment scenario demonstrates is that there are no impacts with a worse than moderate significance of effect once the total HGGT Local Plan growth and 3,000 homes in the Gilston Area are complete.

**Table 15: Summary of Operational Impacts (with construction) 2033 Intermediate Year 2A Scenario**

Predicted Impact	Significance of Effect
Severance	Slight or Moderate adverse
Pedestrian Delay	Slight adverse
Pedestrian Amenity	Slight or Moderate adverse
Cyclist Delay	Slight adverse
Cyclist Amenity	Slight or Moderate adverse
Driver Delay	Slight beneficial
Accidents and safety	Neutral or slight adverse
Public Transport	Slight beneficial

**2033 Intermediate Year 2B Scenario**

- 13.8.65 The Intermediate Year 2B model scenario considers the change between the 2033 baseline 'without development' scenario 9a, which includes Local Plan growth across the HGGT plus 1,250 homes at V7, and the 'with development' scenario 10 which includes a total of 6,500 Gilston Area dwellings (comprising 1,250 at V7 and 5,250 at V1-6). This trajectory is considered unlikely to be achievable but is included as a scenario to understand the likely significance of effects based on a much higher rate of residential delivery (Table 16 below).

**Table 16: Summary of Operational Impacts (with construction) 2033 Intermediate Year 2B Scenario**

Predicted Impact	Significance of Effect
Severance	Slight or Moderate adverse
Pedestrian Delay	Slight or Moderate adverse
Pedestrian Amenity	Slight or Moderate adverse
Cyclist Delay	Slight or Moderate adverse
Cyclist Amenity	Slight or Moderate adverse
Driver Delay	Neutral
Accidents and safety	Neutral
Public Transport	Slight beneficial

- 13.8.66 The results of this scenario summarised in Table 15 above demonstrate that while the effects of this level of growth will have a greater impact than the delivery of 3,000 in the Gilston Area at the same point in time, there are still no impacts with a worse

than moderate significance of effect once the total HGGT Local Plan growth and 6,500 homes in the Gilston Area are complete.

### **2040 Completion Year Scenario**

- 13.8.67 To consider the impact of the remaining Gilston Villages 1-6 development on the network once it is complete, the Transport Assessment undertakes a comparison between the 2033 future baseline which includes Local Plan growth plus the full Village 7 development of 1,500 homes (scenario 9b) and the completion of 8,500 homes in Villages 1-6 by 2040 (scenario 11). No assessment of construction traffic flow is included in this scenario because the scheme will be complete and fully operational, however HDV movements are considered in the data analysis.

### **Village 6 Access Sensitivity Test**

- 13.8.68 A sensitivity test was undertaken in relation to the proposed employment area at the southern edge of Village 6. The employment floorspace is distributed through the development, with the intention of integrating commercial and business floorspace in the mixed-use zones in each village centre, whereas the approach in Village 6 is to have a larger area dedicated to employment in the form of a small business park, which could be accessed from the proposed access to the A414. As described in paragraph 13.8.34 above, the intention is that the Village 6 access would not be implemented if Village 7 comes forward, but instead would be redesigned to only serve the employment area (including Travelling Showperson and Emergency Service uses), and only be used for HDVs (service and delivery vehicles) plus emergency service vehicles once the internal connection is delivered between Village 7 and Village 6. It would not provide general access into the village development or the employment area for private vehicles.
- 13.8.69 The Transport Assessment modelling of this scenario has shown that there would not be a material change in traffic conditions that affect the conclusions of the assessment of the 2040 completion year scenario. The creation of an access junction to Village 6 would however change the character of that part of the A414 through reduced vehicle speeds, which would provide a benefit to the submitted provisional speed management strategy, which would be subject to approval by the Highway Authority in due course through a S.278 Agreement.

### **Burnt Mill Roundabout Sensitivity Test**

- 13.8.70 Throughout the transport modelling process Essex and Hertfordshire County Councils provided a list of potential junction improvement schemes for inclusion in the transport assessment. These were called MoU Schemes as they were included in a Memorandum of Understanding between the authorities and the applicant for use in the modelling exercises. An initial scheme design for the improvement of Burnt Mill Lane Roundabout was provided by ECC to the applicants in June 2020, which was included in each model scenario, followed by a revised scheme in October 2020. The revised scheme design was considered through a sensitivity test to test if

the revised scheme resulted in different model outputs; this test concluded that the revised scheme maintained the level of model performance and conclusions previously drawn and would therefore not materially affect the conclusions of the assessment of the 2040 completion scenario.

- 13.8.71 Table 17 below summarises the predicted operational impacts of the development in relation to transport, presenting the worst-case scenario by using the link with the most significant impact.

**Table 17: Summary of Operational Impacts 2040 Completion Year Scenario**

Predicted Impact	Significance of Effect
Severance	Slight or Moderate adverse
Pedestrian Delay	Slight adverse
Pedestrian Amenity	Slight adverse
Cyclist Delay	Slight adverse
Cyclist Amenity	Slight adverse
Driver Delay	Slight adverse
Accidents and safety	Neutral
Public Transport	Slight beneficial

**Latton Priory Sensitivity Test**

- 13.8.72 It was identified that the cumulative developments scheme list included with the 2019 original submission had excluded the full Water Lane (West Sumners) and the Latton Priory development allocations, because the scale of these sites were not confirmed in the emerging Epping Forest District Plan at that time. In response, the applicant submitted further sensitivity testing as part of the Gilston Area Villages application that confirmed that the impact of removing that development from background growth and assigning it specifically to the allocation areas through a sensitivity test showed that the overall effects on the performance of the Harlow road network were similar.

**Mitigation Measures, Monitoring and Residual Effects**

- 13.8.73 In addition to the provision of physical transport infrastructure such as the two crossings and improvements to existing junctions, further mitigation will take the form of implementing measures to encourage behavioural change to achieve a shift away from using private vehicles, compared to those assumptions built into the assessment, such as the 20% mode shift included in the model which is based on design principles and existing mode share). The Sustainable Transport Strategy measures include the following measures:
- The creation of pedestrian and cycle linkages within the Village Development and to key external facilities that have appropriate travel distances;

- The provision of segregated cycle and pedestrian routes adjacent to roads, on-street cycle routes on more lightly trafficked roads, shared surfaces, and segregated cycle and pedestrian routes not adjacent to roads;
- Highlighting and improving the opportunities for walking and cycling the Stort Valley, including the existing towpath that provides an east-west walking and cycling route through Harlow;
- Arriva, the main bus operator within Harlow, has suggested that direct services from the Development to the Harlow Town railway station, Harlow town centre and Templefields will be feasible as a minimum;
- A proposed bus loop around the Village Development Site;
- Proposals to introduce bus priority measures at all vehicle accesses including via the new Central (Eastwick) Stort Crossing;
- Revised proposals to include a bus-only access into Village 1 as well as a separate all-vehicle access to the east of the sustainable transport corridor;
- Alterations to the Terlings Park and Pye Corner access;
- Increased distance between the Eastern Stort Crossing and Terlings Park;
- Improved links to Harlow Town Rail Station, which provides an excellent rail service with six trains per hour to central London in the peak hours.

13.8.74 A site-wide travel plan has been included in the transport assessment along with a bus strategy and transport strategy. As more details emerge through the masterplanning a Site-Wide Travel Plan will be required to be submitted and approved that sets the travel plan objectives and principles that will apply not only to the development (Villages 1-6) but also to Village 7 if approved. Each village masterplan will be required to be accompanied by a village specific travel plan which will set the measures to be taken in that village to achieve the site-wide objectives. Individual uses that traditionally generate high numbers of vehicle movements such as schools and employment/commercial uses will also be required to submit detailed travel plans through their reserved matters applications, which will, again, need to demonstrate how the village travel plan objectives will be achieved.

13.8.75 Each tier of travel plan for the village development will contain a Delivery and Servicing Management Plan (DSMP), a draft of which was included in the transport assessment. The purpose of the DSMP is to mitigate the potential effects of delivery and service vehicles and will include details on routeing, loading and timing restrictions; appropriate vehicle sizes and schedule of use; and pedestrian and cycle safety. This will be required by condition.

13.8.76 Table 18 below summarises the conclusion of the 2040 completion year scenario assessment of the significance of residual effects after the implementation of the travel plan and sustainable travel initiatives proposed in the transport assessment. What the Transport Assessment demonstrates is that there are no parts of the network where the residual effects of the Development, either through the construction activities or upon operation of the dwellings and crossings, are

significant in ES terms. When considered cumulatively, taking into account the other HGGT and Local Plan sites, including Village 7, again there are no residual significant effects in the network. Some locations will experience impacts on pedestrian and cyclist amenity with moderate or large adverse effects during the time period where the ESC is not yet complete, but these are considered temporary in nature and impacts will be managed through detailed construction environment and construction traffic management plans to minimise disruption to pedestrian and cycle routes.

**Table 18: Summary of residual Operational Effects (2040 Completed Development Scenario)**

Predicted Impact	Significance of Effect	Mitigation	Residual Effect
Severance	Slight or moderate adverse	Travel Plan and Sustainable Travel Initiatives	Slight adverse
Driver Delay	Slight adverse	Travel Plan and Sustainable Travel Initiatives	Slight adverse
Pedestrian Delay	Slight adverse	Travel Plan and Sustainable Travel Initiatives	Slight adverse
Pedestrian Amenity	Slight adverse	Travel Plan and Sustainable Travel Initiatives	Slight adverse
Cyclist Delay	Slight adverse	Travel Plan and Sustainable Travel Initiatives	Slight adverse
Cyclist Amenity	Slight adverse	Travel Plan and Sustainable Travel Initiatives	Slight adverse
Accidents and safety	Neutral	Travel Plan and Sustainable Travel Initiatives	Neutral
Public Transport	Slight beneficial	Travel Plan and Sustainable Travel Initiatives	Slight beneficial

13.8.77 The TA scenarios form the basis of the triggers proposed for the delivery of the main infrastructure required to ensure the network operates successfully. In summary, trigger point testing considers model stability and a visual review of the model performance. This considers when congestion reaches a point where the network begins to 'gridlock', providing an indication that mitigation is required in some form. The TA firstly applied the 'with development only' scenarios against the baseline

model. These scenarios demonstrated that based on the development within the Gilston Area alone, once the agreed MoU schemes were applied and the CSC is delivered the model becomes unstable after 3,500, indicating that further infrastructure is required to alleviate congestion issues observed. Based on the modelling of the Gilston Area alone the ESC would be needed after 3,500 homes if the MoU scheme at Edinburgh Way/Howard Way is delivered. It is worth noting that no mitigation of the Burnt Mill Roundabout is included in this scenario.

- 13.8.78 The TA then considered the cumulative scenarios of development. The stability and visual analysis demonstrated that at the end of the plan period once the HGGT local plan sites are delivered plus 3,000 homes in the Gilston Area congestion around the A1019, A1025 and Howard Way junctions reached such a level that the model became unstable, indicating a need for further infrastructure to alleviate the congestion being observed with this level of growth. As such the proposed MoU scheme at Burnt Mill Roundabout is included in this scenario along with the ESC, which is tested in the 2033 Intermediate Year 2a scenario.
- 13.8.79 However, Officers consider that a trigger of 3,500 homes by which the ESC should be complete is reasonable for three reasons. The first reason is that while the assessments consider the cumulative impacts of planned growth across the network, this application and this planning authority have no control or influence over the rate of delivery of other developments, the trajectories of which have been delayed, not least because the Epping Forest District Plan has not yet been adopted. Based on an assessment of the Gilston Area growth on its own 3,500 homes with no ESC and no improvement at Burnt Mill Roundabout, the model operates, albeit with some congestion making it less stable. The proposed MoU scheme at Burnt Mill Roundabout will improve the congestion somewhat enabling the proposed STC connection connecting the Gilston Area to key destinations within Harlow to also function effectively.
- 13.8.80 The second reason is that it is now anticipated that the construction period of the two crossings will total circa seven years. This is a revised estimation based on delays to the determination of the outline application and therefore on the commencement of the works associated with the crossings. The revised programme builds in procedural contingency periods such as the compulsory purchase process for example and ensuring works avoid nesting seasons. The CSC will be completed first, with construction estimated to take circa three years. The ESC will commence two years after the CSC starts as there is a period of overlap for works which relate to both crossings (the realignment of the current Eastwick Road and new junction with Village 1 and Terlings Park). The ESC is now estimated to take a total of five years.
- 13.8.81 Thirdly, the viability appraisal that has been submitted since the TA was updated in November 2020 demonstrates that delivering the ESC at 3,000 homes would have a significant impact on the ability to deliver affordable housing. Given that no

significant adverse effects are experienced across the network when delivery increases beyond 3,000 homes cumulatively or 3,500 within the Gilston Area alone, taking a balanced judgement considering other policy imperatives, 3,500 homes is considered a reasonable compromise.

- 13.8.82 Based on the trajectory included in the Viability Submission a seven-year programme means that by the time the ESC is complete, circa 3,050 homes will be delivered in the Gilston Area. ECC have requested a trigger of 3,250 homes for the Gilston Area as a whole (i.e. 2,762 homes in Villages 1-6 and 488 homes in Village 7) by which time the ESC is to be complete in order to bring forward the benefits associated with the ESC earlier. The Applicant has agreed, and Officers are happy to accept that trigger; it allows for unforeseen delays to be managed in a way that does not restrict the ability to deliver homes in an allocated site. It also retains an element of pressure to ensure timely delivery of infrastructure in line with the development.
- 13.8.83 In addition to the above large transport infrastructure schemes, the proposal includes a wide variety of transport related enhancements and mitigations, both on-site and off-site, both physical infrastructure and softer measures to encourage patronage of active and sustainable means of travel. A series of iterative tests were undertaken by Vectos on behalf of the applicants to determine the appropriate point at which transport related mitigation is required in order for the highway network to continue to operate in relation to the delivery of development i.e. the development trajectory versus the delivery and completion of the supporting infrastructure. Appendix H of the Transport Assessment Addendum includes a list of infrastructure measures and proposed triggers. However, several of these have been updated through the Viability Submission and the agreed triggers are set out in the attached Heads of Terms.
- 13.8.84 The triggers derived and explained within the TA Addendum, and those negotiated through the consideration of the application are now considered by the HCC and ECC Highways Officers as being appropriate.
- 13.8.85 Regular monitoring of the achievement of these measures and achievement of transport objectives will take place and be submitted to a Transport Review Group (TRG). The TRG will comprise representatives from East Herts Council, the two county highway authorities and the applicants. The role of the TRG will be to consider the monitoring reports submitted and determine if any specific mitigation is required to address impacts arising that were not forecast in the transport assessment. A total of £10.4m is to be available for use if, and only if the proposed designed mitigation measures are not successful at achieving the mode share targets, which will be agreed as part of the Gilston Area- Wide Travel Plan (Villages 1-7). The instalment amounts and timings for building up to this £10.4m fund and the terms of the TRG will be confirmed through the completion of the S.106 Agreement and will establish the basis upon which the TRG make their recommendations to HCC as the relevant

highway authority. It will include detailed criteria for how this funding will be drawn down and utilised to continue bus subsidies for the bus services directly associated with the development if required. This fund is called a Sustainable Transport Innovation Fund; this is because it may be the case that if public transport mitigation is required in the future the solution could be in the form of new technology or infrastructure not yet in existence.

- 13.8.86 The model has included specific improvement schemes that have been agreed by the highway authorities and the funding and delivery of these schemes will be secured through the S.106 Agreement, including junction improvements at Edinburgh Way, Burnt Mill Roundabout and the North to Centre STC, the latter two being funded through Housing Infrastructure Grant funding and delivered by ECC. Therefore, the application relies in part upon ECC delivering these agreed schemes. The Gilston Area Villages 1-6 proposal sits within the context of the wider proposals for the Garden Town and the objective of achieving a 50% sustainable mode share within that wider area. Therefore, this task must be one that is undertaken in partnership with the relevant authorities also committing to making all efforts possible to achieve this target. The application does not however rely on other improvements or strategies to achieve its mode share objectives beyond the expectation that other HGGT and Local Plan sites will also apply active and sustainable transport principles with each respective planning and highway authority pursuing this with rigour.
- 13.8.87 Taking the development as a whole (Outline plus the two river crossing proposals) in addition to cumulative development considerations, the ES identifies that there are likely to be slight adverse effects on driver delay, pedestrian and cyclist delay, amenity and severance during construction and operational stages; a neutral effect on accidents and road safety; and slight beneficial effects in terms of public transport during operation. These judgements are formed using standard assessment tools and cannot model the impacts of improvements to and the provision of new pedestrian and cycling and public transport networks and priority measures.
- 13.8.88 Notwithstanding the measures proposed above it is the case that there will be residual impacts on the highway network. This is inevitable within an urban area subject to significant growth. However, the joint objective of the applicants and the authorities has not been to design infrastructure to mitigate these impacts but rather to focus infrastructure that diverts traffic away from the more central areas and invests in sustainable transport. It is considered that a reasonable, balanced approach has been adopted. Officers consider that there is not an unacceptable impact on highway safety and the residual, cumulative, impacts on the road network are not considered to be severe.
- 13.8.89 One of the key benefits of the village approach is that walkable neighbourhoods can be created, where day to day facilities are provided within a few minutes' walk of

homes through attractive and safe routes. Locating education, retail, employment and leisure facilities within village centres will enable residents to fulfil multiple objectives within one journey. The Development Specification provides clear commitments to prioritising active and design through principles that will guide the future masterplanning and Reserved Matters Applications. Masterplans will be required to demonstrate how mode share targets will be achieved, including through layout, location of services, design of streets and parking for cycles and vehicles. It is therefore considered that the village development proposal fully embraces the principles of encouraging active and sustainable modes of travel in order to assist in achieving the ambitious target of 60% of trips being by active and sustainable means.

- 13.8.90 When considering the outputs of the Transport Assessment and the Environmental Statement against the requirements of the District Plan and Neighbourhood Plan, the assessments demonstrate that the proposed development will be acceptable in highway safety terms; will not have a significant detrimental effect on the character of the local environment and will not result in any severe residual cumulative impact and is therefore in line with national and local policies, in particular Policies TRA1 (Sustainable Transport) and TRA2 (Safe and Suitable Highway Access Arrangements and Mitigation) of the EHDP, and Policies TRA1 (Sustainable Mobility), TRA2 (Access to Countryside) AG8 (Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities) and AG9 (Phasing of Infrastructure) of the GANP.

## **13.9 Protection and Enhancement of the Historic Environment**

- 13.9.1 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.
- 13.9.2 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.

- 13.9.3 The Ancient Monuments and Archaeological Areas Act 1977 gives statutory protection to any structure, building or area of archaeological remains that is considered to be of particular historic and/or archaeological interest. The Act covers scheduled monuments which are located within the development.
- 13.9.4 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.
- 13.9.5 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. Policy GA2 (The River Stort Crossings) requires the development to protect, and where possible enhance heritage assets and their settings through appropriate mitigation measures, having regard to the Heritage Impact Assessment. This refers to the Heritage Impact Assessment undertaken in support of the allocation.
- 13.9.6 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.

- 13.9.7 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 a number of 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, that cover a large proportion of the site.
- 13.9.8 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<sup>12</sup> 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.
- 13.9.9 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

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<sup>12</sup> 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."

<sup>13</sup> 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."

<sup>14</sup> 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."

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).

- 13.9.10 The application site covers an area of land within which there are multiple areas of archaeological significance, over fifty designated and multiple non-designated heritage assets. Given the scale of the development there will be a range of impacts on these 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 involves an acceptance 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,"*

- 13.9.11 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, developable land was removed to the south of St Mary's Church and updated heritage design principles are set out in Appendix 5 of the Development Specification.

- 13.9.12 This report describes the heritage assets and the potential impact of the development as described by the ES and as referred to by the Council's Conservation and Urban Design Officer.
- 13.9.13 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.
- 13.9.14 The only direct impact to an above ground designated heritage asset is through the restoration works to the listed Fiddlers Brook Bridge, which was approved through a Listed Building Consent in March 2022. The Parameter Plans identify the likely demolition of non-designated heritage assets at Dairy Cottages, Eastwick Lodge Farm and Overhall Farm, so this can be tested through the ES process, but opportunities to re-purpose buildings where possible will be considered through the masterplanning process. There will also be changes to undesignated historic landscapes by virtue of the village developments.
- 13.9.15 There are several listed buildings that are surrounded by but excluded from the application area; these are covered through an assessment of the impact of the development on assets outside the site boundary. Outside the outer edge of the application area (up to 3km of the development), indirect impacts on heritage assets (designated and non-designated) diminish with distance.
- 13.9.16 The ES considered potential effects as follows:
- Direct impacts on designated heritage assets with upstanding fabric or remains, including listed buildings, Scheduled Monuments. These are likely to be limited to assets within the Development.
  - Direct impacts on undesignated assets such as locally listed buildings. These are likely to be limited to assets within the Development.
  - Direct impacts through change to historic landscapes within the Development.
  - Indirect impacts on the settings of all designated heritage assets within 1km of the Development.
  - Indirect impacts on the settings of higher graded assets (Grade I and Grade II\* listed buildings and registered parks and gardens, Conservation Areas, Scheduled Monuments with upstanding remains) within 3km of the Development.
  - Indirect impacts on the settings of non-designated assets (e.g. assets recorded in the relevant Historic Environment Records) within 500m of the Development; and
  - Indirect impacts through change to the wider historic landscape within 1km of the Development.
- 13.9.17 The following effects are not considered for further assessment as they are not considered to be significant:

- Impacts on the settings of non-designated heritage assets beyond 500m from the Site boundary.
- Impacts on the setting of individual Grade II listed buildings beyond 1km from the Site boundary.
- Impacts on the setting of Scheduled Monuments with no above ground remains outside of the Site boundary; and
- Impacts on historic landscapes over 1km from the Site.

13.9.18 The ES describes how the significance of effect is determined. With heritage assets this process is made more complex; 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', for example, world heritage sites to sites of local interest with generally no statutory protection as set out in Table 19 below.

**Table 19: Definitions of Heritage Receptor Value**

Value	Criteria	Examples
Exceptional	Building/site/area of international significance.	Likely to be World Heritage Sites, Areas of Natural Beauty and National Parks. Sometimes listed buildings Grade I and II* and their settings, Scheduled Monuments with upstanding remains, registered parks and gardens Grade I and II* and their settings.
High	Building/site/area of national significance.	May be listed buildings Grade I and II* and their settings, Scheduled Monuments with upstanding remains, registered parks and gardens Grade I and II* and their settings.
Medium	Building/site/area of national significance.	Often listed buildings Grade II and their settings, Conservation Areas and their settings, Scheduled Monuments without upstanding remains, and registered parks and gardens Grade II and their settings.
Low	Buildings/sites/areas of national and/or regional significance, or local assets of particular significance.	May be listed buildings Grade II and their settings, Conservation Areas and their settings, Scheduled Monuments without upstanding remains, registered parks and gardens Grade II and their settings, and buildings of local interest.
Very Low	Buildings/sites/areas with some evidence of	Often buildings of local interest and dispersed elements of townscape merit.

	significance but in an incoherent or eroded form of local interest and generally with no statutory protection.	Assets may be so badly damaged that too little remains to justify inclusion into a higher grade.
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- 13.9.19 Magnitudes of impact range from 'High Adverse' where there is a considerable negative change (directly or indirectly) down to Neutral (no direct or indirect change) up to 'High Beneficial' where there is a considerable positive change (directly or indirectly).
- 13.9.20 Likely significant effects are determined through combining judgements of value and magnitude. It is noted however, that qualitative assessments are also made using professional judgements to draw out in more detail particular nuances of consideration. As such, the matrix in Table 20 is considered as a starting point for detailed professional judgements.

**Table 20: Significance of Likely Significant Effects – Heritage Assets**

Sensitivity /Value of Receptor	Magnitude of Impacts				
	High	Medium	Low	Very Low	Neutral
Exceptional	Major	Major	Moderate	Minor	No impact
High	Major	Moderate	Minor	Negligible	No impact
Medium	Moderate	Moderate	Minor	Negligible	No impact
Low	Minor	Minor	Negligible	Negligible	No impact
Very Low	Negligible	Negligible	Negligible	Negligible	No impact

***Construction Phase - direct effects***

- 13.9.21 The ES contains a Code of Construction Practice which describes approaches that will be used to protect heritage assets from physical harm during the construction phases. No designated assets are to be demolished within the development and the Scheduled Monuments within the site will be retained and safeguarded during construction in line with measures contained in the CoCP.

***Construction Phase - indirect effects***

- 13.9.22 Given the spatial scale of the development and the timeframe, the effects of construction and its magnitude will vary over time as different phases of the development are completed. Potentially significant indirect effects on the setting of certain heritage assets are likely to arise from enabling works, the construction of the two river crossings and the residential development due to large items of machinery, hoardings, the structures under construction and various operations. The assessment in the ES has taken a worst-case approach using professional

judgements based on the assumption that works will take place in close proximity to the particular heritage asset.

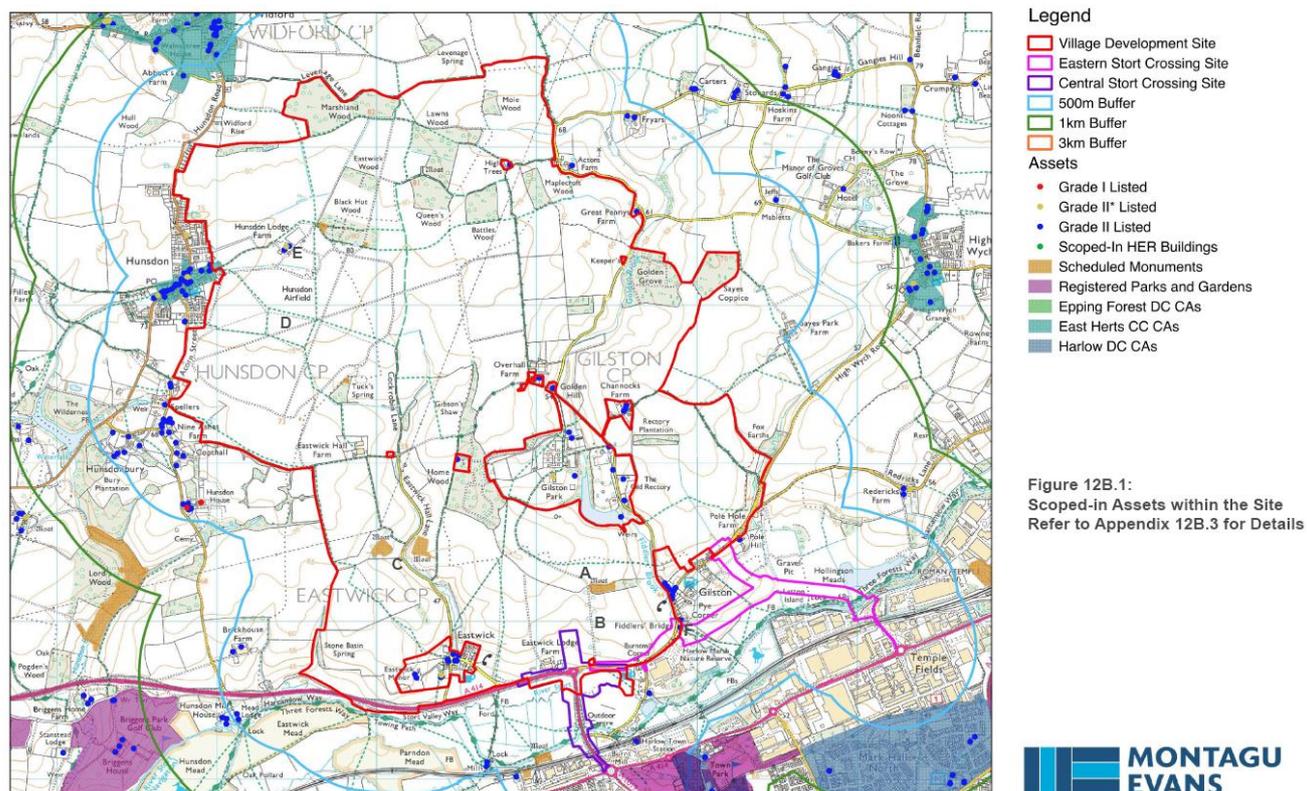
13.9.23 The visual effects of construction will be similar to those in the completed development, with construction activities and emerging areas of modern development intruding into the setting of some heritage assets. As construction effects on setting are temporary, they are generally treated as less significant than those associated with completed development, and because heritage values are enduring, it is accepted that these values are capable of sustaining temporary impositions without the loss of intrinsic value.

***Asset Specific Effects – Operational Phase***

13.9.24 Hundreds of heritage assets beyond the application area (up to 3km from the site) were 'scoped in' to the assessment and dozens of assets were scoped in from within the application boundary. Officers consider that the ES provides a comprehensive assessment of the effects of the development on heritage assets within the development area as well as cumulatively taking account of harm from the wider Gilston Area development, including Village 7 as illustrated by Figure 26 below which indicates the heritage assets 'scoped in' to the assessment. This assessment considers:

- the heritage assets within the site (within the application red line boundary): the Eastwick Moated Sites Scheduled Monument and The Mount Scheduled Monument
- the heritage assets technically outside the red line boundary but within the wider site: Gilston Park House, Gilston Church, the Johnstone Monument and Cottages, Eastwick Village, Keeper's Cottage, Channoeks Farm, High Trees
- heritage assets outside the red line boundary within vicinity of the site: Hunsdon House, assets inside Village 7, assets in Harlow – Parndon Mill, Hunsdon Conservation Area and other Conservation Areas.

**Figure 26: Heritage Assets Considered in ES Chapter 12B**



13.9.25 The Council’s Conservation and Urban Design Officer has reviewed the ES material and has made a professional judgement on the level of harm caused by the development, which has informed this assessment.

**Heritage assets within the site (within the application red line boundary)**

***The Mount Scheduled Monument, Gilston Park and Environs***

13.9.26 The Mount is described in the heritage register as a mediaeval moated site with a Tudor period park keeper’s lodge and is a scheduled monument. It is likely that the Mount pre-dates the park at Gilston to which it became linked in the late seventeenth century. The Park itself is outside the redline boundary of the application, so is considered further in paragraphs 13.9.72 to 13.9.76 below. The Mount is a moated enclosure about 75m long by 50m wide with a 12m wide dry moat around it. The central mound is raised 2m and contains the remains of a flint-faced building. Next to the Mount to the east is another enclosure about 85m x 50m that apparently contained a deer house. To the west is a ditch about 4m wide and 1.5m deep that was probably the park pale (soft boundary feature), which curves to the north west towards Home Wood, an area of ancient woodland also linked to the park at Gilston and would have enclosed the land to the north.

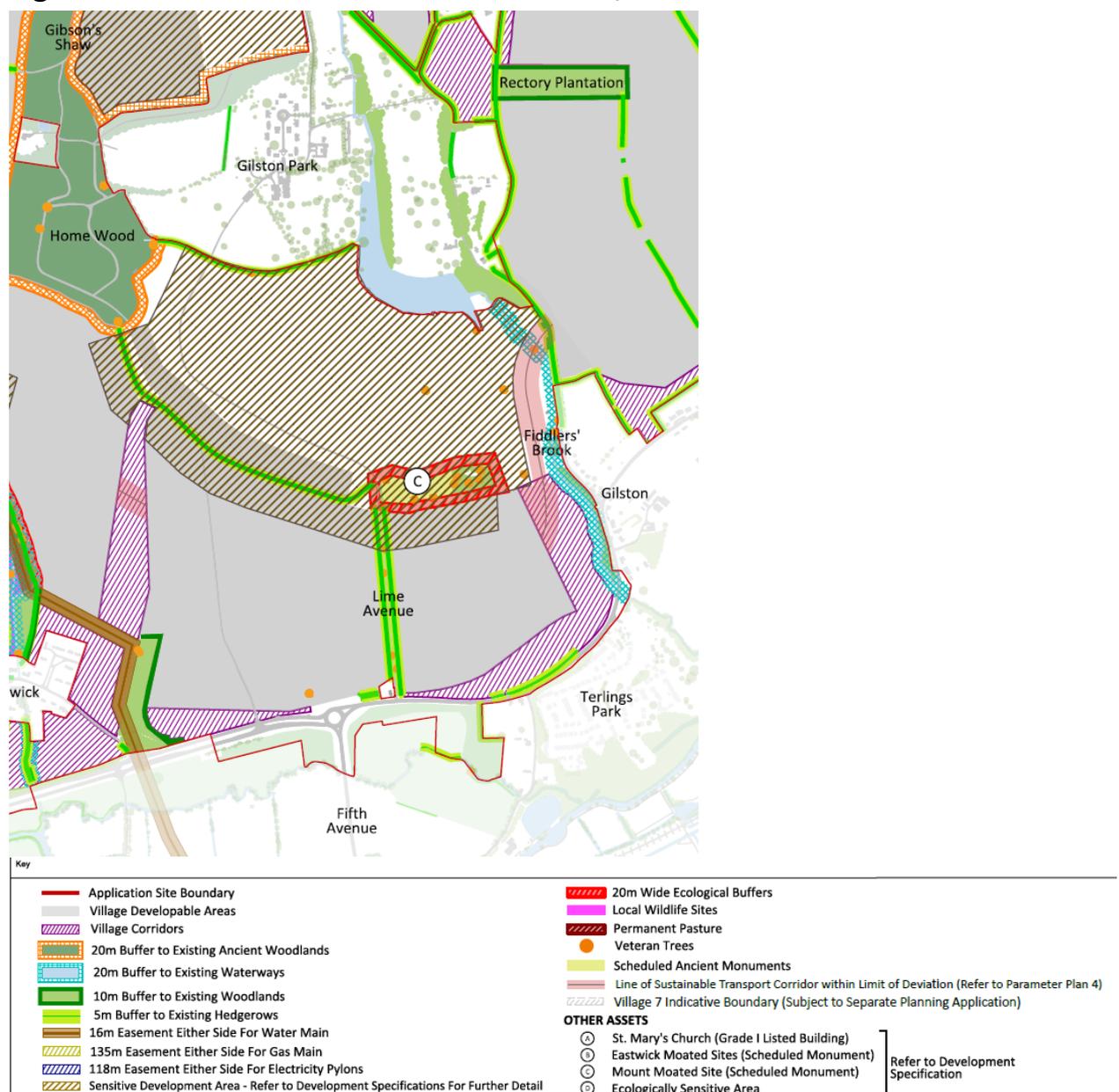
13.9.27 The Drury map of 1745 shows the park at New Place, Gilston with a boundary that apparently ran along the line of the Mount and the ditch, but it is possible that the 17<sup>th</sup> century park boundary reused an earlier moated feature (suggested by previous archaeological surveys). In the later 18<sup>th</sup> century park boundaries were extended to

the south but the Mount continued to be an important feature in the park, when the eastern part of the Mount mound was called Coney Spring, the central part was called Deer Yard and the western part called Three Plantations with the moat shown in this portion. This area is now collectively known as The Chase

- 13.9.28 The Mount has considerable archaeological and historical significance as a moated feature of medieval or early modern date associated with the Jacobean park. The setting of the Mount scheduled monument today is mainly comprised of agricultural fields to both the north and the south. The footpaths in that area are not clearly marked and the monument is not very easily accessible. There are however, good views of the Mount from the southern edge of the former larger Gilston Park estate land now in agricultural use, but not from the currently defined estate complex. The former parkland also forms part of the Mount's wider setting as does the woodland at Home Wood. To the south, the former Lime Avenue, although badly preserved, is also perceived as part of the former park complex. The setting makes a positive contribution to the significance of the monument..
- 13.9.29 To the north of the Mount Moated Site beyond the former parkland area shown on Parameter Plan 3 as Gilston Park is the Grade II\* listed Gilston Park House, and the Grade II listed Dam and Cascade to Lake at Gilston Park. The House and lake are outside the red line boundary so are discussed further below. The parkland and the Mount form part of the wider setting of the Gilston Park House. The wider park pale is still evident in the landscape but is not included in the scheduled area, and thus forms a separate non-designated heritage asset. However, the heritage value of the park pale is 'High' for its association with the scheduled monument and Gilston Park. The heritage value of the parkland, which forms part of the setting to the scheduled monument and the listed house contributes to the significance of both assets.
- 13.9.30 Lime Avenue to the south of the Mount is thought to have once been part of the drive to the Gilston Park House as it joins a sweeping path within the parkland just north of the mount towards the house. Though badly maintained, the Lime Avenue forms part of the wider setting of the house rather than the mount itself and the significance of this area is mainly historical as the remnants of the late 18<sup>th</sup> or early 19<sup>th</sup> century extension of Gilston Park, including the Lime Avenue and associated lodge which lies at the southern end of the Lime Avenue. The lodge is an attractive building but has no architectural merit or distinction, deriving historic interest only due to its connection with the former park estate. The area south of the Mount is affected by the proximity of Eastwick Road to the south and due to topography, there is no easy intervisibility between the Mount and Gilston Park House, which lies beyond a slight ridge in the landscape. The setting south of the Mount makes a neutral contribution to the significance of the scheduled monument, although it is more positive nearer to the Mount. The heritage value of this area is low.

13.9.31 The application proposes to locate the developable area of Village 1 on land to the south of the Mount, both east and west of Lime Avenue, and also in a strip of land immediately to the north of the park pale (which is the green line between the Mount (c) and Home Wood in Figure 27 below). To the north of the Mount between the Mount and the Gilston Park House land that was formerly part of the park estate which is currently in agricultural use, is proposed to be re-purposed as a community park comprising formal sports pitches partly associated with the Village 1 secondary school which is proposed to be located to the south of the park pale. The Mount would be the northern edge of the village with the Lime Avenue retained as a green route from the south towards the Mount, retaining the mount as a visible and prominent part of the approach to the parklands beyond.

**Figure 27: The Mount Scheduled Monument, Gilston Park and Environs**



13.9.32 The Mount itself is surrounded by a 20m ecological buffer within which no built development will be permitted. in addition to the Sensitive Development Area (SDA)

that covers the Mount and parkland to the north. The Development Specification contains a series of specific principles that will apply to the SDA for the Mount site designed to protect the setting and significance of both the Mount and the wider historic landscape and assets around Gilston Park House which include the following:

- Preserving the setting of the Mount Scheduled Monument and Gilston Park House by retaining a substantial area of open space as Gilston Park, a new Community Park.
- Controlling built development to the north of the ditch through the use of the Sensitive Development Area hatch and detailed design to avoid impacts on Gilston Park House;
- Preserving the setting of the Mount Scheduled Monument on both sides of the ditch:
- Retaining and improving the Lime Avenue, formerly the entrance drive to Gilston Park House and its predecessor New Place House, making it a feature of any new development;
- Retaining a sense of relationship between Gilston Park and its former drive, the Lime Avenue
- Preserving the setting of the heritage assets at Gilston Village and along Gilston Lane through design features that reduce impacts on the setting of these assets.

13.9.33 In addition, the SDA limits the height of buildings within the zone to no greater than two storeys. The park pale ditch is protected by a 5m buffer to the existing hedgerows, however, the Parameter Plans indicate that parts of the existing vegetation are to be removed to allow the construction of roads to access development north of the park pale in Village 1 and in the Gilston Park Community Park area. This will be defined in the masterplan for Village 1. To the east of the Mount the STC has been located on the Parameter Plans in an area where the park pale has already been disturbed and the limit of deviation narrowed to reflect the location where least harm is likely to occur. The magnitude of the effect on the park pale through the creation of new access points to serve development to the north of the park pale is considered to be permanent, minor adverse. The magnitude of the effect on the setting and significance of the Mount scheduled monument and undesignated assets in the area, including the ditch will depend upon the final form and alignment of the STC and the form of the village development itself.

13.9.34 Notwithstanding the proposed mitigation measures, Officers consider that the introduction of the village development to the south of the Mount will undoubtedly change the setting of the heritage assets. These effects are assessed as permanent, moderate adverse. Changing the nature of the former park land between the Mount and the heritage assets in Gilston Park into a community park is in keeping with the once formal parkland use of the site, albeit with a more intensive level of recreational activity through proposed sports pitches. Nonetheless, the overall effect of the village development and community park on the setting and therefore the

significance of the Mount scheduled monument is at the upper end of 'less than substantial' as defined by the NPPF.

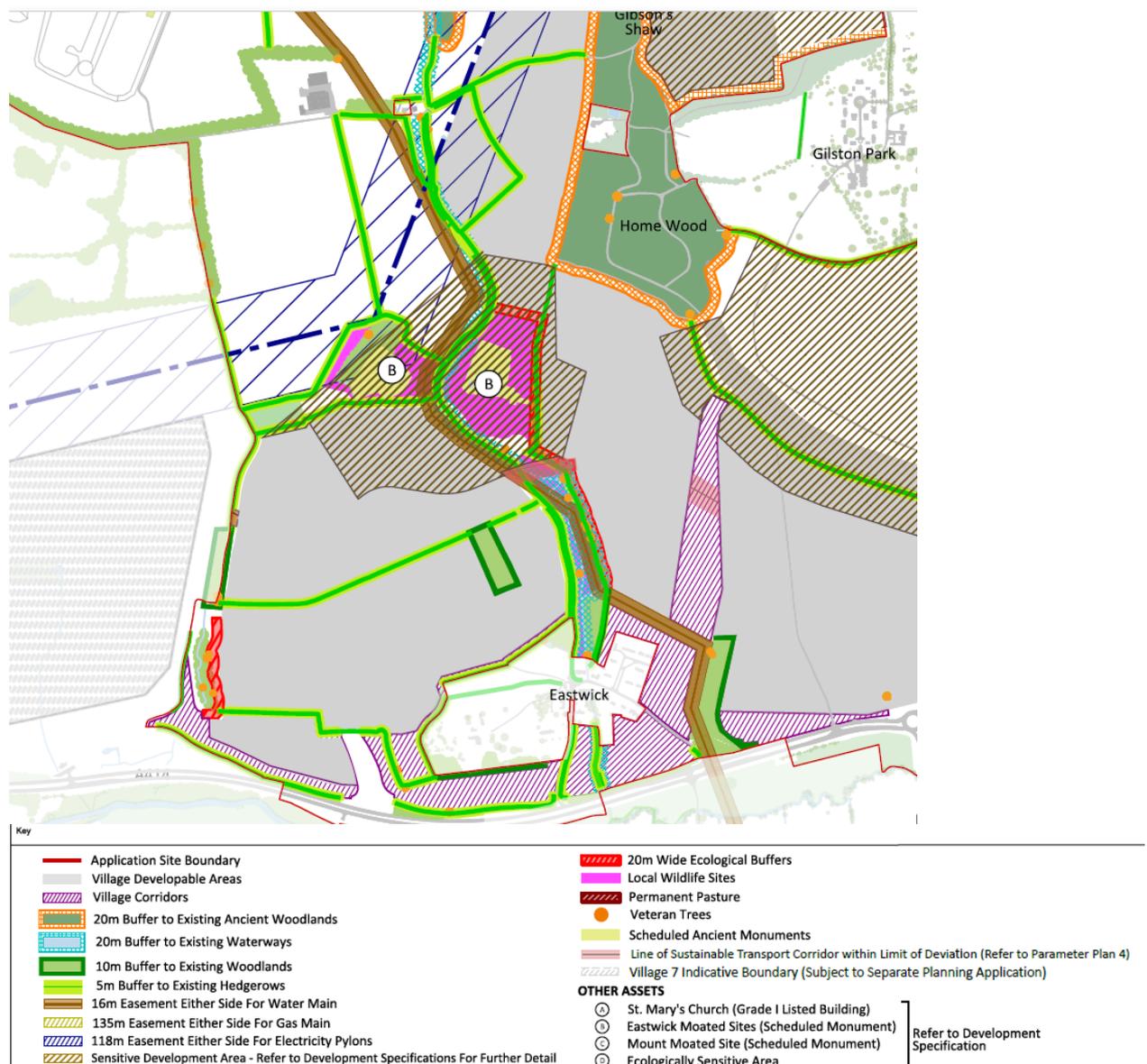
- 13.9.35 This harm should be given substantial weight and importance and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal. Officers consider that the less than substantial harm is outweighed by the proposed benefits that will arise from 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.
- 13.9.36 In terms of enhancements, the application proposes the creation of a heritage trail that will connect multiple heritage assets across the site by new and existing PRoW networks, the provision of interpretation boards and reinstatement of the Lime Avenue as a green infrastructure corridor through Village 1, retaining a sense of the area's former use as a drive and parkland related to the House. These enhancements are assessed as having a minor beneficial effect and are considered as part of the public benefits within the balance referred to above. The parameters of the outline development seek to avoid and to minimise harm to the Mount in terms of constraints on proximity and form of development, and contains principles set out in the Heritage Impact Assessment that informed the allocation of the site in accordance with Policy GA1 and HA1 of the EHDP and Policy H1 of the GANP.

***Eastwick Moated Sites Scheduled Monument***

- 13.9.37 The Moated Site south of Eastwick Hall Farm and the moated site and associated earthworks south-west of Home Wood are both scheduled monuments. These lie either side of Eastwick Hall Lane, and will be to the north of Village 6 and to the east of Village 5. The Moated Site to the east of Eastwick Hall Lane is the remains of the former Eastwick Hall farmhouse, that was probably the site of the medieval Eastwick Manor house. Historic maps of 1840 and slightly later estate sale maps indicate there was once a complex of buildings on the site, but the site was cleared in the mid-19<sup>th</sup> century and replaced by the new Eastwick Hall farm. The surviving remains include a rectangular enclosure about 100m x 70m surrounded by a 6m wide dry moat on three sides except the south where there is a scarp. Inside the enclosure is a rectangular platform that mid-20<sup>th</sup> century excavations suggested was the remains of Eastwick Hall house, but there are also at least three other building platforms on the site. The top of the monument is now mainly grassland which is open and has good views of the surrounding countryside, though the site is inaccessible to the public.
- 13.9.38 The other moated site west of Eastwick Hall Lane is slightly smaller, measuring 80m x 70m and is surrounded by a 15m wide ditch on three sides except the south where there is a scarp. The north side of the moat is wet and fed by a small stream. The site was probably associated with the medieval and Tudor park at Hunsdon which

extended into Eastwick parish at that time. It may have been a lodge for the park. Despite their proximity the two sites are historically unrelated. Nonetheless, the two sites are seen today as a group, clearly indicative of the area’s historic past. Both monuments have considerable historical and archaeological significance as well preserved medieval moated sites with evidence of the remains of historic built structures apparently preserved within them. The setting of the monuments is rural and open and the setting makes a positive contribution to the significance of the monuments, which have a high heritage value.

**Figure 28: Eastwick Moated Sites – Scheduled Monument**



13.9.39 As shown on Figure 28 above, the development proposes to deliver village development to the east (Village 5) and to the south (Village 6). The proposed STC will also run to the south and east of the monuments. However, the proposal seeks to avoid development within proximity of the monuments by retaining the current Eastwick Hall Lane valley as a strategic green corridor between the villages. The monuments are covered by Local Wildlife Site designation and as such will be

surrounded by not only a Sensitive Development Area but also buffers associated with hedgerows and trees in the valley and an ecological buffer. The limit of deviation associated with the STC is removed entirely so the route is defined to minimise harm to the setting through proximity to the monuments. These measures will reduce the potential for direct effects on the setting of the two monuments, however, the village development will remove the open countryside setting of the monuments to the south, east and north-east. To the north the electricity pylons have somewhat impacted the setting but open views will remain from the monuments to the northwest.

13.9.40 In addition to the parameter constraints identified, the Development Specification provides specific measures to minimise the impacts of the village development on the significance of the two monuments. Considerations to avoid harm to the setting and significance of these assets will include the following:

- Designing development in the SDA around the Eastwick Scheduled Monuments that is well integrated with the landscape in a layout that avoids adversely affecting the setting of the Monuments
- Retaining and enhancing views to and from the Scheduled Monuments where possible from the surrounding area including the SDA:
- Exploring ways to improve the presentation and interpretation of the Eastwick Scheduled Monuments:
- Retaining Eastwick Hall Lane as a narrow country lane with access to the development provided elsewhere to preserve the setting of the Scheduled Monuments and the listed buildings in Eastwick village;
- Preserving the setting of the listed buildings in Eastwick village and of Eastwick church; and
- Preserving the setting of building listed as “Keeper’s Cottage”.

13.9.41 Historic England have specifically requested that plans be provided at this outline stage to demonstrate that the proposed STC route through Village 5 and 6 can be designed in a way that prevents a high level of harm to the Eastwick Moated Site. However, given that the route of the STC will be subject to a detailed masterplanning process which will be guided by the Development Specification it is considered premature to design a specific feature of the scheme at this stage in isolation of other design considerations. To ensure that that Historic England are satisfied with the proposed design of the STC route and any other development that has the potential to impact the setting or significance of the two moated sites the requirement to engage with Historic England through the masterplanning and design code process will be set out in the Village Masterplan and Reserved Matters Application scope conditions.

13.9.42 Notwithstanding these mitigation measures, the location of village development near the two scheduled monuments on land that contributes to their setting will cause some harm to the significance as rural monument. However, they will still be

understood as relics of the history of the area. The magnitude of the effects of the village development will depend on the final form of the development, and there is scope through masterplanning and detailed design stages for some mitigation of these effects. However, the effects are assessed as being permanent moderate adverse, and at the upper end of less than substantial harm as defined by the NPPF.

13.9.43 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. 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.

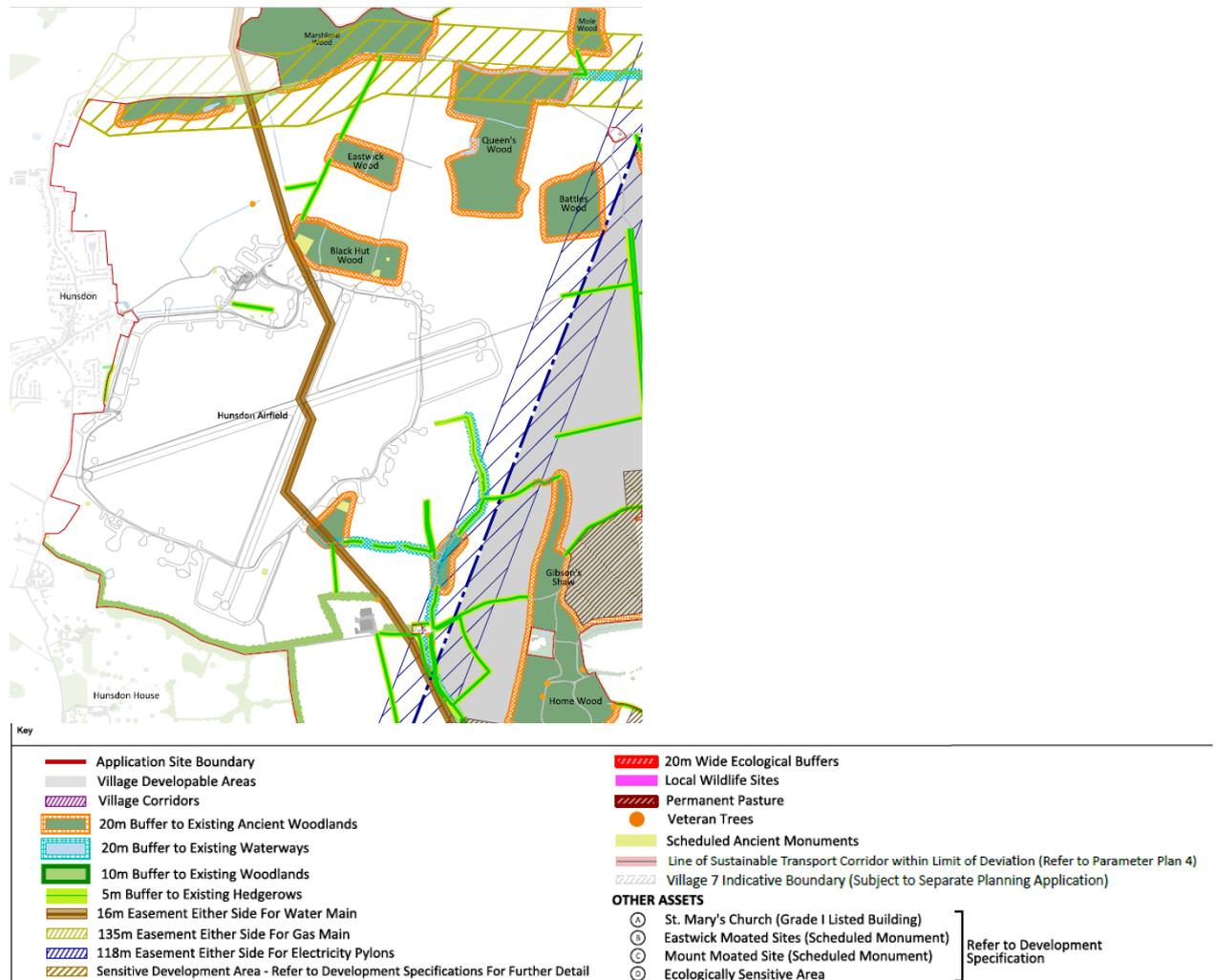
13.9.44 In terms of enhancements, the accessibility to and therefore understanding of the monuments is currently very poor. The application proposes the creation of a heritage trail that will connect multiple heritage assets across the site by new and existing PRoW networks and the provision of interpretation boards which would help to increase public understanding. These enhancements are assessed as having a minor beneficial effect and are considered as part of the public benefits within the balance referred to above. The parameters of the outline development seek to avoid and to minimise harm to the monuments in terms of constraints on proximity and form of development, and contains principles set out in the Heritage Impact Assessment that informed the allocation of the site in accordance with Policy GA1 and HA1 of the EHDP and Policy H1 of the GANP.

#### ***Hunsdon Airfield Scheduled Monuments***

13.9.45 Hunsdon Airfield contains a group of Scheduled Monuments that have historical significance as a well-preserved World War II airfield, with many of its associated structures surviving intact. It is also likely to have some archaeological value for the buried remains of other parts of the complex. The runways and perimeter road survive as tracks and field boundaries and, although the land has been reconverted to agricultural use, are still clearly visible from the air (Figure 29 below). Part of the site is in use by the Hunsdon Microlight Club.

13.9.46 There are 14 units which include a range of buildings and structures within a single scheduling entry. The structures are well-preserved and in some cases contain remnants of original fittings. The setting of individual upstanding parts of the complex is varied in their immediate localities around the airfield site. For example, some are located in woodland at Black Hut woods and Tuck's Spring, others are located near to Hunsdon village and the rest scattered in open countryside around the perimeter of the site. The wider setting of the remains is formed by the airfield, which can still be understood as a single complex. The setting makes a positive contribution to the significance of the monument, with a high heritage value.

**Figure 29: Hunsdon Airfield Scheduled Monument and Hunsdon Farm Complex Listed Buildings**



13.9.47 The proposed development retains the airfield and proposes that over time the airfield complex will become part of a wider community park, which will be transferred into the ownership and stewardship of the community through agreed governance arrangements. The land is currently in agricultural use and this will remain so until the site becomes used as a country park, but there will be no development in this area and as such this change is not likely to cause harm to the significance of these assets as informal recreational use of the airfield already occurs.

13.9.48 However, the Council's Conservation Officer considers that there will be a less than substantial harm at the lower end to these heritage assets due to the location of the proposed village development within the wider rural setting of the airfield and the spatial relationship the air defence structures have with their surroundings.

13.9.49 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. 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.

- 13.9.50 The application proposes the creation of a heritage trail that will connect multiple heritage assets across the site by new and existing PRow networks and the provision of interpretation boards which would help to increase public understanding as they are currently not interpreted or presented. These enhancements are assessed as having a permanent moderate beneficial effect and are considered as part of the public benefits within the balance referred to above. The parameters of the outline development seek to avoid and to minimise harm to the monuments in terms of constraints on proximity and form of development, and contains principles set out in the Heritage Impact Assessment that informed the allocation of the site in accordance with Policy GA1 and HA1 of the EHDP and Policy H1 of the GANP.

***Hunsdon Lodge Farm Buildings Including Big Black Barn***

- 13.9.51 This group is formed of a group of farm buildings at Hunsdon Lodge Farm, which includes the Big Black Barn (Grade II\*) the barn attached to the south end of the Big Black Barn (Grade II) and the nearby Essex barn (Grade II). The Big Black Barn has considerable architectural and historical significance as a 16<sup>th</sup> century lodgings range probably associated with the royal hunting park at Hunsdon Park. It was converted into a barn in the 18<sup>th</sup> century, but despite alterations remains an important survival of a high status Tudor period lodgings range. The attached barn and Essex barn form an attractive group with the Big Black Barn.
- 13.9.52 The setting of the group is rural and open, with Hunsdon airfield to the south, also currently in agricultural use, so the sense that these are an isolated group of historic farm buildings is retained. The setting makes a positive contribution to the significance of the assets with a medium heritage value.
- 13.9.53 As with the Hunsdon Airfield, there will be no development in the area which is to be retained within a landscaped area as defined on Parameter Plan 3 (Figure 27 above). However, there might be a slight change to the setting of these assets through the use of the environs of the barns as a country park rather than agricultural field, but the surrounding area is already used for informal recreation. Proposals to restore these assets will be brought forward at the SLMP stage, which is likely to be a benefit to these assets. However, overall it is considered that there will be no harm to the setting or the significance of these assets.

***Fiddlers' Bridge***

- 13.9.54 Located between Pye Corner and Terlings Park, Fiddlers' Bridge and nearby Fiddlers' Cottage are both Grade II listed buildings. The full impact of the ESC on these heritage assets were considered in the ESC report to which members are directed. The eastern crossing is necessitated by policies GA1 and GA2. The ESC will result in

less than substantial harm to the settings of Fiddler's Bridge and Fiddler's Cottage by virtue of the new flyover crossing Fiddler's Brook, which presently serves as a verdant rural setting. However, the harm to the significance of these assets as a group is limited as their settings are already dominated by a busy road as existing, and this existing road will be downgraded as a result of this scheme. In the planning balance, the wider public benefits of the Eastern Crossing are considered to outweigh the less than substantial harm to Fiddler's Bridge, and the harm is further mitigated by the repairs proposed to the footbridge. The listed building consent was granted in March 2022 for the restoration of the bridge and conditions were applied to the Eastern Stort Crossing application to deliver public realm improvements within Pye Corner, the details of which are to be secured through the S.106 Agreement associated with this application and is considered as part of the public benefits within the balance referred to above. No harm is considered to arise as a result of the village development on its own.

***Eastwick Lodge Farm (Undesignated)***

- 13.9.55 Eastwick Lodge Farm is a former model farm that is now mainly a small business complex. It is undesignated but is included in the Hertfordshire Environmental Record (HER). Eastwick Lodge Farm was newly built in the mid 19<sup>th</sup> century for John Hodgson of the Gilston estate. The house is similar in character to other Gilston estate farm houses and is built of brick in a Tudor style with steep slated roofs, sash windows and prominent chimneys. The E-shaped barn complex, also typical of the Gilston estate is similar to Channock's Farm and has a timber barn at the rear with three lower brick built wings. There is a further range of buildings on the complex of modern form, but the group as a whole can be understood as a Victorian farm complex with some local architectural and historic interest as one of the Gilston estate model farms.
- 13.9.56 The setting of the complex includes the A414 immediately to the south. To the north are large arable fields with some restored land immediately north of the buildings. Rising ground blocks longer distance views to the north and the house is partially enclosed by trees and hedges to separate it from the rest of the complex which has become somewhat run down. The setting makes a negative contribution to the significance of the group which has very low heritage value.
- 13.9.57 In the short term the Eastwick Lodge Farm complex will remain in industrial use, and the proposal includes a new access to the complex as part of the CSC junction works. In the longer term however, it is likely that the buildings will be demolished. The ES assesses the effects of this total loss. If the house is retained the effect will be less harmful. The farm complex no longer operates as a farm and there are better preserved examples of the Gilston estate model farms built by John Hodgson, such as Channock's Farm which is Grade II listed. The magnitude of the effect of total loss will be high adverse, but these effects have been assessed as permanent negligible adverse because of the very low heritage value of these undesignated assets.

- 13.9.58 As such, the loss of these buildings must be weighed against the benefits of the village development. Officers consider that the loss of these undesignated buildings 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.
- 13.9.59 While the total loss has been assessed in the ES, and is assumed for the purposes of this assessment, the potential retention of the house and farm buildings will be considered in further detail at the masterplanning stage.

***Eastwick Hall Farm (Undesignated)***

- 13.9.60 The Eastwick Hall Farm complex is an undesignated complex (but in the Hertfordshire Environment Record) within the red line boundary but outside the Village Developable Area. This complex contains farm buildings and a group of 19<sup>th</sup> century cottages. It was built in the mid 19<sup>th</sup> century by John Hodgson as a model farm to replace older farms elsewhere, including the Eastwick Manor farm (now the western Eastwick Moated Site scheduled monument. The house is similar in character to other Gilston estate farm houses and is built of brick in a Tudor style with steep slated roofs, sash windows and prominent chimneys, but its form is less picturesque than some of the other farm houses. The E-shaped barn complex has been greatly altered and additional farm buildings have been added more recently. The core of the farm, including the barn and house have some limited architectural and historical interest as examples of the planned Gilston estate farmsteads. The group as a whole can still be understood as a Victorian farm complex with nearby farm worker's cottages. The setting of the complex is rural and makes a positive contribution to the significance of the group, which has a very low heritage value.
- 13.9.61 Located to the north west of the Village Developable Area, beyond the pylons, no development is proposed within this area, but the Village 5 Education and Mixed Use Zone is located approximately 200m to the east and the STC is approximately 300m to the east. There will therefore be some urbanising effects on the wider setting of this farm complex. It would no longer be wholly rural but on the outskirts of a large settlement. However, these changes are likely to have only a negligible impact on the significance of these low value assets, assessed as permanent, negligible adverse on undesignated assets.
- 13.9.62 This negligible harm to undesignated assets must be weighed against the benefits of the village development. Officers consider that these effects are 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.

***Overhall Farm (Undesignated)***

- 13.9.63 The Overhall Farm group is undesignated; it includes a farm house and some of the farm buildings. Some buildings are modern and of no interest. Located just north of St Mary's Church it falls within the Village Developable area of Village 4. The farm was built in the mid-19<sup>th</sup> century by John Hodgson to replace the much older Overhall Manor and is typical of the Gilston estate farmhouses, built of brick in a Tudor style with steep slated roofs, sash windows and prominent chimneys, but its form is less picturesque than some of the other estate cottages. One 19<sup>th</sup> century farm building survives; it is brick and two stories, most likely a granary with first floors for loading. However, the building has been altered with its eastern end rebuilt in a modern form. The rest of the farm buildings are unattractive 20<sup>th</sup> century buildings.
- 13.9.64 The house and surviving brick farm building have some limited local architectural and historical interest as examples of planned Gilston estate farmsteads. The house is located down a long drive within an enclosed garden and while not easily seen from the road it forms part of a spatial group with the church and Grade II Church Cottages to the south-east. The setting therefore makes a positive contribution to the significance of the house, and a more neutral contribution to the significance of the brick farm building. The heritage value of the group is very low.
- 13.9.65 The application proposes the demolition of the undesignated farm house and brick farm building, and this loss is assessed in the ES. However, this will be determined through the VMP for Village 4. If either or both are retained, there will be no direct impacts only a change to their setting. The magnitude of the effect of the loss will be high adverse, but the significance of the effect has been assessed as permanent negligible adverse because of the very low heritage value of these buildings.
- 13.9.66 This negligible harm to undesignated assets must be weighed against the benefits of the village development. Officers consider that these effects are 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.

***Dairy Cottages (Undesignated)***

- 13.9.67 Dairy Cottages is a group of undesignated later 19<sup>th</sup> century cottages associated with the John Hodgson rebuilding of the Gilston estate. Located immediately south west of the church the western cottage is within the Village Developable Area of Village 4 and the two eastern cottages are outside the red line application area of the site. The western cottage has the steep gables and casement windows that characterise the John Hodgson period and has some limited local architectural interest due to a diaper pattern in the brickwork. It also has some historical interest as part of the provision of a purpose-built communal dairy for the estate. The two eastern cottages

are more modern and different in character with half timbering and no particular heritage significance.

- 13.9.68 The setting of the complex is rural and forms part of a larger group with St Mary's Church and the grade II Church Cottages. The setting therefore makes a positive contribution to the significance of the group, though the heritage value of the three cottages is very low.
- 13.9.69 The application proposes the demolition of the western cottage and this loss is assessed in the ES. However, this will be determined through the VMP for Village 4. If the cottage is retained, there will be no direct impacts only a change to its setting. The magnitude of the effect of the loss will be high adverse, but the significance of the effect has been assessed as permanent negligible adverse because of the very low heritage value of these buildings.
- 13.9.70 This negligible harm to undesignated assets must be weighed against the benefits of the village development. Officers consider that these effects are 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.

**2792, Moated site, Cockrobin Lane (Undesignated)**

- 13.9.71 Within the proposed Eastwick Wood Country Park there is an undesignated moated site, which is described in the HCC Historic Environment Record as the remains of a medieval homestead moat, and called "2792, Moated site, Cockrobin Lane, Eastwick". A post-medieval house and outbuildings on the site was still shown on the 1839 tithe map, but all built structures had gone by the time of the 1880 OS map. This moated site is not suitable for scheduling due to the extensive changes that have occurred to it through the mid-C20th, as the western arm of the moat was infilled and ploughed, the south-east corner enlarged into a pond, and a rectangular island was created to create a new moat using the original using the original eastern arm as the western. The lane that runs to the south of this moated site is now a public bridleway, PRow Eastwick and Gilston 002, and this may be an important route within the Eastwick Wood Country Park, so there may be changes along this route depending on the design of the Country Park. We would seek to see enhancements to this moated site that retain its character but better reveal its significance. In the current applications there are no physical changes proposed to this moated site or its immediate surroundings, but we would expect the significance of this moated site, which is of local interest as the site of a historic house and moated site, to be carefully considered at the design stage for the Eastwick Wood Country Park. The current applications will have a neutral impact on this non-designated heritage asset."

## **Heritage assets outside the red line boundary but within the wider site**

### ***Gilston Park House and Associated Buildings***

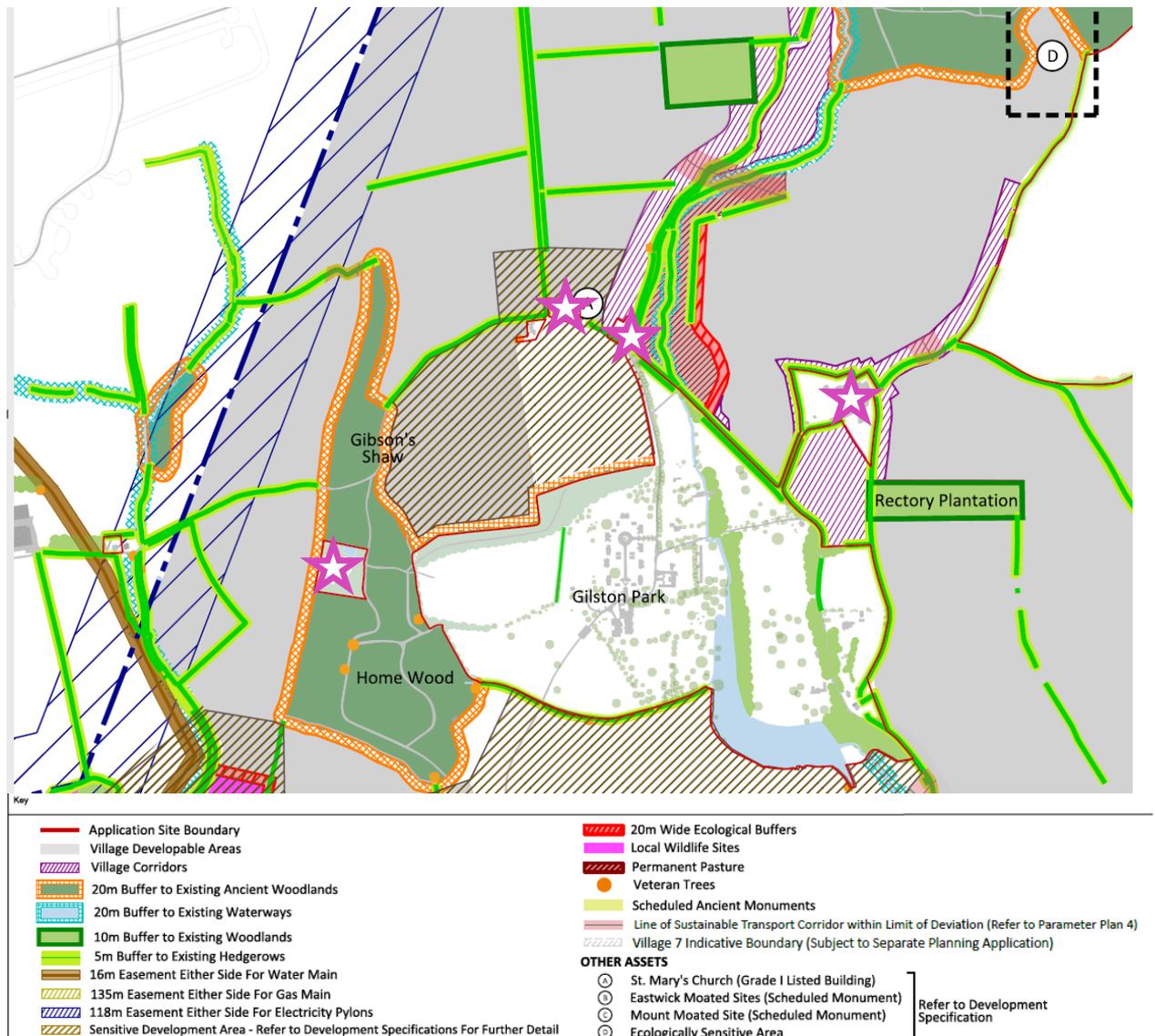
- 13.9.72 Gilston Park House is a Grade II\* listed building with Grade II listed associated outbuildings and related garden features around the house. In 1851 the Gilston estate was sold to John Hodgson who demolished the Tudor manor house called New Place (except for the porch now Grade II listed and retained as a garden feature) and built the present house. The house has been extended in 1887 and 1903 and is designed in an opulent Tudor style built of coursed limestone. The House was used as a research centre during World War II and in the early 2,000s was converted into flats and smaller houses. Additional houses have been built in the grounds and subsidiary buildings have been converted into housing.
- 13.9.73 Multiple listed buildings, the lake, dam and cascade and gardens are an important part of the setting of the Grade II\* Gilston Park House. The extent of the gardens is much smaller than in the past, with the area to the west and south-west of the House now rough grass rather than formal parkland as was the case in the past. Home Wood and the irregularly shaped tree belt to the north of the House were the boundaries of the 17<sup>th</sup> century and later park. The formal gardens have a strong tree enclosure to the south of the house. The wider setting is rural and the approach via a narrow lane gives the whole complex a sense of isolation. The heritage value of the group is high and the setting makes a positive contribution to the significance of the assets.
- 13.9.74 As discussed in paragraphs 13.9.31 to 13.9.36 above the application proposes to convert agricultural land to the south of the Gilston Park House estate into a community park for sport and recreation, comprising formal sports pitches associated with the secondary school to be provided in Village 1. Officers consider that changing the nature of the former park land between the Mount and the heritage assets in Gilston Park into a community park is in keeping with the once formal parkland use of the site, albeit with a more intensive level of recreational activity through proposed sports pitches. At the SLMP stage details will be provided to demonstrate that any boundary treatments necessary to demark school land will be appropriate in the setting, and the Development Specifications principles restrict lighting in the proposed park. Nonetheless, the overall effect of the village development and community park on the setting and thereby on the significance of the Grade II\* Gilston Park House and related designated assets is at the upper end of 'less than substantial' as defined by the NPPF.
- 13.9.75 This harm should be given substantial weight and importance, consistent with the high status of the assets affected, and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal. 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.

- 13.9.76 In terms of enhancements, the application proposes the creation of a heritage trail that will connect multiple heritage assets across the site by new and existing PRow networks, the provision of interpretation boards and reinstatement of the Lime Avenue as a green infrastructure corridor through Village 1, retaining a sense of the area's former use as a drive and parkland related to the House. These enhancements are assessed as having a minor beneficial effect and are considered as part of the public benefits within the balance referred to above. The parameters of the outline development seek to avoid and to minimise harm to the House in terms of constraints on proximity and form of development, and contains principles set out in the Heritage Impact Assessment that informed the allocation of the site in accordance with Policy GA1 and HA1 of the EHDP and Policy H1 of the GANP.
- 13.9.77 ***Gilston Church, the Johnstone Monument and Cottages*** The Grade I listed Church of St Mary, Gilston and associated assets including the Grade I listed Johnson Monument, and the Grade II Church Cottages are a particularly sensitive group of assets and are identified specifically in Policy GA1 of the EHDP. The land to the south of the church is a key part of its setting, which makes a positive contribution to its significance as a church connected with the former wider Gilston Park Estate, but the land to the north is less sensitive. The setting of the church may be considered to include views to and from the south, but the Johnston Monument does not have a relationship with the wider landscape or appear in any key views, as it is subtle in appearance and tucked away in the corner of the churchyard, and the impact of the proposals on its significance is considered to be negligible. The unattractive modern farm buildings to the north at Overhall Farm make a negative contribution to the setting of this group.
- 13.9.78 The nearby Church Cottages at the corner with Penny's Lane are a Grade II listed building and are situated within the Golden Brook tributary valley which will form part of the proposed Strategic Green Corridor separating villages 3 and 4, and as such are perceived as part of an isolated rural group, with the rural setting and proximity to the church contributing to the significance of the Church Cottages listed building.
- 13.9.79 The application parameters are complex around the church as shown in Figure 30 below. The complex of buildings are located within a Sensitive Development Area, the Village developable Area for Village 4 extends to the northern, eastern and western boundaries of the church, but land immediately south of the church are outside the Village Developable Area. It is proposed that this land becomes Gilston Fields, a community park containing parkland for sports and recreation, most likely

including a cricket pitch, thereby keeping the land that forms the setting of the church from the south open.

**Figure 30: Extract of Parameter Plan 2 Village Corridors and Developable Areas – St Mary’s Church, Church Cottages, Channocks Farm and Keeper’s Cottage (pink stars)**



13.9.80 The Development Specification provides clear principles to help to avoid harm to the setting of the church and other nearby assets. These include:

- Avoiding dense forms of development near the church;
- Using informal layouts, naturalistic forms of development and suitable building types near the church;
- Using height and density restrictions in the vicinity of the church, particularly to the south east and south west;
- Retaining a substantial area of open space to the south of the church to conserve its setting;
- Retaining views of the church from the south;
- Creating new views of the church from within the new development.

- Retaining the historic lane to the church as a narrow lane, providing access to any development elsewhere; and
- Retaining and restoring the historic footpath from the house to the church.

13.9.81 In addition, the outline specification for the Gilston Fields community park comprises:

- provision of amenity mown grassland in the centre of the park, with native wildflower planting to the edges;
- tree planting to integrate with residential development around the perimeter of the park;
- restoration of the hedgerow between Gibson's Shaw to St Mary's Church where this is within Gilston Fields;
- provision of formal pitches (potentially cricket) and clubhouse (for example, including changing rooms and WCs, meeting room, bar/café, terrace, function room and storage space) and associated car parking;
- provision of drainage from the pitches to form part of the SuDS network;
- provision of a new and upgraded framework of paths within the park based on connective desire lines between villages and facilities as well as a circuitous path which follows the tree-lined walkway; and
- provision of signage and interpretation for Gilston Fields (to form part of that provided for the wider Site if appropriate).

13.9.82 Future detailed designs will be required to comply with the principles defined within the Development Specification for this location. The impact of development here will depend on the form and nature of the final design. Large areas of built development with a very urban form close to the church, or intrusive features such as formal sports pitches, large areas of hard surfacing and artificial lighting are likely to be harmful. Some of these effects may be capable of mitigation at the Village Masterplan design stage, and the use of key views to assess the potential impacts of proposed designs as set out in Development Specification will help minimise impacts on the setting of these assets.

13.9.83 The Grade I church and associated Grade I and Grade II monuments and the Grade II Church Cottages will remain unchanged in physical terms, and the historic aspects of their significance will be preserved. Nonetheless, there will be a noticeable adverse change to the setting of this group, including through the urbanisation of its setting through development and changes of use to the open space to the south of the church. This is assessed as being at the upper end of less than substantial harm as defined by the NPPF 2021.

13.9.84 This harm should be given substantial weight and importance, particularly given the high status of the assets, and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal. 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.

- 13.9.85 Officers further consider that the proposed design criteria set out in the Development Specification along with the restrictions contained in the Parameter Plans will provide appropriate measures to minimise the effects of the village development on the setting of the listed church and related features. The proposed Sensitive Development Area, along with restrictions relating to green corridors, woodland and ecological buffers will ensure that development in the vicinity of the church and listed buildings in this location is sensitive to these constraints. Currently, the church is an isolated feature being physically and visually isolated from the Gilston Park Estate over time by intervening landscape. The development of new homes in the vicinity of the church will enhance the historic significance of the church as a community building once again. In addition, the application proposes the creation of a heritage trail that will connect multiple heritage assets across the site by new and existing PRow networks and the provision of interpretation boards which would help to increase public appreciation and understanding. These benefits are considered as part of the public benefits within the balance referred to above. The parameters of the outline development seek to minimise harm to the church and associated features through applying the principles set out in the Heritage Impact Assessment that informed the allocation of the site in accordance with Policy GA1 and HA1 of the EHDP and Policy H1 of the GANP

***Channock's Farm House***

- 13.9.86 Channock's Farm House, Barn and attached farm buildings at Channock's Farm, and Stable Cottage at Channock's Farm are all Grade II listed buildings. The group also includes the undesignated Channock's Cottages and is a fine example of the 19<sup>th</sup> century E-shaped model farmstead typical of the Gilston estate under John Hodgson. The present setting of the group is rural and open and this setting contributes to the significance as a Victorian farm complex with some local architectural and historic interest as a result.
- 13.9.87 These assets are outside the red line boundary of the application area but being located in the green corridor between proposed Villages 2 and 3, the group will be surrounded by village development to the north and south. While the assets themselves will remain unchanged there will be a significant urbanisation of the setting of this group. By removing the historic relationship the buildings have with the farmland around them this will result in a less than substantial harm (at the upper end).
- 13.9.88 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. 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.

- 13.9.89 The Parameter Plan (at Figure 29 above) indicates that there will be a village corridor buffer provided around the farm which could provide an element of screening between the farm and new development around it. However, such an intervention would in heritage terms still have an adverse effect because the setting that contributes to the significance of the assets is its rural open setting and further landscaping would serve to enclose the group of assets. However, it is considered appropriate to also give weight to protecting the amenity of residents of the farm complex and the benefits derived from the proposed landscaping are considered as part of the public benefits within the balance referred to above.

***Keeper's Cottage***

- 13.9.90 Keeper's Cottage located on the western edge of Home Wood is a Grade II listed building listed for its special architectural or historic interest, being a deliberately picturesque Gothic estate house, one of the earliest built for the Gilston Park Estate. The Cottage currently has an isolated setting surrounded by Home Wood on three sides, with open views to the west. The woodland setting contributes to the significance of the building due to its connections with the wider Gilston estate parkland.

- 13.9.91 The application proposes to locate the Village Developable Area of Village 5 to the west of Home Wood and therefore there is the potential that the current open views to the west of the Cottage will be interrupted by built development. It is noted however, that this part of Village 5 is proposed to contain the second secondary school and STC and therefore the magnitude of the effect of Keeper's Cottage will not be fully known until the VMP stage. Nonetheless, there will be a significant urbanising change to the setting of the Cottage, not only from the Village 5 development, but also from increased recreational use of Home Wood itself. As such, the Development Specification sets out the outline principles for the recreational use of Home Wood as follows:

- the sensitive management of existing ancient woodland blocks using traditional coppice techniques where appropriate and reduction of invasive tree species, and the planting of new trees where appropriate;
- restoration of hedgerow between Gibson's Shaw to St Mary's Church where this is within Home Wood;
- provision of a new and upgraded framework of paths within the park based on connective desire lines between villages and facilities;

- creation of a woodland destination community play space and associated shelter (for example, which may include a small café, WCs and storage) outside the ancient woodland area and within the more recent plantation woodland (which has been assessed as appropriate to receive a woodland play area); and
- provision of signage and interpretation for Home Wood (to form part of that provided for the wider site if appropriate).

13.9.92 While some of these measures will mitigate some impacts arising from changes to the setting of the Cottage, nonetheless, these effects have been assessed as moderate adverse with a less than substantial harm to the significance of the asset (at the upper end) as defined in the NPPF 2021.

13.9.93 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. 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.

13.9.94 The SLMP will be required to demonstrate that the location, nature and design of paths and any woodland destination community play space are laid out and provided to avoid harm to the significance of the cottage. The provision of signage and interpretation has the potential to enhance the understanding of the significance of the cottage, and the wider relationship of Home Wood with the former Gilston estate which will have minor beneficial effects that are considered as part of the public benefits within the balance above.

### ***High Trees Cottage***

13.9.95 High Trees Cottage is a Grade II listed small thatched cottage to the north of the proposed Village 4 of 17<sup>th</sup> century or early 18<sup>th</sup> century origin. Its present setting is open and rural in isolated countryside near the electricity pylon lines. The open and rural setting makes a positive contribution to the significance of the listed building.

13.9.96 The proposals will result in less than substantial harm to its significance (at the lower end) by virtue of developing on the open farmland to the south that forms a part of its setting. However, the land immediately surrounding it and the land to the north are to remain open and undeveloped.

13.9.97 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. 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.

- 13.9.98 Officers consider that the proposed design approach to soft edges, particularly in relation to the pylon easement in this location, along with buffers around woodlands will reduce the physical impact of the village development in proximity to the listed building. There are therefore opportunities to minimise effects through the VMP process.

***Farmhouse at Actons Farm***

- 13.9.99 The Farmhouse at Actons Farm, located on the northern fringe of Village 4 beyond the red line boundary, is a Grade II listed building of 16<sup>th</sup> century origin, which has undergone significant alterations, but remains a picturesque farmhouse forming a group with farm buildings to the north-west. The building is enclosed by vegetation on all sides and its isolated setting makes a positive contribution to the significance of the farmhouse. The proposals will result in less than substantial harm to its significance (at the lower end) by virtue of developing on the open farmland to the south of the farm, changing the nature of the setting from being wholly rural to being on the outskirts of a large settlement. However, the land to the north is outside the application area and is to remain open and undeveloped.
- 13.9.100 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. 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.
- 13.9.101 Officers consider that the proposed design approach to soft edges, and buffers to hedgerows will reduce the physical impact of the village development in proximity to the listed building. There are therefore opportunities to minimise effects through the VMP process.

***Grannary at Great Pennys Farm***

- 13.9.102 The Grannary at Great Pennys Farm located on the northern fringe of Village 4 beyond the red line boundary, is a Grade II listed timber-framed building of 18<sup>th</sup> century origin. The building is now part of a domestic rather than farmstead setting enclosed by vegetation on its western boundary. Its setting makes a neutral contribution to the significance of the listed building. The proposals will result in less than substantial harm to its significance (at the lower end) by virtue of developing on the open farmland to the south of the farm, changing the nature of the setting from being wholly rural to being on the outskirts of a large settlement.

However, the land the north is outside the application area and is to remain open and undeveloped.

13.9.103 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. 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.

13.9.104 Officers consider that the proposed design approach to soft edges, and buffers to hedgerows will reduce the physical impact of the village development in proximity to the listed building. There are therefore opportunities to minimise effects through the VMP process.

***Eastwick Village,***

13.9.105 Eastwick village is outside the redline boundary of the application area but it will become surrounded by development (to the north) by the proposed Village Developable Area, namely Village 6 and Village 5. The village, much of which was built by the Gilston estate in the second half of the 19<sup>th</sup> century clusters around a crossroads and forms an attractive ensemble of buildings, six of which are Grade II listed plus the Grade II\* St Botolph's Church, associated tombs and Eastwick Manor which are slightly detached from the village.

13.9.106 The setting of the village is currently generally rural, although the A414 to the south has an urbanising presence. The setting makes a positive contribution to the significance of the assets. The overall heritage value of the village group is medium, but the overall significance of the village with the church is high.

13.9.107 The emerging draft Eastwick Conservation Area Appraisal, which has the potential to result in the designation of an Eastwick Conservation Area, is due to go out to public consultation in the near future. In relation to the draft Eastwick Conservation Area, regard should be given to the draft document and its assessment of the character and appearance of the area proposed for designation, and the potential for the village development proposals to impact on its setting. The only part of the application site covered by the draft Conservation Area boundary is along Eastwick Hall Lane, both to the north and south of the village centre. Villages 5 and 6 are in closest proximity to the draft Eastwick Conservation Area, but there are green buffers on the Parameter Plans to avoid the developments merging with the existing settlement. Appendix 6 of the Village Addendum Document addresses the relationship between the proposed development and the existing settlements within the surrounding local context. The proposals will impact on the significance of the draft Eastwick conservation area itself and the listed buildings within it by virtue of

building on the surrounding farmland that form their rural setting, which will result in less than substantial harm, albeit at the upper end.

- 13.9.108 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 also be given to the desirability of preserving buildings or settings or features of special architectural or historic interest in the emerging conservation area. 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.
- 13.9.109 The proposed Parameter Plans have been designed to leave a considerable distance around the village undeveloped, either by virtue of the red line boundary or through the strategic green corridor network between the villages. Opportunities will also be created to connect the village through active and sustainable routes to provide a direct benefit to existing residents. This will also assist in the creation of a heritage trail across the wider scheme in increase appreciation and understanding of heritage assets in the village and beyond.

***Old Rectory and Former School, Gilston***

- 13.9.110 Located on Gilston Lane, just east of the lake at Gilston park, this group comprises former Gilston estate buildings that are now private houses, including the Grade II High Gilston (the former school) and the Grade II Old Rectory. Both are in the Tudor Gothic style typical of Gilston estate buildings, but are more elaborate than most of the cottages and farmhouses. Both have architectural, aesthetic and historical interest as good examples of the Gilston estate Gothic style. The narrow lane adds to the sense of a rural setting, which makes a positive contribution to this group of assets, which has a medium heritage value.
- 13.9.111 Gilston Lane will remain unaltered, serving as an access to the properties in the Gilston park estate which is located outside the red line boundary of the application area. However, the Village Developable Area of Village 2 is proposed to lie just east of the two listed buildings, beyond the verdant curtilage of the Old Rectory on land that is currently an open agricultural field. The proposal will have an adverse effect on the rural setting of the Old Rectory in particular, resulting in a less than substantial harm to the significance of the listed building (at the upper end).
- 13.9.112 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. 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.

- 13.9.113 Some of the effects may be mitigated through the sift edge principle of design for the nearest part of Village 2 and through landscape treatments linked to the STC route.

***Gilston Village***

- 13.9.114 This group comprises eight Grade II listed buildings in Gilston Village, formerly (and still colloquially) known as Pye Corner, which was once a hamlet on the edge of Gilston parish. Also included is the undesignated War Memorial. In the mid 19<sup>th</sup> century under the John Hodgson tenure the once small hamlet was enlarged and consolidated with new buildings to replace those demolished elsewhere in the Gilston estate. The listed buildings form an attractive group, and individually the listed buildings have architectural and aesthetic significance as well preserved examples of the timber framed vernacular buildings of the 17<sup>th</sup> and 18<sup>th</sup> centuries and as Victorian estate cottages that are part of a larger group. They collectively derive historic interest as a historic hamlet. However, the setting of the group has been significantly diminished over time by the high volume of traffic on Eastwick Road that passes through the village resulting in urban features such as crash barriers and raised kerbs.
- 13.9.115 The village is outside the redline boundary, but will be surrounded on the western side by the Village 1 Developable Area and to the north-east by the Village 2 Developable Area. The approved ESC route will serve as a bypass to the village thereby removing the significant volumes of traffic that pass through the village and allowing public realm improvements to be delivered in the village to the benefit of the group as a whole. The impacts and benefits associated with the ESC were considered in greater detail in the ESC report to which members are directed.
- 13.9.116 In terms of the Village development application, Village 1 will be located to the west of Pye Corner and the Parameter Plans indicate a large area of land west of Fiddlers' Brook as part of the village buffer, which is designed to ensure that the setting of the village and the more recent Terlings Park to the south are retained. The application proposes significant tree planting in this location. While the buffers will provide some protection to the setting of the heritage assets, nonetheless, Pye Corner will change from being a rural village outside the urban area of Harlow, to being surrounded by urban development, even if the development is not necessarily seen from the assets in Pye Corner. There may therefore be some limited less than substantial harm to the significance of the assets (at the lower end).
- 13.9.117 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. 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.

- 13.9.118 Officers consider that some mitigation will be provided through the proposed bypass enabling a significant reduction in the volume of traffic and the delivery of public realm improvements which will have a beneficial effect that is considered as part of the public benefits within the balance above.

#### **Heritage assets outside the red line boundary within vicinity of the site**

- 13.9.119 The ES assessed multiple heritage assets located beyond the redline boundary of the application area, and concluded that in the majority of cases the impact of the development on those assets were limited. However, being mindful of the cumulative effects, heritage assets in the vicinity of the site have been considered in brief below.
- 13.9.120 **Hunsdon Brook Fishponds** are a scheduled monument to the west of the site. They abut the wider GA1 Gilston Area, namely Village 7, which does not form part of this application. The proposals for Garden Villages 1-6 are considered to have a neutral impact on the setting of the Hunsdon Brook Fishponds or on the significance of the monument.
- 13.9.121 **Brickhouse Farmhouse** and the Barn at Brickhouse Farm with attached stable and cattle-shed are Grade II listed buildings. These are situated in the middle of the site proposed for Village 7, which is being dealt with by a separate application. The further impact of the proposals as a result of the Villages 1-6 application is considered to be negligible.
- 13.9.122 **Hunsdon House** and the neighbouring **Church of St Dunstan** are both Grade I listed buildings. The Villages 1-6 redline boundary application area follows part of the edge of Hunsdon House's boundary to the north and north-west of the house. However, the Village Developable Area as set out on the Parameter Plans is located approximately 1km to the south-east of the house, beyond the buffer around the power lines. Looking east from the house, the Village Developable Area of Village 5 is around 1.25km away.
- 13.9.123 The Zone of Theoretical Visibility survey suggests there may be some limited visibility of the Village development from places within the grounds of Hunsdon House, but these are likely to be distant views and limited in many places, largely blocked by the vegetation surrounding both the House and the church. While the immediate setting of Hunsdon House will remain unchanged, it is acknowledged that the Gilston Area development as a whole (Villages 1-7) will result in a change to the wider setting of

these assets, resulting in only minor adverse changes to its setting and significance which is outweighed by public benefits.

- 13.9.124 **Briggens House** is a Grade II listed building situated within a Grade II registered park and garden 1km from the site boundary. Long distance views are likely to be possible looking north and north-east from the registered park. This change to the wider setting of the park and the buildings through this change to views may cause some limited harm to the significance of these assets, assessed as minor adverse. However, it is considered that the minimal impact on the wider setting and significance of Briggens House and park and garden is outweighed by public benefits has been established as acceptable by the GA1 site allocation policy.
- 13.9.125 Within the Harlow District Council boundary there is the **Harlow Roman Temple**, which is designated as a scheduled monument. Whilst the proposed Eastern Crossing would cross the River Stort and link to Harlow to the west of the Harlow Roman temple, it is not considered that the proposals would result in any harm to the Harlow Roman temple due to a lack of direct visual impact due to the current setting of the scheduled monument which consists of a railway line and various light industrial units along River Way. This was considered in further detail in the ESC report to which members are directed.
- 13.9.126 Also within the Harlow District Council boundary there is the **Little Parndon moated site** and the **Site of Parndon Hall**, both of which are designated as scheduled monuments. The Central Stort Crossing will pass to the east of these two designated heritage assets. When compared to the existing crossing, the proposed Central Stort Crossing will be larger and more noticeable in the landscape, and thus this will result in an impact on the setting of the scheduled monuments, especially the Little Parndon moated site. However, the relative impact of the proposed crossing when compared to the existing crossing is considered to be of a low level, and any less than substantial harm is considered to be outweighed by the public benefits of the proposals. This was considered further in the CSC report to which members are directed.
- 13.9.127 There are various Conservation Areas within the wider surroundings of the site include the **Hunsdon Conservation Area** to the north-west, the **High Wych Conservation Area** to the east, and various Conservation Areas within the Harlow District Council boundary to the south, including **Harlow Mill and Old Road North**, **Mark Hall North**, and **Town Park / Netteswell Cross**. In addition, **Harlow Town Park** is a Grade II registered park and garden. The wider setting of **Hunsdon** and **High Wych** Conservation Areas will be impacted by the development, but this impact is not considered to harm any key attributes of the character and appearance of these conservation areas. The Harlow Mill and Old Road North and Mark Hall North conservation areas within Harlow are situated across the Stort Valley, and are all immediately within the urban context of Harlow, and are not considered to be

impacted by the proposals. The Town Park conservation area and registered park and garden will be close to the end of the Central Crossing, and views across the Stort Valley will change as the Garden Villages will appear in the wider landscape, but the impact on these heritage assets will be fairly limited by the distances involved. It is considered that the harm is considered to be outweighed by the wider public benefits of the application.

- 13.9.128 Where less than substantial harm to the significance of designated heritage assets have been identified, 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>15</sup>. Officers have considered the likely effects of the development on the designated and undesignated heritage assets within the site (within and without the redline boundary) and those beyond the site, identifying that less than substantial harm will occur to these assets.
- 13.9.129 Officers consider that all opportunities have been taken to avoid direct harm to heritage assets in line with the duties set out in S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As shown on Parameter Plan 2, the development proposes buffers around each Scheduled Monument within which no development will take place. The plan also identifies large areas of land around each heritage asset in the form of Sensitive Development Areas, within which strict limitations on building heights, density and built form will apply. Appendix 5 of the Development Specification sets out these criteria in detail containing specific approaches for each key heritage asset affected by the proposed development. The Development Specification also contains a plan showing the key views from and towards heritage assets which will inform the masterplanning process. With the detailed criteria prescribed in the Development Specification it is considered that appropriate measures will be taken to avoid where possible and to minimise harm to heritage assets through a range of mitigation proposals that include specific measures identified in the Heritage Impact Assessment that informed the allocation of the site.
- 13.9.130 Officers therefore consider that in each case and overall the less than substantial harm to heritage assets 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. Officers further 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

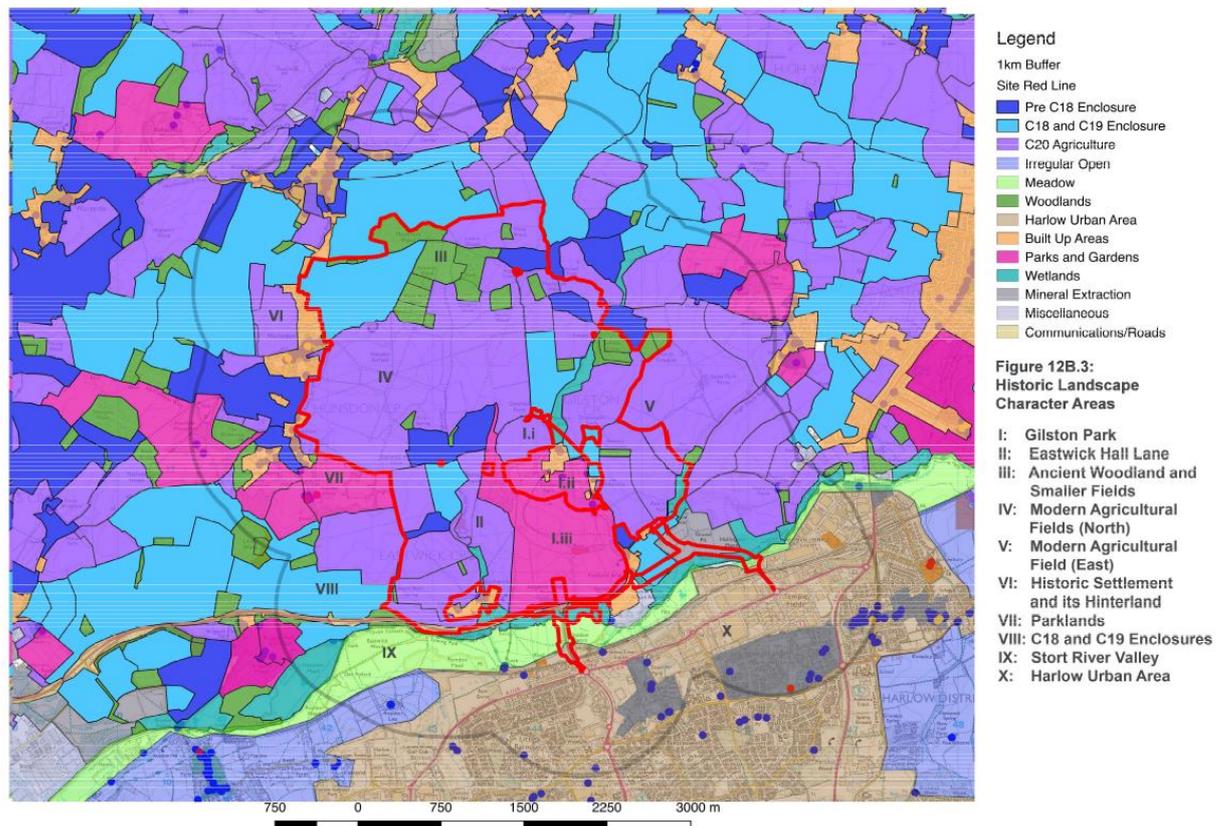
(Designated Heritage Assets), HA2 (Non-Designated Heritage Assets), HA4 (Conservation Areas) and HA7 (Listed Buildings) of the EHDP and Policy H1 (Celebrating Existing Heritage Assets) of the GANP.

### Effects on Historic Landscapes

13.9.131 The ES Chapter 12B the and Landscape and Visual Impact Assessment (LVIA) takes into account the impact of the development on the landscape and key views to and from heritage assets, and considers the visual impact on those visiting heritage assets where views of the surrounding landscape are important contributor to the experience. During construction there will likely be disruption to views and to the setting of heritage assets, but these impacts are temporary in nature and will vary over time as phases of the development are completed. The LVIA identifies that there will be some permanent adverse effects to the setting of some heritage assets and historic landscapes through urbanisation, increased noise, traffic, movement, and light.

13.9.132 There are several historic landscapes across the site which are made up of a collection of heritage assets (designated and non-designated) and their settings, which together have a historic interest. There will be a gradual erosion of the historic landscape over the timeframe of the development that will permanently change the character of these landscapes. Figure 31 below taken from Figure 12B3 of the ES illustrates the location of the historic landscape character areas.

**Figure 31: Historic Landscape Character Areas**



- 13.9.133 Area I: Gilston Park – This landscape comprises Gilston Park House and its former parkland including the ancient woodland at Home Wood and Gibson’s Shaw, agricultural land, the Mount Moated Site and park pale ditch and the southern part of the Park containing Lime Avenue. Land immediately around the Grade II\* house and its formal gardens are outside the application area, albeit surrounded by it. It has ‘High’ heritage value but with no direct construction impacts the effect will be ‘Neutral’ and the significance of the effect will be permanent ‘No Impact’. The central part of the park containing Home Wood, the Mount and the ditch has ‘Medium’ heritage value.
- 13.9.134 The park is largely to be retained as open land for recreation as the Gilston Park Community Park, but there is a small section identified on the Parameter Plans just north of the ditch as developable area covered by a Sensitive Development Area (SDA) designation. The Development Specification for the SDA includes preserving the setting of the Mount Scheduled Monument on both sides of the ditch; using less dense forms of development near the Mount; and creating soft edges to any development near the Mount. Notwithstanding this, there is likely to be a ‘Medium Adverse’ effect on the historic character of the landscape following proposed mitigation measures, the significance of this will be permanent ‘Moderate Adverse’. The southern part of the landscape containing Lime Avenue and South Lodge has ‘Low’ heritage landscape value. While the proposal includes the restoration of Lime Avenue through new tree planting and landscaping, the avenue will be almost entirely integrated into the new urban environment of Village 1. This will cause the almost complete loss of the historic landscape character of the avenue and its former association with the Gilston Park House (a ‘High Adverse’ magnitude), however, it is proposed that the Lime Avenue is retained as an important piece of green infrastructure allowing the north-south route from the south of the village towards the Gilston Park Community Park to be retained in use as a pedestrian and cycle route. Therefore, the significance of this effect will be permanent ‘Minor Adverse’
- 13.9.135 Area II: Eastwick Hall Lane comprises a discrete character area with a ‘High’ landscape heritage value. The area contains the two Eastwick Moated Sites, which is located between the proposed Village 1 and Village 6 and south of Village 5; extending northwards to land west of Home Wood. This area does not include the Eastwick Village itself. The development impact here will be ‘High-Medium Adverse’ depending upon the final form of development, and while the lane will remain, its rural character will change as a result of the urban development in proximity of the area, notwithstanding mitigation proposed to minimise impacts through soft edges and reinforced landscape buffers to villages. The ES considers there likely to be a ‘Medium Adverse’ magnitude of impact on the historic landscape value of this area, the significance of which will be ‘Moderate Adverse’.
- 13.9.136 Area III comprises a band of ancient woodland blocks and smaller fields interspersed among late nineteenth century agricultural fields. Extending north and north east of

the site the landscape heritage value of the area is 'Medium'. A small part of this site will be developed through Village 4 and as such the magnitude of impact from built development in this limited area is 'High Adverse' and 'Very Low Adverse' where agricultural practices evolve into suburban park forms through the creation of Eastwick Woods Park 'country park'. But as there will be no change to the rest of the area, the overall impact on this historic landscape character will be 'Low Adverse' and the significance of this effect will be permanent 'Minor Adverse'.

- 13.9.137 Area IV Modern Agricultural Fields (North) comprises large later nineteenth century and twentieth century agricultural fields in the western part of the site, including Hunsdon Airfield. The landscape heritage value of this area is 'Low'. Village 4 will be located in the eastern part of the area east of the power lines, with the rest of the area remaining as green infrastructure including the proposed Hunsdon Airfield Park. Therefore, there will be some changes to the landscape from farmland to a more structured country park. Where there is village development the impact on the landscape is 'High Adverse', but the impact on the retained open area will be 'Low Beneficial' as the form of the airfield is revealed and interpreted through a landscape strategy. Overall, there is likely to be a 'Low Adverse magnitude of impact, the significance of this will be permanent Negligible Adverse.
- 13.9.138 Area V Modern Agricultural Fields (East) comprises large later nineteenth century and twentieth century agricultural fields in the eastern part of the site extending eastwards. The landscape heritage value of this area is 'Low'. The western part of this area will contain the eastern part of proposed Village 2, where the development will have a 'High Adverse' impact, but the rest of the area is outside the application area so the effect will be neutral. Overall the impact will be 'Low Adverse', the significance of the effect will be permanent 'Negligible Adverse'.
- 13.9.139 Area IX Stort Valley comprises the River Stort and Navigation and its immediate floodplain. Effects on the historic landscape of the valley was considered in the two Crossings reports, to which members are directed.
- 13.9.140 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. The Plan acknowledges that there will be some harm to the wider landscape character as a result of the development. However, Officers consider that appropriate measures have been taken in the proposed development through the parameters that control the form and location of the Village Developable Areas, and through Development Specification principles that will inform future stages of masterplanning and Reserved Matters Applications. This is in accordance with Policy GA1 (The Gilston area), HA1 (Designated Heritage Assets), HA2 (Non-Designated Heritage Assets), HA4 (Conservation Areas) and HA7 (Listed Buildings) of the EHDP and Policy H1 (Celebrating Existing Heritage Assets).

**Archaeological Assets**

- 13.9.141 There is a long history of historic settlement within the Stort Valley and its environs. However, many years of agricultural activity has removed the majority of deposits below the topsoil. But, as there has been very little industrial activity across the site, with the exception of the Hunsdon Airfield in the north west of the site, there is the potential for archaeological remains to be found across the site, particularly on raised crests of land in the southern part of the site in close proximity to existing settlements. An initial archaeological assessment has been carried out on the site which accompanies the Environmental Statement. This assessment is sufficient for the purposes of the EIA and determining this outline application, but further comprehensive investigations will be required at subsequent stages of the planning process. For example, for the ES, only part of the site area has been supported by limited trial trench evaluation.
- 13.9.142 Taking a precautionary approach, the assessment does indicate that there is the potential for evidence to be found relating to late prehistoric, Bronze Age, Late Iron Age and Roman settlement, particularly in the north east of the site and indicates that the majority of areas of high archaeological sensitivity are located within areas identified as green infrastructure such as in the Eastwick Valley, which largely means that they will remain undisturbed by development. However, where the green infrastructure will be used for sports pitches there will need to be a certain amount of ground works to provide suitable drainage and a level site, and this will therefore require further investigation prior to any works. Three settlements of probably Saxon or Early Norman date lie within or adjacent to the site at Gilston, Eastwick and Hunsdon, with settlement focussed around the three churches of St Mary's, St Dunstan's in Hunsdon and St Botolph's in Eastwick. In addition, the moated sites at Eastwick and Gilston also have archaeological value.
- 13.9.143 The Hertfordshire County Council archaeologists recommend that a consistent approach to archaeological evaluation is needed for each Village Developable Area and green infrastructure where sports facilities are proposed. To enable an informed decision to be made about whether any found remains represent a constraint to development that needs to be taken into account during the masterplanning of a village, a systematic programme of assessment is needed prior to any commencement of development.
- 13.9.144 Where the initial assessments submitted with the application show there is a low sensitivity or likelihood of archaeological remains this investigation may be carried out at the same time as construction groundworks. Officers recommend a series of conditions to ensure appropriate assessments are conducted, that appropriate mitigation measures are adopted where necessary as indicated by the evaluations, that preservation of remains in situ are taken into account when designing the development, and that a full programme of monitoring, reporting, archiving and

publication of the results of evaluations and on-site evaluations are agreed with the Council.

- 13.9.145 The ES identifies the potential adverse effect of the development on archaeological remains, in terms of both retaining archaeological assets in situ and due to their removal and recording, but the full impact of this on the significance of the asset will not be known until necessary investigations are conducted (required by condition). Taking the precautionary approach, the ES considers that these effects would have a slight to moderate adverse effect at worst (pre-mitigation) with the exception of area 77 which has the potential for Iron Age Settlement remains, where un-mitigated effects would have a moderate to large adverse effect. This site is located north of the ESC site and would be unaffected by the outline application. Likewise, Area 55, located within the Village 6 Developable Area has the potential for late Bronze Age settlement and would have a moderate to large adverse effect if unmitigated.
- 13.9.146 The ES contains a Historic Environment Report that identifies the sensitive archaeological receptors across the site and provides guidance on how the design, construction and operational phases of the development can avoid or minimise harm to those receptors. Physical harm to above ground assets will be avoided through the management of site investigations, and the implementation of an agreed Code of Construction Practice and Construction Traffic and Environment Management Plans (controlled by condition). This will include measures to avoid accidental damage through construction activities.
- 13.9.147 As agreed with the County Council a programme of archaeological excavation and recording (preservation by record) will be carried out prior to the commencement of and during development construction activities (including enabling works), undertaken in a phased approach as village masterplans come forward. The first phase of investigation will be through non-intrusive measures such as topographic and geophysical surveys which will take place before the village masterplan stage. Following this, intrusive works such as test-pits, geoarchaeological boreholes and trial trenches will be used in accordance with strategies agreed with the County Council. Subject to the results of evaluations a mitigation strategy will be developed, which will include preservation in situ, open area excavation and a watching brief as necessary. It is acknowledged that if evaluations reveal finds of demonstrable national importance, the design of the scheme may require revision to accommodate its preservation.
- 13.9.148 In respect of cumulative effects, other schemes will have direct effects on archaeology within their sites; however, it is very unlikely that other schemes would have a direct cumulative effect on archaeological remains in combination with the proposed scheme. In terms of the Village 7 site, there do not appear to be areas of archaeological significance which straddle the boundary of the site.

13.9.149 Officers consider that the comprehensive detailed conditions proposed by the County Council will ensure sufficient assessment is undertaken and that the necessary appropriate measures are taken to mitigate any harm arising to archaeological assets in due course in accordance with Policy GA1 (The Gilston area) and HA3 (Archaeology) of the EHDP and Policy H1 (Celebrating Existing Heritage Assets).

***Proposed Heritage Mitigation***

13.9.150 At this stage only the impact of development Parameter Plans and Development Specification has been assessed. At this outline stage, this represents the worst-case scenario in ES terms and is therefore appropriate. The parameters have been refined to take account of heritage assets, including narrowing limits of deviation for the proposed STC corridor, removing land from the developable area and increasing sensitive development areas. The ES considers the proposed measures contained in the Development Specification to avoid and minimise harm as well as measures to preserve key features of assets such as their setting. The heritage design principles committed to within the Development Specification, along with the extensive Sensitive Development Areas defined on the Parameter Plans are considered to provide a robust approach to ensuring that masterplans and Reserved Matters Applications take full account of the significance and setting of heritage assets, that key views are retained and that impacts from noise, lighting, activity and built form are minimised such that harm to the significance of heritage assets remain less than substantial.

13.9.151 The Development Specification includes the following heritage design principles to conserve the setting of heritage assets around the village development site:

- Control heights as appropriate to avoid new buildings being over prominent from heritage assets;
- Implement the corridors defined on the Parameter Plans between new development and key heritage assets;
- Strengthen existing tree bands and hedges as appropriate to help screen development, especially in ways which are characteristic of the locality;
- Develop detailed plans for the development having regard to careful sightline analysis to ensure appropriate intervisibility with heritage assets;
- Minimise potential impacts on the assets' setting from lighting, activity and noise;
- Minimise impacts from infrastructure such as road signage and lighting;
- During detailed design give consideration to views to and from heritage assets;
- Use key views to ensure that new buildings do not severely impact on the setting of the key heritage assets; and
- Identify buried archaeology as appropriate and minimise harm to buried assets through layout and design.
- The Big Black Barn at Hunsdon Lodge Farm (Grade II\* listed), the barn at Hunsdon Lodge Farm (attached to south end of the Big Black Barn) (Grade II listed) and the Essex barn at Hunsdon Lodge Farm (3 metres north east of the

Big Black Barn) (Grade II listed) are within the Village Development site. These properties may be restored and maintained. More detailed proposals of potential future use will be developed at the Landscape Masterplan stage, and any applications for listed building consent and planning permission will be made thereafter as required.

***Cumulative Heritage Considerations***

- 13.9.152 The ES has considered the cumulative effect of development, including the adjacent Village 7 proposal. The ES notes that when considered together indirect cumulative impacts from the Gilston Area as whole on the significance of heritage assets are likely to occur on those assets in close proximity or within the two sites. The Zones of Theoretical Visibility studies included in the Landscape and Visual Impact Assessment suggests that visual impacts from the Villages 1-6 development on assets further away to the west of the site are not likely to be significant and therefore there are not likely to be significant cumulative effects within the Village 7 development. The distance of Village 7 from key heritage assets within the Village 1-6 development means the significance of the cumulative effect will be permanent minor adverse. Likewise, where effects occur on heritage assets within or due to the Village 7 development, these effects are not worsened by virtue of the Villages 1-6 development. It is acknowledged however that there will be a permanent change to the overall historic environment of the area through the development of the two sites. The ES also considered the cumulative effect from wider development on relevant heritage assets in the study area as well as the cumulative effect from the development (plus Village 7) on heritage assets within Harlow and concluded that there will be no significant cumulative effects on heritage assets given the intervening distance of baseline setting condition of heritage assets.

***Alternative Approaches to Development***

- 13.9.153 One representation received, made on behalf of the owners of Hunsdon House, has suggested that there is an alternative form of development that would enable the delivery of 10,000 homes as required by the GA1 allocation but using a more compact form of development, and therefore having less of an impact on heritage assets, than the proposed scheme.
- 13.9.154 The representation includes a presentation stating why the current application is said to fail to protect heritage assets and to achieve the modal shift to sustainable travel, and why the alternative vision presented is said to be preferable. The representation also contains a heritage statement which suggests that the application has high levels of harm while the alternative is said to cause substantially less harm.
- 13.9.155 The representation refers to the Forge Field and Bramshill decisions in support of their position that the Council is required to consider the alternative scheme. However, it is the Council's view that the Forge Field and Bramshill (2019 High Court

and 2021 Court of Appeal) decisions do not preclude a decision maker from coming to the conclusion that the benefits of a scheme outweigh any harm, including heritage harm, without carrying out a specific assessment on the potential alternatives, provided they undertake the balancing process set out in the NPPF (paragraphs 199-203). Nevertheless, the Council has considered the information provided on the alternative proposal.

- 13.9.156 The context for the current application proposal is the site allocation for the development of 10,000 homes plus associated development and infrastructure contained in the adopted Development Plan. The Gilston Area Concept Framework, adopted by the Council for development management purposes in 2018, provides clear guidance on the appropriate location for development across seven villages. The Concept Framework is tied into Policy GA1, where it is required to act as a benchmark in the determination of planning applications.
- 13.9.157 As part of the preparation and examination of the District Plan, heritage impacts were considered as part of the Heritage Impact Assessment produced by Montagu Evans in 2018. The Heritage Impact Assessment concluded that the Gilston Area allocation would result in some impact on heritage assets including Hunsdon House, but that the scale of harm would not be substantial. Policy GA1 was amended as part of the main modifications stage of plan-making to include reference to the Heritage Impact Assessment. Accordingly, the Heritage Impact Assessment has informed the development of proposals in the planning application under consideration.
- 13.9.158 In terms of the alternative proposal put forward by the owners of Hunsdon House, the presentation includes diagrams which suggest that the 10,000 homes can be delivered on around half the land area (53% less footprint), mainly focused on land off the A414 and Eastwick Road. However, no detailed information has been provided to substantiate the proposal.
- 13.9.159 For the scheme to still deliver the same number of homes, as well as provide the associated infrastructure and other non-residential land uses, it is assumed that the density of the development would have to increase significantly, including a greater number of taller buildings. Details of the proposed development form are not provided.
- 13.9.160 When offered the opportunity to meet with officers to discuss their proposal, the offer was not taken up. Officers do not, therefore, have the necessary technical or delivery information to be satisfied it is a realistic and deliverable option. Officers are not satisfied that the alternative scheme is directly comparable with the application scheme. For example, there is insufficient detail to understand if the alternative could deliver all the non-residential uses for example local centres, education, sports hubs, and community sports facilities, etc.

- 13.9.161 Furthermore, due to the limited nature of the information provided, it is not possible to gain views from consultees that might assist in giving the Council confidence that the alternative scheme would deliver the same public benefits as the current scheme, whilst still remaining viable.
- 13.9.162 In terms of heritage impact, it has not been demonstrated that the alternative scheme would actually result in an overall reduction in heritage harm. The level of harm to the significance of various heritage assets within and around the site would change when compared with the current scheme, but it has not been demonstrated that this would be an improvement over the current scheme overall, as there will be different levels of harm to different assets, and we do not know the wider implications of the layout of the alternative scheme.
- 13.9.163 Indeed, Officers consider that the alternative scheme is likely to result in a greater level of heritage harm overall. Whilst there may be some limited benefit to specific heritage assets, for example St Mary's Church, elsewhere the alternative scheme includes development very close to the two Eastwick Moated Sites (Scheduled Monuments). If additional building height is also required in Village 1 (which appears likely) this is likely to impact further and adversely on the setting and significance of the Gilston Park and the Grade II\* listed Gilston Park House.
- 13.9.164 In summary, for the reasons explained above, although the alternative scheme may result in some changes to the impact on individual heritage assets (which is not substantiated or evidenced), it is likely to result in increased heritage harm overall. Furthermore, the alternative scheme is inconsistent with site allocation Policy GA1, and specifically the Concept Framework.

***Heritage conclusion***

- 13.9.165 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.*"
- 13.9.166 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 as a result 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; in some locations this will be at the upper end of less than substantial. 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>16</sup>.

- 13.9.167 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.
- 13.9.168 The application proposes the delivery of 8,500 homes including affordable homes and other forms of accommodation including Gypsies and Travellers and Travelling Showpeople, it proposes up to 8 schools at primary and secondary level including early years, provides a wide range of community facilities and supporting physical infrastructure through the creation of new roads, bridges 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.
- 13.9.169 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.
- 13.9.170 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.

13.9.171 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. Instead, the ES assessments have 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.

## **13.10 Land Contamination and Pollution**

13.10.1 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 from air quality related impacts.

13.10.2 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 appropriate measures to be implemented to minimise effects on existing communities, including through noise and severance; to mitigate the impacts of development proposals on the Stort Valley, including noise and light pollution, particularly arising from traffic and transport infrastructure. Policy AG8, Parts 2 and 3 specifically refer to proper management of construction traffic and monitoring to deal with any issues which may arise during construction.

13.10.3 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.

- 13.10.4 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 are undertaken to inform proposals to ensure land is suitable for the development and that development mitigates and reduces to a minimum potential adverse impacts arising from noise and light pollution, and that proposals contribute towards compliance with relevant air quality limits and objectives.
- 13.10.5 Paragraph 174 of the NPPF of the NPPF relate to the consideration of development proposals in the context of conserving and enhancing the natural environment. Relevant to this section is the requirement to recognising the benefits of the best and most versatile agricultural land.

### ***Agriculture and Soils***

- 13.10.6 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.
- 13.10.7 The ES assessment indicates that of the 993ha of land included in the Outline application, a total of 469.1ha of agricultural land will be used for the village developable areas. This comprises 380.1ha Grade 2, 67.3ha Subgrade 3a (BMV) and a further 21.7ha of Subgrade 3b ALC. The loss or change of use of this land is considered as a very large to significant adverse effect with regard to the national resource of BMV agricultural land. There is no mitigation for the permanent loss of BMV agricultural land as there would be a permanent change of use as a result of the development. However, the design of the development means that a large proportion of the site lies outside the village developable areas. While a number of agricultural tenancies will be permanently lost through the development, approximately 523ha of land will remain undeveloped comprising BMV agricultural land (Grade 2 and Subgrade 3a) which could remain in agricultural use. It is acknowledged however, that during the construction process the loss of agricultural land and their tenancies will occur gradually as land is converted to community parkland. The application has the broad aim of retaining land in agricultural production for as long as practically possible during construction, and possibly remain in the longer term (in part) as a form of income generating use to assist in the stewardship of the site.

- 13.10.8 Cumulatively, the ES assessment considers the effect of the adjacent Village 7 scheme and concludes that the additional loss of approximately 82.4ha of BMV agricultural land due to the Village 7 development would result in the same very large to significant adverse effect, notwithstanding the land area for Village 7 being substantially smaller.
- 13.10.9 The application proposes the retention of the soils within the development area, storing and repurposing it for use across the site, particularly for residential gardens and parklands. In this way, the embodied carbon and the enrichments that have developed through agricultural practices 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. If 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 slight to not significant.
- 13.10.10 The ES considers that while BMV agricultural land is a finite resource nationally, within East Herts it is abundant compared to the county, region and England as a whole, reflecting the largely rural nature of the district. The loss of BMV agricultural land was considered as part of the 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.

***Ground conditions and contamination***

- 13.10.11 Ground conditions and potential contamination risks have been assessed for the village development site. The site does not include or lie within the immediate vicinity of any sites of geology or geomorphology interest. However the reports submitted with the ES identify a number of areas within the site boundary that are potentially impacted by contamination from previous and ongoing uses. These uses include the former RAF Hunsdon Airfield, localised mineral working such as in the vicinity of Eastwick Lodge Farm, local waste storage of some agricultural compounds, and areas of the former quarry and landfill site at Pole Hole, which was considered through the Eastern Stort Crossing application report as it is outside the village development application boundary.
- 13.10.12 Given the former use of the airfield, the ES considered risks related to unexploded ordnance. A risk assessment recommends that if any intrusive works are proposed in the vicinity of the airfield that ordnance awareness training should be given to staff and geophysical surveys be undertaken in specific areas potentially associated with ordnance storage, use and disposal. The application contains no proposals related to the conversion of agricultural land to the Hunsdon Airfield Community Park that

are likely to disturb the ground such that there would be any risks to sensitive receptors from its previous use. The exception would be if a community building is erected and groundworks are required. At such time, detailed ground condition assessments would be carried out in order to establish foundation requirements and such activity would be managed through standard industry best practice as described in the submitted Code of Construction Practice.

- 13.10.13 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.
- 13.10.14 The presence within the site of Source Protection Zone 1 and Secondary A aquifer which convey controlled waters (i.e. water intended for potable water supply) mean that it is particularly important to ensure no contamination pathways are created, either through construction or operation. This is necessary especially where in limited areas of the site London Clay is not present which acts as a barrier between upper Secondary aquifers and the Principal aquifers of the Lambeth Group, Thanet Sand Formation and Chalk beneath. In these locations careful consideration should be taken to the types of foundations used, such as avoiding the use of piling for example. Standard informatives and conditions are recommended to ensure appropriate ground condition assessments are carried out throughout the construction process and appropriate approvals are sought on the necessary mitigation measures to reduce risks of water pollution through construction. 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.
- 13.10.15 The entire site, including the two crossings are 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 to village development will result in the reduction in farming activities 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.
- 13.10.16 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. These processes will be required via a comprehensive Construction Traffic and Environment Management Plan and Code of Construction Practice, and as such no adverse effects are considered likely during construction as a result of the village development 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.

### **Noise**

- 13.10.17 Noise modelling submitted with the application indicates that there will be temporary adverse impacts on existing residents during construction of the development, mainly associated with highway works for the construction of new junctions in proximity to homes on Eastwick Road (Terlings Park, Pye Corner and Eastwick Road near the Village 2 access). These impacts are considered in more detail in the two crossing application reports. The village developable areas are deliberately sited away from existing properties with intervening landscaping buffers. Therefore, noise generating activities arising from the construction of the new homes will have minimal impacts on the amenity of the majority of existing properties. However, there are a number of isolated properties where development will be closer and with less screening available. For users of PRowS across the site their experience of noise will be temporary and transient as the construction moves around the site.
- 13.10.18 In ES assessment terms, an increase of 5dB or more is considered to be a large adverse effect, when considering a combination of receptor sensitivity and magnitude of impact. 50dB is considered in guidance to be the lowest level above which noise can be considered as having an Observed Adverse Effect (LOAEL). Noise exceeding 63dB is considered as having a Significant Observed Adverse Effect Level (SOAEL). At night-time, a lower level of noise (45dB) is considered suitable to enable undisturbed sleep, while in outside amenity areas, higher noise levels can be considered acceptable. East Herts requires that internal noise levels are no greater than 35dB  $L_{Aeq,16hr}$ <sup>17</sup> for internal relaxation areas during the day, and 30dB  $L_{Aeq,8hr}$ <sup>18</sup> for night-time sleeping areas. Outdoor amenity areas (i.e. gardens) should look to achieve no greater than 50dB  $L_{Aeq,16hr}$ .
- 13.10.19 In terms of construction-related effects, the magnitude of the negative effect will depend upon how long the construction continues and as such a worst-case scenario assumption has been taken that occupants will be present during the whole construction period. The assessment also makes construction noise predictions based on the operation of all plant on site at the same time.
- 13.10.20 Detailed noise contours have been predicted as a result of road traffic, background noise and aircraft-related noise. Detailed assessments were undertaken for the two crossing applications and these were set out in the respective crossing reports, where it was considered that the temporary construction and residual noise effects

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<sup>17</sup>  $L_{Aeq,16hr}$  means the ambient sound level experienced over a 16 hour period during the day

<sup>18</sup>  $L_{Aeq,8hr}$  means the ambient sound level experienced over an 8 hour period during the night

on properties in Terlings Park were outweighed by the benefits associated with the crossings. In terms of the village development, the main source of noise is the A414 and Eastwick Road, and therefore the villages most susceptible to noise levels during the daytime and night- time are the parts of Villages 1, 2 and 6 closest to these roads. The worst case predicted noise levels at the fringes of these villages are as shown in Table 21 below as un-mitigated levels.

**Table 21: Worst Case Predicted Noise Levels (LAeq,T dB Noise Level Adjacent to Road)**

Village	Daytime (07:00 to 23:00)	Night-time (23:00 to 07:00)
1	68	59
2	60	52
6	60	52

- 13.10.21 To mitigate noise associated with construction, the Code of Construction Practice proposes that all construction works will occur during normal working hours, with restrictions on the movement of vehicles outside of these hours. However, there may be instances where larger vehicles are needed to transport materials such as long structural beams for the construction of the crossings for example, and for the benefit of highway safety it is often better that these deliveries occur outside of peak travel periods.
- 13.10.22 For existing residential properties across the site restrictions on hours of work will be beneficial as it will reduce disturbance during mornings and evenings. It should be noted, that while the submitted Code of Construction Practice does seek to restrict hours of operation, Officers anticipate that there will need to be night-time construction activities and temporary road closures when the new and existing carriageways are tied in, such as at the Village 2 access. In order to minimise such disruption, these activities are normally undertaken over a very short time period and residents and properties will be notified of these periods in advance.
- 13.10.23 It is common practice that all ground works are undertaken at the same time for new developments. For economic and efficiency reasons it is not uncommon for the foundations and utilities to be laid for entire blocks at the same time. Then homes are released for sale in a phased manner meaning that construction will be largely complete in the vicinity of properties that are ready for occupation. This reduces the impacts of ongoing construction on the residents of new properties while works progress. Officers recommend the use of conditions to manage construction activity such as Construction Environment Management Plans and Construction Traffic Management Plans which will ensure appropriate industry standards are maintained, that mitigation measures are taken such as making sure plant and vehicles achieve operational noise limits and that residents will be informed of key construction milestones in advance, with a single point of contact provided for

customer enquiries or complaints. In addition, the applicant will ensure their website is up to date with information about development activity and milestones, working with the Council through a Monitoring Action Plan required under Policy DEL4 (Monitoring of the Gilston Area).

- 13.10.24 Given the scale and the currently anticipated phasing of development, construction is likely to be occurring in multiple locations simultaneously. In addition, development may also be occurring within nearby sites such as Village 7, therefore the Environmental Assessment considered the cumulative impacts of noise arising from construction activities, which would largely occur as a result of increased traffic rather than the construction of new buildings. The assessment concluded that with the mitigation measures detailed above, the residual effects would be slight adverse and for a temporary period. The impacts of construction traffic are included in the transport assessment. Officers acknowledge that cumulatively there will be slight adverse effects from construction both on-site and cumulatively. However, impacts will be reduced as far as possible through agreed construction practices which will be controlled via condition.
- 13.10.25 Concern has been raised that the site lies within the Stansted Airport flight path and therefore properties will experience unacceptable levels of noise. The ES details how the noise contours provided by Stansted Airport indicate that the highest predicted level of aircraft noise at the site is approximately 51dB  $L_{Aeq, 16h}$  during the day and 48 dB  $L_{Aeq, 8h}$  at night. Daytime aircraft noise levels are not considered to be adverse in accordance with UK aircraft noise, which sets the low adverse effect level at 51dB  $L_{Aeq, 16h}$ . However, as night-time noise exceeds the low adverse effect level of 45 dB  $L_{Aeq, 8h}$  defined in UK policy, night-time noise from individual aircraft may cause sleep disturbance. Therefore, the application proposes a series of mitigation measures to ensure good acoustic conditions can be achieved in bedrooms and living spaces.
- 13.10.26 To provide good acoustic design the application proposes measures that follow the good acoustic design hierarchy presented in ProPG<sup>19</sup>. These include the following measures:
1. *Maximising the spatial separation of noise source(s) and receptor(s).* The design parameters of Village 1 includes a physical separation from the A414, which allows for landscaping along the southern boundary of the village, which will be detailed at the SLMP stage.
  2. *Investigating the necessity and feasibility of reducing existing levels and relocating existing noise sources.* Clearly it is not possible to realign the A414, but changing the environment of the A414 through lower vehicle speeds and low noise road surfaces are shown to reduce the background noise by some 3.5dB. The application therefore proposes to provide a low-noise road surface along the A414 at the southern edge of Village 1.

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<sup>19</sup> Professional Practice Guide on Planning and Noise, 2017

3. *Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise.* There is a difference in ground height between 1m and 4m and the development so there will be some partial screening of road traffic noise.
4. *Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise.* Following a design review and initial noise modelling it was determined that a bund would not be the best solution to meet good acoustic standards, and would be contrary to minimising ecological impacts, would provide limited benefit and would have a visual impact.
5. *Using the layout of the scheme to reduce noise propagation across the site.* The layout of buildings within each village will be determined at the VMP stage and as such good acoustic noise measures can be incorporated into the masterplan. The location of the mixed-use zone in Parameter Plan 4 extends to the A414 with the purpose of facilitating a layout which locates less noise-sensitive uses closest to the A414 which will provide screening of properties beyond. The use of terraces, close-boarded fencing and distance are successful forms of mitigation through layout.
6. *Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms.* As with layout, orientation is a matter reserved for masterplanning and Reserved Matters stages. The application does however, commit to providing building envelopes designed to achieve good internal noise conditions. British Standards and Building Regulations both provide guidance and requirements on achieving good internal acoustic design. Ventilation and glazing will be key to attenuate noise at night-time, and subject to detailed modelling to be undertaken with Reserved Matters applications, it is likely that passive ventilation will be a requirement for bedrooms across the site.

13.10.27 As is described in paragraphs 5.7 above, the proposed site to be safeguarded for Gypsies and Travellers or Travelling Showpeople has been assessed through bespoke noise modelling to ensure the ES considered the lower noise attenuation properties of caravans and light constructed buildings compared to traditional construction materials of residential buildings. The assessments conclude that through the use of low-noise road surfacing and the siting of less noise sensitive land uses adjacent to the A414, such as employment buildings for example, residential properties located behind those uses will achieve suitable internal and external acoustic environments. The use of additional measures such as sound insulation on building facades, glazing, landscaping and building orientation will also ensure that homes are suitably protected from noise generating sources. The Development Specification includes these principles in section 3.14 and the requirement to undertake detailed noise modelling at the masterplanning and Reserved Matters stages will be controlled by conditions relating to the scope of masterplans and details to accompany RMAs.

**Lighting**

- 13.10.28 In the absence of defined layouts, the EIA considers the impact of the village development by applying a level of luminescence that is expected to arise from the development assuming that there is no form of artificial lighting in the local area at all. This is to comply with the 'worst case scenario' approach to the assessment of impacts. Clearly, constructing a development of this scale into an area largely devoid of artificial lighting will fundamentally change the character of the environment, resulting in at worst, a major magnitude of potential impact to six residential receptor locations where construction may be within 25m of the receptor if unmitigated. This section considers the impact of lighting on residential receptors. Section 13.6 above considers the impact of lighting on the natural environment.
- 13.10.29 The ES (as amended) considers the following lighting effects:
- Direct Sky Glow: the direct upward spill of light into the sky, which can cause a glowing effect and is often seen above cities when viewed from a dark area.
  - Light trespass (vertical and horizontal): the spilling of light beyond the boundary of a property, which may cause nuisance to others.
  - Glare: the uncomfortable brightness of the light source against a dark background which results in dazzling the observer, which may cause nuisance to residents and a hazard to road users.
- 13.10.30 During construction, standard Codes of Construction Practice will be employed to minimise lighting impacts. It is the intention that construction compounds will be located away from existing residential properties to avoid impacts arising from activities within the compound such as from cabins and security lighting. During winter months when daylight hours are reduced there will be a need for lighting to provide a safe working environment. The applicants will be required to submit detailed plans setting out how construction activity will be managed, which will include details of site lighting. The Code of Construction Practice indicates that directional lighting will be used with shields and down-lighters to avoid impacts from light spill. The same principles as set out in the Development Specification will apply to site lighting during the period of construction, the details of which will be set out in the Construction Environment Management Plan required by condition.
- 13.10.31 Sufficient distances are proposed between existing properties and the new development, and with the proposed measures identified in the submitted Code of Construction Practice, negative impacts from construction lighting are not envisaged on residential receptors in the ES. Furthermore, Officers recommend a series of conditions that will require the submission of lighting strategies for each stage of construction.
- 13.10.32 Given the outline application stage does not comprise layouts of the villages, the assessment uses the lighting principles set out in the Development Specification against the Parameter Plans to represent a 'likely design case' which is compared

against a worst case baseline of natural moonlight to assess the likely significant effects for the purpose of decision-making. Once construction is complete, the lighting assessment recommends the use of low level luminaries and lux levels suitable for a rural environment (Environmental Zone E2). This is to retain the relatively low levels of lighting currently experienced in the area. Some parts of the new development will require higher levels of lighting such as in village centres and commercial areas for example, however there will be fewer residential receptors in these areas and with suitable approaches to design, and with the use of lighting mitigation such as shields and directional luminaries, impacts will be minimised.

13.10.33 High level lighting design principles are included within the Development Specification (section 3.17) which commits to lighting design principles that will be designed with high efficiency luminaries to be directionally and energy efficient, to minimise adverse impacts on road users, the amenity of residents, neighbouring uses and the wider landscape through good design, which minimises potential glare, light spill/trespass and sky glow. Nonetheless, Officers recommend a condition requiring the submission of a lighting strategy with each Village Masterplan and Reserved Matter application to demonstrate how lighting employed for the development meets the objectives set out in the Development Specification.

13.10.34 The ES considers that there will be neutral effects from lighting on residential receptors both from the development alone and as a result of cumulative schemes in the vicinity of the site given their distance from the site. Notwithstanding this assessment, Officers acknowledge that the introduction of the village development will introduce an urban form of development into what is currently a rural landscape largely devoid of artificial light. However, this is an impact acknowledged in the allocation of the site in the District Plan. Officers are satisfied that the proposed Parameter Plans and Development Specification principles will ensure that adverse harm from artificial lighting effects on ecological assets, existing residential receptors and new residential receptors will be minimised through suitable approaches to design. Officers recommend that lighting is considered in further detail at the masterplanning and Reserved Matters Application stages. With the implementation of the lighting principles suitable mitigation will be achieved in line with Policy EQ3 (Light Pollution) and DES5 (Crime and Security) of the EHDP and Policy AG3 (Protecting and Enhancing the Countryside Setting of New and Existing Villages), Policy LA1 (Landscape within the New Village Boundaries) and BU4 (Design of Village Streets and Lanes) of the GANP.

### ***Air Quality***

13.10.35 The Assessments undertaken for air quality take a precautionary approach to modelling. In short, this means that assumptions about the rate that vehicle emissions will improve as a result of new technology in future years are conservative, in that these improvements have been assumed to happen later and slower. In reality, with the latest Government announcements around the ban on sales of new

diesel and petrol cars from 2030, these changes should occur earlier and quicker as previously projected by the Emission Factors Toolkit (the guidance for undertaking air quality assessments), this is subject of course to Government investments in infrastructure to support this shift. The modelling takes full account of all known and planned developments within the area to address cumulative increases in traffic and other sources of emissions as well as to consider the locations of new sensitive receptors such as residential properties.

- 13.10.36 Of the 63 modelled existing receptor locations there are two that are at risk of having moderate adverse impacts due to the scheme in years when part of the Development is in use. A receptor in London Road, Sawbridgeworth which is already designated as an Air Quality Management Area, is expected to exceed the annual mean NO<sub>2</sub> UK AQO / EU Limit Value of 40µg/m<sup>3</sup>, in the first interim year both with and without the scheme. The increase in the first interim year is very small (+0.3 µg/m<sup>3</sup>) but because the location remains above the targets, the impact is classified as 'moderate adverse' in terms of the environmental assessment. In later years, NO<sub>2</sub> levels will be within the targets and impacts will be minor adverse at worst. A receptor in Printer's Way, Harlow is expected to have moderate adverse impacts in the second interim year and completion year due to an increase in traffic flows due to the Eastern Stort Crossing, but NO<sub>2</sub> levels will be well within the targets in all assessment scenarios. Whilst these forecasts are undesirable, they represent a pessimistic scenario. The properties within the Villages 1-6 development itself will have NO<sub>2</sub> levels that are within the targets.
- 13.10.37 In terms of particulate matter, assessments for annual mean PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, all test receptor locations were predicted to experience negligible negative and positive changes in the with and without scheme scenarios, for two interim years and at completion.
- 13.10.38 During the construction stage, the The Hides, Velizy Avenue location is expected to experience a small increase in NO<sub>2</sub> levels but because of existing levels being above the annual mean NO<sub>2</sub> UK AQO / EU Limit Value of 40µg/m<sup>3</sup> in the base year of 2019, this is recorded as a major adverse effect. The elevated concentrations in 2019 are likely due to bus movements associated with the bus station but are within the targets by the first interim year and remain so in later years. In order to mitigate this as far as possible, the Construction Traffic Management Plan will be required to set out mitigation which could include routes for construction vehicles that avoid this location; mitigation will be secured by planning condition. All other test locations saw negligible negative and positive changes for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> projections during construction.
- 13.10.39 The assessments use appropriate modelling tools and assumptions taking a precautionary approach. The models account for all known Local Plan development including Village 7, thereby ensuring the assessment is cumulative and

comprehensive. Overall the Gilston Area applications (Outline, Central Stort Crossing and Eastern Stort Crossing) are expected to have an overall negligible effect on air quality.

13.10.40 During construction, there are a range of measures that can be employed to control dust and emissions generated thereby lessening the nuisance and human health impacts associated with dust and particulate matter that may arise from construction activities. Effective site management is key to successful prevention and mitigation. All potential dust-generating activities will be identified prior to the commencement of each phase of construction and will be managed at source through appropriate handling techniques, good maintenance and good housekeeping. Conditions relating to construction environment management will ensure that appropriate standards are applied. Given the distance of residential properties from the site and the proposed management techniques included in the Code of Construction Practice submitted with the application, it is considered that potential risks are identified and can be mitigated appropriately. This is in accordance with Policy EQ4 of the District Plan and therefore carries neutral weight.

***Other proposed uses - Utilities***

13.10.41 Outline permission is sought for utility and energy facilities and infrastructure. These works often do not require planning permission of themselves as they are undertaken by statutory undertakers. Where works are not covered by permitted development they will be proposed through separate planning applications or Reserved Matters Applications.

13.10.42 There are existing electricity pylons running along the north-west edge of the site that will be retained in situ. Further electricity cables run through the centre of the site near St Mary's Church through Village 2 towards Pye Corner and from the north-east of the site through Village 2 towards Eastwick Road and beyond. To the west, overhead electricity cables run through Village 5 towards and through Home Wood. To the south, overhead electricity cables run along the southern edge of the Village 1 Developable Area and northwards to the west of properties in Gilston village. Where these routes pass through the Village Developable Area they may be undergrounded. To the north of the site, overhead cables will be retained in situ and will be a constraint to accommodate at the village masterplan stage for Village 4. These routes are indicated on Parameter Plan 1. Where cables are undergrounded or diverted they will be directed along highway alignments or through public open spaces to enable maintenance. To ensure supply is secured for the new properties a new primary substation will be required on site.

13.10.43 There is existing gas infrastructure in the vicinity of the site, however, in preparation with anticipated regulatory changes it is proposed that no new gas supply will be provided to buildings on the site.

- 13.10.44 Fibre to the premises will be provided to every property, providing high-speed broadband connections.
- 13.10.45 Affinity Water infrastructure is present through the site in the form of twin pipes that run from north to south. Connections to both mains will provide resilience for new property connections.
- 13.10.46 Foul water will be discharged into the proposed foul water system comprising gravity sewers or where not possible, through pumping stations to reconnect to the gravity system. Connections to the existing Thames Water Stort Valley Trunk Sewer will be required. As stated in paragraph 13.7.20 above 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, however further upgrades to the network may be needed prior to this date depending upon the delivery of the development. Given delays to the delivery of planned strategic sites, this is now considered as unlikely. Notwithstanding this, improvements will be funded through contractual arrangements with developers connecting to the network. The Environment Agency cite that they have no concerns on the understanding that planned improvements to Rye Meads will occur and that Thames Water has the ability to take the increased foul water without deterioration to water courses receiving discharges from the treatment works.

***Minerals Matters***

- 13.10.47 6.5ha of the development site as a whole (Outline and two crossings) falls within a Mineral Safeguarding Area (MSA). Once a 100m buffer is placed around existing properties this falls to 5.5ha, with 1.5ha falls within Essex. As such, ECC have agreed that HCC will act as lead authority on mineral matters and that it would be appropriate to assess the full application site on the basis of the HCC policies relating to mineral matters.
- 13.10.48 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 also how impacts on proximal authorities are minimised. One way of achieving this is to undertake mineral supply audits which should consider the approximate volume of aggregates required to facilitate the development on a phased basis, where such aggregate will or could be supplied from, implications for that demand on local aggregate supply and the impact on any proximal infrastructure that may potentially arise as a consequence of the need to import that aggregate.

13.10.49 The application material indicates that the potential for opportunistic extraction is limited, however where investigation is carried out as part of groundwork preparation the scope for using minerals such as sand and gravel 'won' from operations on site such as excavations for foundations and footing will be evaluated. This approach is captured in the Construction Traffic and Environmental Management Plan condition. This will make sustainable use of these valuable resources, reducing the need to export or import materials.

**Waste Matters**

13.10.50 Part of the development site as a whole (Outline and two crossings) is within a Waste Consultation Area (WCA) associated with a recycling facility at Elizabeth Way in Harlow, identified in the Essex and Southend-on-Sea Waste Local Plan 2017 (Policy 2). The policy seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. ECC consider that the application will not compromise the operation of this facility and offer no objection to the site.

13.10.51 Similarly, 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 a condition that requires 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.

13.10.52 The intention of the proposal is to re-purpose existing buildings where possible, but there will be some older buildings that are not capable of re-use and may require demolition. Where existing buildings are to be demolished, as these are older or agricultural buildings, they may have the 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.

## 14.0 Long Term Stewardship

- 14.1 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, on the north-west section of the site, 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 of the parkland, open spaces, play areas and community assets; 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.
- 14.2 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.
- 14.3 The applicant, along with the Village 7 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 included in the original submission. The strategy also builds upon 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:
- i. 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.
  - ii. 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.
  - iii. 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.
- v. The governance structure must enable and actively encourage strong resident participation and facilitate special interest contributions from key stakeholders.
- vi. 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.

14.4 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 is not just about managing green spaces but is about enabling community participation in decisions that are important to them about how community assets are delivered and managed. 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.

14.5 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 strategic and more village specific assets (i.e. more than more than the open space and parklands on the north-west section of the site), including some that will have the potential to generate income to sustain the management of other assets. The larger facilities that will serve the Gilston Area as a whole, known as “strategic community infrastructure”, will include strategic open spaces such as the Eastwick Woods country park and Hunsdon Airfield country park, community parks and green corridors including Gilston Park and Gilston Fields, sports pitches, community centre and youth facilities. In addition to offering the community/trust the strategic community infrastructure, the intention is also offer “village community infrastructure”, which will include the more local parks, green spaces, playgrounds, allotments, orchards and productive gardens along with village-specific sports facilities. 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.

14.6 At this outline stage it is not possible to know exactly where and what assets will be delivered in each village and offered to the community. Building on from what was agreed as part of the strategy, the next step for the applicant and the developer of Village 7 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.

- 14.7 An Outline Business Plan will also be developed, in tandem with the first 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 over the next twenty years.
- 14.8 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 begun to take place through the applicant's engagement with current community representatives and this will continue to evolve so that the new residents of Gilston are informed and engaged as the new community grows. The Trust 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. Again, 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. 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.
- 14.9 To achieve all these things the Trust has to have a robust governance structure which provides 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.

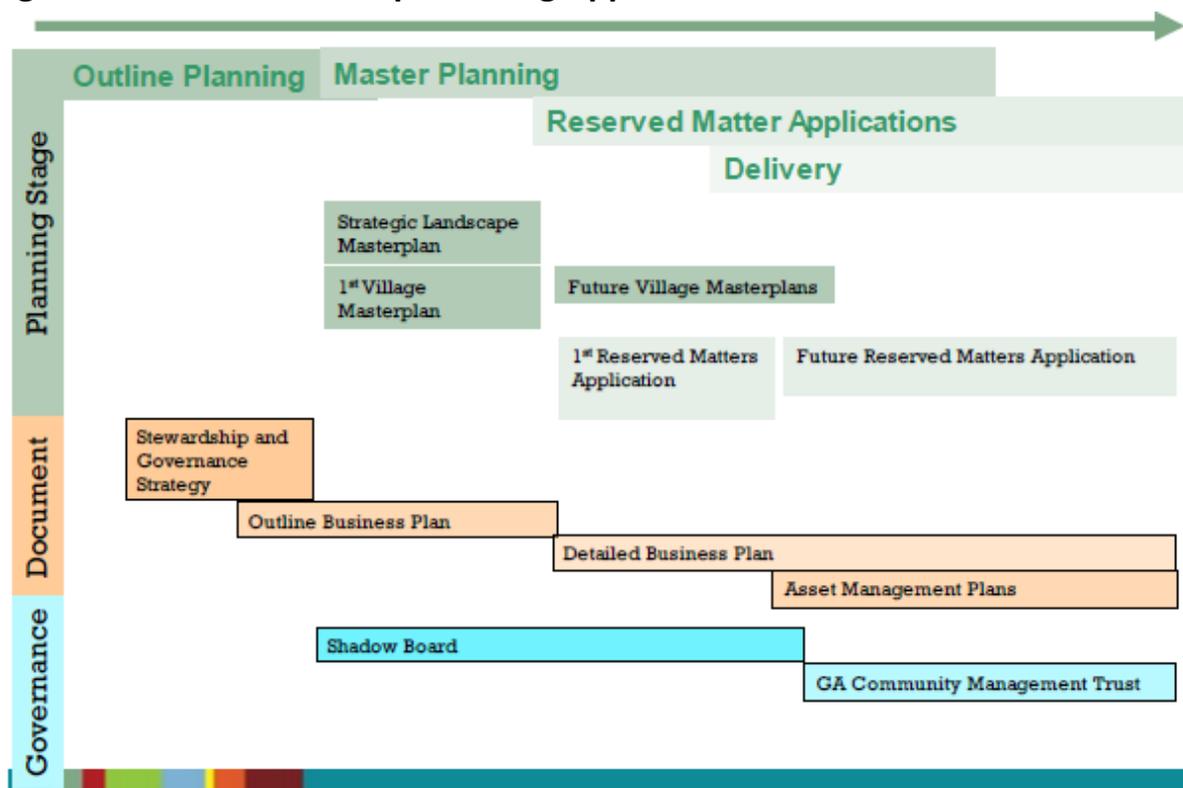
14.10 The strategy recommends establishing a Shadow Advisory Board to be formed shortly after the signing of the S.106 Agreement and grant of outline consent to help inform and shape the development of the emerging Trust. The Shadow Advisory Board will comprise representatives from the developers, the 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.

14.11 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 the quality of 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 Trust. 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.,

- 14.12 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 32 below.

**Figure 32: The Stewardship Planning Approval Process Detail**



- 14.13 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.

## 15.0 Infrastructure Delivery

### *Phasing of Delivery*

- 15.1 As indicated in Figure 5 in section 13.2 above, the delivery of Villages could come forward in the following order: Village 1, Village 2, Village 5, Village 3, Village 6 and Village 4. Village 7 will commence after Village 1 and before Village 2. Bringing forward Village 5 as the third village will enable the planning and delivery of the second secondary school to ensure capacity is available to support the later three villages. However, as this application is in outline form the order in which the delivery of the villages comes forward is less important than ensuring that there are agreed milestones for the delivery of key pieces of infrastructure required to support the delivery of the homes
- 15.2 As indicated in section 14 of the two crossing reports, 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 the Applicant is preparing to discharge the conditions relating to the confirmation of the delivery phasing for the crossings. 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.
- 15.3 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 even within a single village never mind across all six villages (plus Village 7). There will therefore need to be a programme of delivery submitted that will be refined over time. As such Officers have recommended conditions that require 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 and in each village, which will accompany the respective masterplans.

### *Heads of Terms of the S.106 Agreement*

- 15.4 The Heads of Terms set out in **Appendix C** provide headlines in relation to the delivery of key infrastructure. The S.106 Agreement will set out in detail the legal requirements and mechanisms to be followed to secure the delivery of these items. As the S.106 Agreement and conditions are interlinked, delegated authority is sought to refine both the conditions and the S.106 Agreement.

***Draft Planning Conditions***

- 15.5 The recommended planning conditions are provided in **Appendix D** to this report. Please note that due to the close inter-relationship between conditions and the S.106 Agreement, Officers are seeking delegated authority to finalise the conditions alongside the completion of the S.106 Agreement.

**16.0 Planning Balance and Conclusion**

*Principle of Development*

- 16.1 This proposal is for the delivery of a significant proportion of the GA1 site allocation. Policy GA1 (The Gilston Area) of the East Herts District Plan 2018 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 85% 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 considered to be acceptable in principle.

*Design Parameters and Principles*

- 16.2 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.
- 16.3 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. However, these harms were acknowledged in the allocation of the site and Officers consider that the benefits of the new development outweighs the visual and landscape harm that will arise from the delivery of the proposals.

*Supporting Economic Growth*

- 16.4 The application proposes that each village will comprise 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 twenty years of construction-related jobs and ancillary jobs created through domestic maintenance related demands. The application also makes provision for assisting local residents to being able to access jobs through a commitment to skills and training activities.

- 16.5 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.

*Delivery of Community Infrastructure*

- 16.6 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, nurseries 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 every day 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.

*Protecting and Enhancing the Natural Environment*

- 16.7 The application Parameters seek to avoid harm to features of nature conservation interest, locating the Village Developable Area away from sensitive natural assets like tributary valleys and ancient woodland for example. 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.
- 16.8 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. Through various mitigative measures the scheme will have the potential to deliver a 20.55% net gain to hedgerow units, 33% for habitat units and 16.60% for watercourse units. The loss of habitats has to 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.

*Climate Change, Flood Risk and Sustainable Drainage*

16.9 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 masterplanning and Reserved Matters Application stages, risks associated with flooding will be satisfactorily avoided and mitigated through the implementation of appropriate, agreed attenuation solutions.

16.10 The water supply and waste water companies have plans and programmes in place to ensure adequate supply of water and treatment of waste water 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.

*Transport Considerations*

16.11 Extensive transport assessments have been undertaken working collaboratively with two local highway authorities. A number of 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.

*Protection and Enhancement of the Historic Environment*

16.12 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, some of which will be at the upper end of less than substantial.

16.13 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.

*Contamination and Pollution*

16.14 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 masterplanning 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.

*Long Term Stewardship*

16.15 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.

*Delivery of the District Plan Housing Strategy*

- 16.16 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 85% of the total allocation (8,500 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.
- 16.17 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 5YHLS is that the 'tilted balance' is engaged in the decision-making process. The tilted balance refers to paragraph 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 5YHLS 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 in particular those relating to the development strategy and delivery of housing which have been referred to earlier in this report.
- 16.18 '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. There will however, be some loss of priority habitats in the form of species-rich and species-poor ancient hedgerow to enable the delivery of the sustainable transport corridor connecting each village by active and sustainable means. 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.
- 16.19 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.

- 16.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the plan unless material considerations indicate otherwise". Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to the development plan (and other material considerations). The development plan includes the East Herts District Plan 2018 and the Gilston Area Neighbourhood Plan 2021. The National Planning Policy Framework (updated 2021), is one of the other material considerations to which regard must be had.

## **17.0 RECOMMENDATIONS**

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).

## **18.0 Summary of Reasons for Decision**

- 18.1 East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted for the reasons set out in the above report.

## **Application 3/19/1045/OUT**

### **Appendix A**

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

### **1. Introduction**

- 1.1 This 2023 Update to the Habitat Regulations Assessment Screening and Appropriate Assessment (AA) includes a summary of new information submitted in relation to a new air quality transect covering part of Epping Forest Special Area of Conservation (SAC) closest to the development, known as Epping Thicks Site of Special Scientific Interest (SSSI) unit 105. This part of the SAC was considered in the council's AA reported to the committee in February 2022, with an air quality transect that took account of development related traffic and cumulative (in-combination) traffic on the M25 in proximity to the SSSI unit. The applicant's new data comprises an air quality transect of the same SSSI unit but taken from the nearest road, the B1393. The new air quality modelling is based on the same transport assessment inputs and takes account of the same conservation objectives as previously considered. The AA has been updated to add the outputs of the new air quality transect. The AA now also includes the HRA Update which was previously reported to the committee as Appendix A: Update to the two crossing reports for completeness in section 5.8. The AA in all other respects remains the same and the conclusions reached likewise remain as previously reported. The Conditions Status reports of each SSSI unit has been checked and there have been no updated surveys undertaken or reports updated since the publication of the original 2022 AA. The Conservation Objectives for each SSSI remain as previously reported.
- 1.2 As this AA is presented alongside the committee report for the Villages 1-6 outline application which relates to land in East Herts only and is to be determined by East Herts Council, references to Harlow Council have been removed. However, the context of the 'in-combination' assessment of all aspects of the development, including the two crossings remain the same. Please note that the two Crossings applications were approved by East Herts and Harlow Councils in March 2022.
- 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 Councils have undertaken a Habitats Regulations Assessment of the three planning applications submitted by the Applicant Places for People. It is noted that for HRA purposes:

- a. East Herts Council is the competent authority for the outline applications for Villages 1-6 and (referred to as “the Council throughout the HRA which is annexed to the Officer Reports at Appendix A);
- 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 three planning applications with the combined proposed development (“Development”) pursuant to such applications treated as a single project for the purposes of screening and identifying individual and in-combination likely effects on National Network (or European) Sites:

- 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.
- 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 Applications”). – Application approved March 2022

- 1.6 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).
- 1.7 The Applicant (Places for People) prepared and submitted to the Council in May 2019 an Environmental Statement which included Appendix 14.4 Information for Habitats Regulations Assessment (“2019 IHRA”). In November 2020 the Applicant submitted detailed information described as ‘Revised Information for Habitats Regulations’ Assessment (Appendix 14.4 of the Environmental Statement) (“2020 IHRA”). This Habitats Information (the 2019 IHRA and 2020 IHRA) comprised an assessment of the Development alone and in-combination with other plans and projects, including the adjacent Outline Application for Village 7). As explained in paragraph 1.1, the Applicant has submitted an update to their ‘Revised Information for Habitats Regulations Assessment Addendum November 2022’ (Appendix 14.4a) (“2022 IHRA”) which is included in the latest 2022 Viability Amendments consultation. For completeness, the Council has also considered the Revised Information for Habitats Regulations Assessment (Appendix 13.12 of the Environmental Statement) for Village 7 (application 3/19/2124/OUT) (“the Village 7 Habitats Information”).
- 1.8 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). The planning application case officer has carried out this HRA on behalf of both Local Planning Authorities. 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.
- 1.9 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.

1.10 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 three planning applications which have been treated as a single project for the purpose of robustly understanding and screening likely significant effects of the Applications comprised in the Development alone or in-combination with each other. The resultant HRA therefore considers the potential adverse effects arising from the combined delivery of these three schemes, i.e. the Development 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. All three components of the Development (the 'single project' which now comprise the above-mentioned three Applications), were 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 Development comprising all Applications as a whole. 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 and 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 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 Outline Application element of the Development alone.
- 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 each other, 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 1-6 application, providing options for trips to be taken on routes not in the vicinity of the National Network Sites. By considering the three Applications together as the 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 C), the Applications alone and in combination with each Application comprising the 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 Pleanála* [2013] EUECJ (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.

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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>

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 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 Applications submitted by Places for People (“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 all three Applications comprising the Development together as a single project a robust comprehensive Screening and HRA can be undertaken of the effects of each of the Applications individually and ‘in-combination’ for the Development as a whole. The Development comprises the following elements

in the form of 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.*

#### 5.2.2 The Outline Village 1-6 application comprises:

- Up to 8,500 homes, including affordable homes, retirement and extra care accommodation in use Class C2;
- Land reserved for Gypsies and Travellers and Travelling Showpeople, two 1 ha sites;
- 74,200sqm of education and community floorspace (including schools, nurseries, crèches, health centres and community centre);
- land reserved for six primary schools comprising up to 17 forms of entry with early years provision;
- land for two secondary schools providing up to 20 forms of entry, with sixth form provision;
- 25,100sqm retail and related uses and leisure floorspace;

- 29,200sqm business and commercial floorspace;
- 3,000sqm leisure floorspace to support outdoor sport, leisure and recreation;
- open spaces, parks and public realm;
- Provision of supporting infrastructure such as:
  - sustainable urban drainage systems;
  - utility and energy facilities and infrastructure;
  - waste management facilities;
  - vehicular bridge links;
  - car parking (including multi-storey, undercroft and surface);
  - creation of new vehicular and pedestrian accesses into the site;
  - 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;
  - temporary works or structures required by the development.

5.2.3 The Central Stort Crossing application comprises:

- The main central access into that part of the Gilston area allocation immediately north of the existing Eastwick junction (Village 1) (in interim and final form), to allow for sustainable modes of transport only;
- A new all modes access into Village 1, located to the east of the sustainable modes junction off Eastwick Road (in interim and final form);
- New northbound carriageway and bridge structures to the west of the existing Fifth Avenue Crossing;
- Parameters for a new dedicated pedestrian and cycle route to the east of the existing Fifth Avenue Crossing comprising a new pedestrian and cycle bridge over the Eastwick Road junction, a new pedestrian and cycle bridge over the Stort Navigation and replacement of the east parapet and edge beams on the existing bridge over the West Anglia Mainline; and
- A new access from the A414 into the Eastwick Lodge Farm complex and amendments to existing access arrangements.

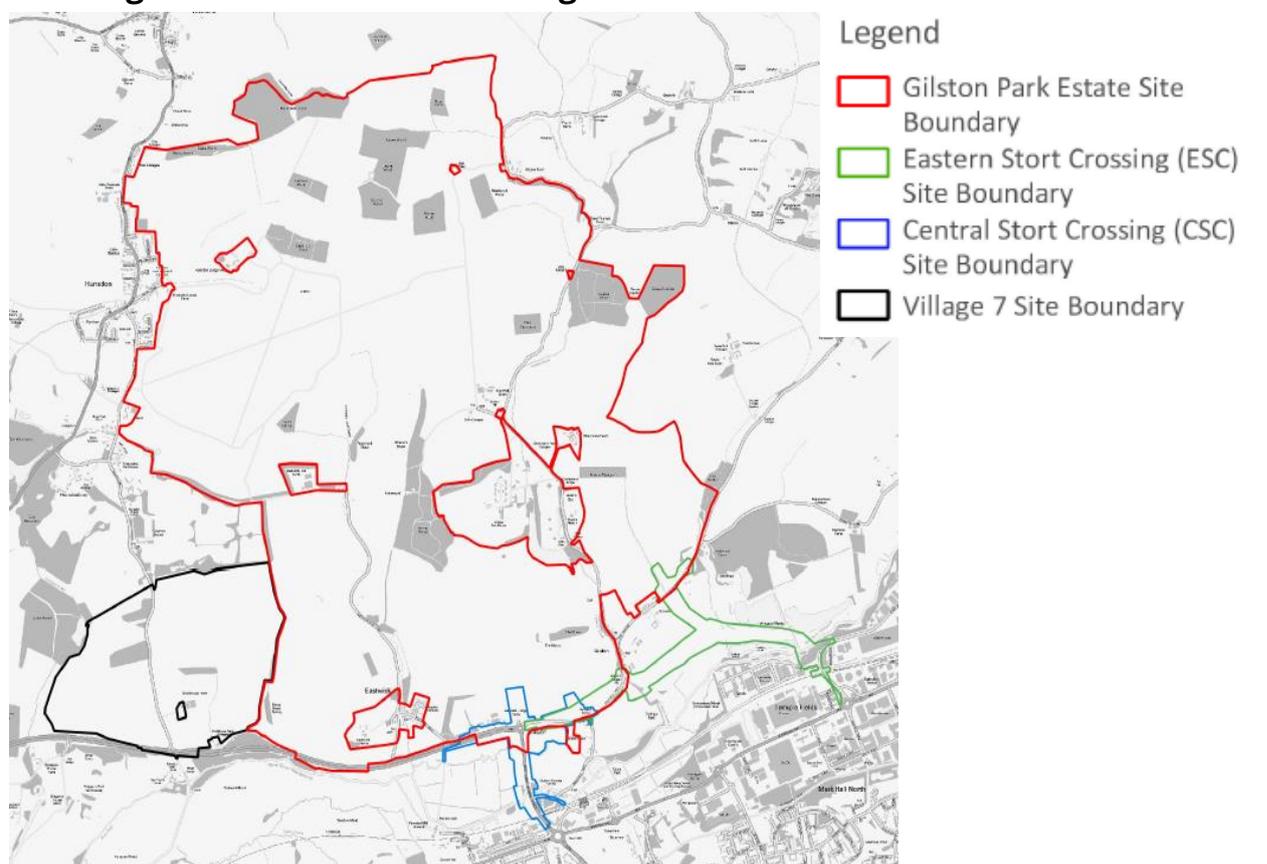
5.2.4 The Eastern Stort Crossing application comprises:

- New pedestrian, cycling and vehicular route divided into Road 1, Road 2 and Road 3 linking the Eastwick junction to River Way in Harlow
- A central roundabout connecting the three roads together
- An access for all modes into Village 1 via a new junction which will also provide access to Terlings Park and Burnt Mill Lane (this part of the scheme is also included with the CSC application)
- An access into Pye Corner, Gilston
- A bridge over Fiddlers' Brook with enhancements to the Listed Fiddlers' Brook Bridge
- An access into Village 2 from Eastwick Road, north of Pye Corner, both in interim and final form.

5.2.5 The 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.

5.2.6 The Development (including the Outline Villages 1-6 residential proposal plus the two infrastructure proposals described at paragraphs 5.2.3 and 5.2.4) forms the largest part of the total Gilston Area allocation of 10,000 homes. The remaining 1,500 homes comprised in the Gilston Area allocation are the subject of a separate outline planning application known as “Village 7” (promoted by the developer Taylor Wimpey) and is currently under consideration by East Herts Council. The Village 7 Environmental Statement and Information for Habitats Regulations Assessment has been taken into account in this assessment and the ‘in-combination’ likely significant effects of Village 7 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 Outline Villages 1-6 Application element of the Development.

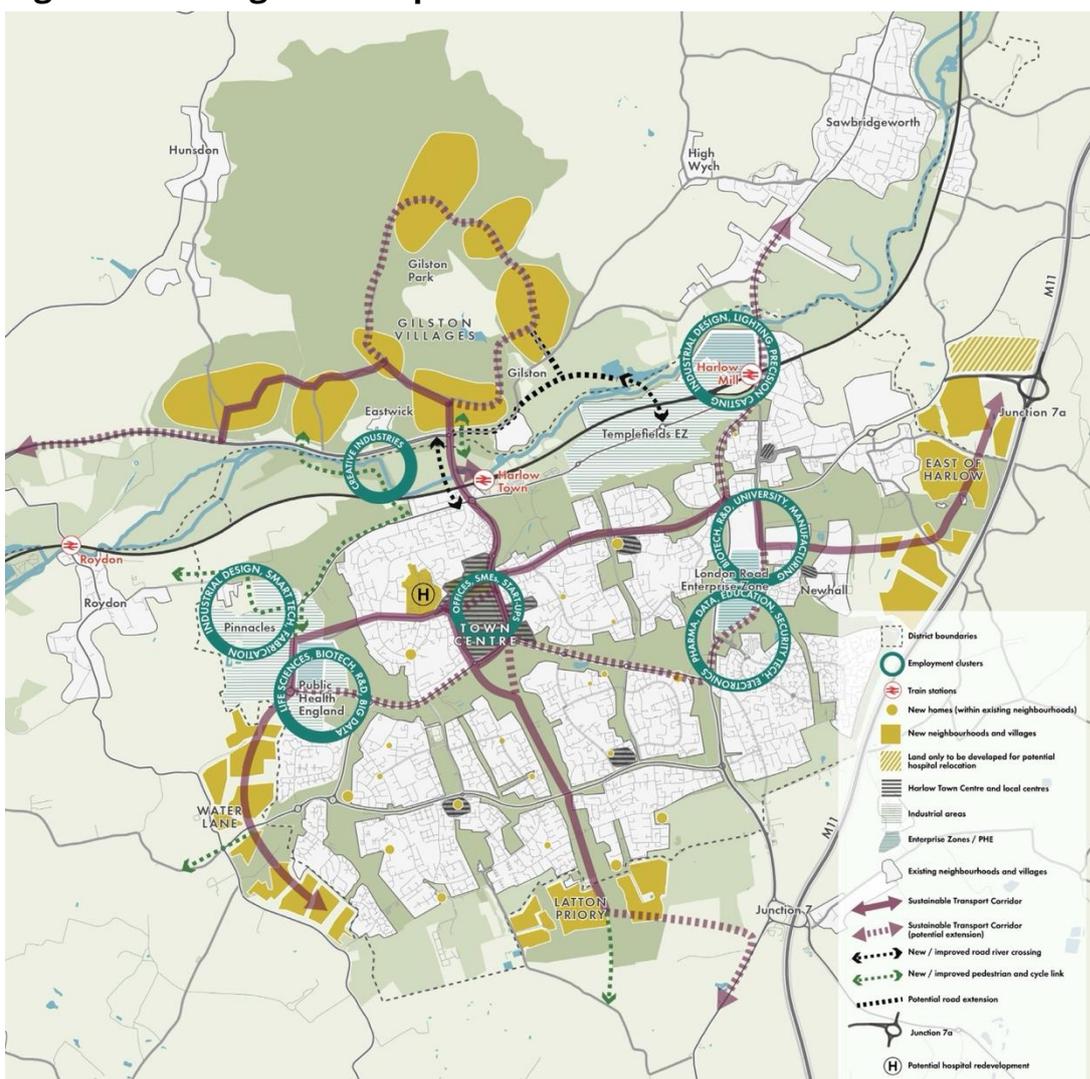
**Figure 1: Site Area for Village Development Applications plus Central Stort Crossing and Eastern Stort Crossing**





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 2020 includes a list of each known development site taken into account as part of the cumulative considerations in the Environmental Statement, and Appendix E 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. The Villages 1-6 application and the CSC and ESC crossing applications are interlinked; developments in the Gilston Area allocation on

only be progressed in full with the necessary supporting infrastructure provided by the two Stort Valley Crossings. As such, the proposals put forward in the three PfP applications (the CSC, the ESC and the outline residential development for Villages 1-6) are collectively known for the purposes of the EIA process as ‘the Development’ and the effects of the Development are therefore considered and reported collectively for EIA purposes. The Development has been subject to a single ‘project-wide’ EIA. The individual effects from each application are not presented separately within the Environmental Statement (ES) but addressed collectively (based on the anticipated progress of each element at certain milestones). Where necessary, the ES highlights impacts that have particular relevance to the CSC proposal and the ESC proposal, therefore the ES provides a comprehensive assessment of the likely environmental impact to enable a decision to be made on the two infrastructure applications on their own as well as taking into account the cumulative impact of other planned developments, including Village 7 and the strategic sites identified within the HGGT area.

- 5.4.2 An ES was submitted by PfP with the applications (3/19/1045/OUT, 3/19/1046/FUL Harlow reference: HW/CRB/19/00220, and 3/19/1051/FUL Harlow reference HW/CRB/19/00221) in May 2019 and registered in June 2019 (the “June 2019 ES”). The June 2019 ES included an Information for Habitat Regulations Assessment Report (“2019 IHRA”) as Appendix 14.4. 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 November 2020 included a revised IHRA as Appendix 14.4 (“2020 IHRA”), which revised and fully superseded the June 2019 IHRA. The ES Addendum was subject to further consultation, including with Natural England.
- 5.4.3 The 2020 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 Village 7 and the Strategic Sites and development plans of adjacent districts. Copies of the Natural England responses to the 2019 IHRA and 2020 IHRA are contained in Appendix A and Appendix B respectively to this report. The 2020 IHRA is considered to provide sufficient information to inform the Appropriate Assessment in respect of the Development alone or 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 “EclA 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 Zol 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 applicant in 2013 and 2017 (which are included in annexes to the 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 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 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.

<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>

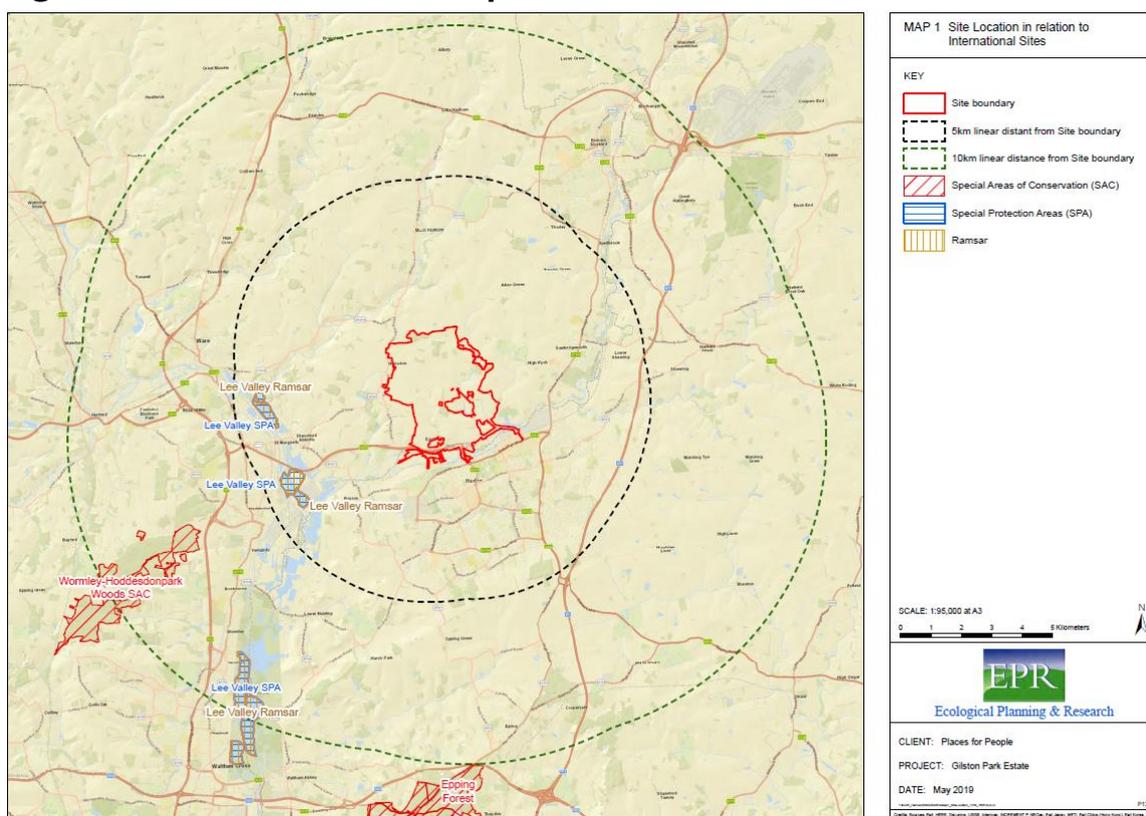
<sup>7</sup> <https://jncc.gov.uk/our-work/nitrogen-futures/>

5.5.5 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. The National Network Sites which are considered to fall within the Zol are included in Table 2.

**Table 2: European Sites in Zone of Influence**

Site	Linear Distance from the Site Boundary	Direction from the Site Boundary
Lee Valley SPA and Ramsar Site	3.6km	West
Wormley-Hoddesdonpark Woods SAC	7.4km	South-west
Epping Forest SAC	10km	South

**Figure 4: Zone of Influence Map**



5.5.6 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.

- 5.5.7 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 2020 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*

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<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

*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
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	Secure resources to target management delivery.

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

	these habitats are maintained.	
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	<i>Azolla</i> 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

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

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**

Unit No.	Condition	Reason for below Favourable Condition
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 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 -	Wintering cormorant, tufted duck and shoveler counts,

	recovering	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. Inform all owners/ managers of the local distribution and symptoms of Acute Oak Decline and, where necessary, of control recommendations.

<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

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>Symphoricarpos 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.
		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.
Air pollution: risk of atmospheric nitrogen deposition	Nitrogen deposition exceeds the site-relevant critical load for 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.	Further investigate the impacts of atmospheric nitrogen deposition, based on the application of guidance from the Chief Scientist's Group Nitrogen Task and Finish Group.
		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).
Deer	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.	Establish more small (4m x 4m) deer exclosures to monitor effects of deer on ground flora and tree/shrub regeneration.
		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). Monitor impacts of

		<p>other potentially damaging species such as squirrels, if initial findings suggest they may also be reducing natural regeneration significantly.</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>
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 the ground flora directly and can introduce toxins and alien species.</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>
Forestry and woodland management	<p>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.</p>	<p>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.</p>
Public access/ disturbance	<p>The site is a large, attractive area of ancient woodland with extensive public access and close to large urban centres, so it is</p>	<p>Establish a 'light-weight' monitoring system for species or other site features likely to be sensitive to effects of public</p>

	<p>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.</p>	<p>access (e.g. vulnerable ground flora or veteran pollards close to main access points/routes). Regularly review monitoring results and where feasible, modify access arrangements, signage etc to remedy adverse effects.</p>
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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-Hoddesdonpark 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**

Unit No.	Condition	Reason for below Favourable Condition
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 overshadowed 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	

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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 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 (saproxylic) 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 robori-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**

Issue	Threat	Measures/ Action
Air pollution: impact of atmospheric nitrogen	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

deposition	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.
		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.
		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.
		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.
		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.
		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;

<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 supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- 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.

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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

Appendix A: Habitats Regulations Assessment – Screening and Appropriate Assessment

		<p>varied age temporary open space through 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, health 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</p>

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		assessed as unfavourable recovering. The unit is sub-optimal for bryophytes with reduced diversity on trees notably 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.

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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 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

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		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, 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.
124	Favourable 2010	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.
125	Unfavourable – Recovering 2010	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

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		grassland/heathland areas will not take place unless an extensive grazing regime is re-introduced as planned.
126	Unfavourable – Recovering 2010	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 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	<p>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 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>

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131	Unfavourable – Recovering 2010	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); - (no recent breeding bird assemblage data was available).The <i>Rhododendron</i> 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

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		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.
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

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		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.
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 (2019 IHRA and 2020 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 (EHDP) 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 3.7km of the proposed 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

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<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) Lee Valley Regional Park

laid out and 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 developments 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 (2020 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 2020 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 Village 7. 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 7.4km and it is therefore not considered likely that the operational phase of the Development (alone or in combination with Village 7 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->

5.7.13 The Applicant's Habitats Information (2020 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 2020 IHRA, the Council agree with the Applicant's Habitats Information (2020 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 Village 7. 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 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 (comprising all three Applications) lies 10km 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 (2020 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 2020 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 Village 7. 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 and 2020 IHRA) and the Village 7 Habitats Information (2021 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 Village 7), 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 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 (NO<sub>x</sub>) 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 NO<sub>x</sub>, a non-specific critical level of 30µg/m<sup>3</sup> 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. It is important to note that when looking at the two infrastructure elements (i.e. the Crossing applications) of the Development in isolation of the residential-led outline application for Villages 1-6, it is the proposed residential development in the Gilston Area plus the strategic planned growth cumulatively in the wider HGGT identified in Figure 3 above, and background growth in traffic that results in increased vehicular trips; the two new Crossing applications however, enable a change in the distribution of traffic.

5.8.10 Chapter 9 of the ES and ES Addendum describes the traffic modelling in detail. Traffic flows from within the Zol 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 Village 7 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 1-6 and two Crossings).

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<sup>21</sup> <http://www.apis.ac.uk/critical-loads-and-critical-levels-guide-data-provided-apis>

5.8.11 The two DM and DS scenarios were also considered over three time horizons:

- 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
- 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 This range of scenario testing is considered to provide a comprehensive consideration of the different levels of traffic generated by the Applications comprising the Development in combination with other known plans and projects, including the remainder of the Gilston Area Allocation and 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 construction activities are complete.

5.8.14 The traffic modelling above was used to inform the air quality modelling, as described in detail in Chapter 10 of the ES and ES Addendum in respect of the Development. The pollutant modelling considered NO<sub>x</sub> and ammonia concentrations, nitrogen deposition and acidification for each traffic growth scenario.

5.8.15 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 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.

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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,

5.8.16 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”.

5.8.17 These thresholds should be considered in a stepwise manner:

- 1) Apply the threshold alone – taking the Development (Village 1-6 and two Crossings) 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.

5.8.18 For the purpose of this modelling, the ‘in-combination’ schemes considered include the Strategic Sites within the HGGT area, including 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**

5.8.19 In terms of Wormley-Hoddesdonpark Woods SAC, its distance from the proposed Development is approximately 7.4km. 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."*

5.8.20 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.

5.8.21 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**

5.8.22 In terms of the Lee Valley SPA/Ramsar, as it is the most proximate National Network Site to the Development at 3.6km, 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 each of the Applications comprising the Development, alone or in combination with other plans and projects, upon the Lee Valley SPA/Ramsar as a result of changes in air quality.

5.8.23 The Applicant's Habitats Information (2020 IHRA) demonstrates that the threshold of 1,000 Average Annual Daily Traffic flow 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. The transport

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<sup>23</sup> [NEA001 Advising CAs on Road Traffic and HRA June 2018](#),

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 Development, while the ‘do something (DS)’ scenario shows future traffic flows with the Development in combination with other plans and projects. 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)**

<b>2020 Base Table 1</b>	<b>2027 DM Table 2</b>	<b>2027 DS Table 8</b>	<b>2033 DM1 Table 3</b>	<b>2033 DS1 Table 10</b>	<b>2033 DM2 Table 4</b>	<b>2033 DS2 Table 12</b>	<b>2040 DM Table 5</b>	<b>2040 DS Table 14</b>
41,093	43,113	46,911	44,032	49,732	44,473	51,895	45,158	54,491

5.8.24 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**

5.8.25 In terms of Epping Forest SAC, the Applicant’s Habitats Information (IHRA 2020) 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, Natural England requested confirmation that the impacts of the total Development (post Plan period) were considered.

5.8.26 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>).

5.8.27 The Applicant’s 2019 IHRA included transport modelling up to 2040, by which time the Villages 1-6 (and Village 7) 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.

5.8.28 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 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 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 Base Table 1	2027 DM Table 2	2027 DS Table 8	2033 DM1 Table 3	2033 DS1 Table 10	2033 DM2 Table 4	2033 DS2 Table 12	2040 DM Table 5	2040 DS Table 14
22,479	23,410	23,502	24,549	24,601	24,061	24,162	23,919	24,113

5.8.29 The Applicant’s update 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 Park Estate development

<sup>24</sup> <https://www.efdclocalplan.org/wp-content/uploads/2019/01/EB209-Epping-Forest-Local-Plan-HRA-2019-2024.pdf>

would be greatest in the SAC. The data in Table 10.a provided in the 2022 IHRA below is 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) 2022 IHRA**

2019 Base	2027 DM	2027 DS	Increase DM-DS	2033 DM2	2033 DS2	Increase DM-DS	2040 DM	2040 DS	Increase DM-DS
22,479	23,410	23,485	75	24,061	24,128	67	23,918	24,061	143

5.8.30 The modelling indicates that the Development traffic alone 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.

5.8.31 The Applicant's 2019 IHRA modelled the traffic flow on the M25, being the main road closest to the Epping Thicks SSSI Unit 105. 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 Base	2027 DM	2027 DS	2033 DM2a	2033 DS2a	2033 DM2b	2033 DS2b	2040 DM	2040 DS
131,148	146,559	146,956	152,571	152,911	153,058	152,571	158,968	158,968

5.8.32 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 Village 7 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 (2020 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 Outline Application component of the Development for 8,500 homes, in combination with the adjacent proposal for 1,500 homes in Village 7 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 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 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

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<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

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, <i>Myriophyllum verticillatum</i>	Nationally scarce	Freshwater wetland
<b>Noteworthy fauna</b>		
Great Cormorant, <i>Phalacrocorax carbo carbo</i>	Peak counts in Spring/ Autumn 1.8%	Standing open water and canals
Tufted Duck, <i>Aythya fuligula</i>	Peak counts in Spring/ Autumn 2.3%	Standing open water
Common Coot, <i>Fulica atra atra</i>	Peak counts in Spring/ Autumn 1.1%	Standing open water and canals
Great Bittern, <i>Botaurus stellaris stellaris</i>	Peak counts in winter 1%	Fen, marsh and swamp
Smew, <i>Mergellus albellus</i>	Peak counts in winter 3.7%	Standing open water
Water Rail, <i>Rallus aquaticus</i>	Peak counts in winter 3.7%	Fen, marsh and swamp
Water-Boatman, <i>Micronecta miutissima</i>	Nationally important invertebrate	Standing open water

- 5.9.6 The Applicant's Habitats Information (IHRA 2020) 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 1-6, 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 3.6km west), Amwell Quarry SSSI (4.3km west) and Turnford and Cheshunt Pitts (8.8km 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 Outline Villages 1-6 Application element of the Development rather than the Crossings. The Applicant's Habitats Information (2020 IHRA) therefore considers 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. This element is therefore 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. It 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.



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. 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.

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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

## **5.10 Stage 1: Screening - Conclusion**

5.10.1 The screening assessment above considered the potential for the Applications comprising the Development (including the Villages 1-6 Outline Application and the two river Crossing proposals) 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. In line with the ‘Sweetman’ case, the screening assessment does not take into account mitigation. The screening assessment firstly considers whether the Applications comprising the Development alone and in-combination with each other (the 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 alone and as a whole, 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 Village 1-6 Outline Application component of the Development alone 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 7.4km 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 Villages 1-6 outline application site area of 993Ha, approximately 585.5Ha is proposed as strategic landscape, leaving a net developable area of approximately 407.5Ha, which is approximately 41% of the outline site area. The Villages 1-6 Outline Application element of the 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. In addition, the adjacent Village 7 proposal continues this approach, providing an extensive area of public open space, including woodland, parks and sports facilities, which will function alongside green spaces provided in Villages 1-6 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 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 1 of the outline application for Villages 1-6 along with the Strategic Landscape Masterplan which covers the whole of the Gilston Area allocation, including Village 7.
- 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, as well as through the Village 7 outline application (including conditions or Section 106 obligations) will provide Strategic Accessible Natural Greenspace within walking distance of new homes within Villages 1-6 and Village 7 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 Village 7 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 (2020 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 stage 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 Village 7 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, 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

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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

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 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 Outline Villages 1-6 Application element of the Development (8,500 homes), when considered alone, 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 Development alone they do not generate the traffic, rather they distribute the traffic associated from the Outline Villages 1-6 element of the 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 Crossings Applications with the Outline Villages 1-6 element of the 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 (2020 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 NO<sub>x</sub> 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. Both sets of data have been included for transparency purposes. The Council considers that the 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 Development. The updated baseline showed an improvement in NO<sub>x</sub> levels such that even at the roadside boundary of the Rye Meads SSSI, the NO<sub>x</sub> 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 $\text{NH}_3$ ( $\mu\text{g}/\text{m}^3$ )	
	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 (µg/m <sup>3</sup> )		Total Nitrogen Deposition (kg/ha/yr)			Annual Mean NH <sup>3</sup> (µg/m <sup>3</sup> )	
	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)

- 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 Development at 2040, indicates that NO<sub>x</sub> 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

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<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

combination with other relevant plans 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 Development, the two crossings will change the distribution of vehicle flows associated with the outline 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 Villages 1-6 Outline Application element of the 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 Village 7 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 Village 7, 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	NO <sub>x</sub> (µg/m <sup>3</sup> )	N deposition (kg/ha/yr)	NH <sub>3</sub> (µg/m <sup>3</sup> )
Northern Atlantic wet heaths with <i>Erica tetralix</i>		30	10-20	1
European dry heaths				1
Atlantic acidophilous Beech forests				No critical level/load assigned
Stage Beetle	Broadleaved woodland	Not sensitive		

6.2.26 As explained in paragraph 5.8.30 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 Applicant's 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 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 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.

<sup>37</sup> February 2022

- 6.2.28 The modelling undertaken for pollutants following the completion of Development at 2040 (at Tables 18 and 19 below) indicates that NO<sub>x</sub> levels will remain above the critical 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 µg/m<sup>3</sup> 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 µg/m<sup>3</sup>. 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 NO<sub>x</sub>, 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 village 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 Development alone 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 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. 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, NO<sub>x</sub> levels and Nitrogen deposition are key factors. Tables 18 and 19 and 19a above shows that pollutant levels for NO<sub>x</sub> 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 µg/m<sup>3</sup> for the Atlantic acidophilous Beech forest. 1 µg/m<sup>3</sup> is relevant to lichens and bryophytes while 3 µg/m<sup>3</sup> is relevant to higher plants. The 3 µg/m<sup>3</sup> 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 µg/m<sup>3</sup>) 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 2022 IHRA Table 7 shows that in the interim 2027 and 2033 forecasts the contribution of the 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 ( $\text{kg}/\text{ha}/\text{yr}$ )			Annual Mean $\text{NH}_3$ Concentration ( $\mu\text{g}/\text{m}^3$ )			Total Nitrogen Acid ( $\text{keq}/\text{Ha}/\text{year}$ )		
	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 ( $1 \mu\text{g}/\text{m}^3$   $3 \mu\text{g}/\text{m}^3$  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 NO <sub>x</sub> (µg/m <sup>3</sup> )			Total Nitrogen (kg/ha/yr) onto Heathland			Total Nitrogen (kg/ha/yr) onto Woodland			Annual Mean NH <sub>3</sub> (µg/m <sup>3</sup> )		
	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 NO<sub>x</sub>, and nitrogen deposition, but there is an imperceptible exceedance of Ammonia. 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 NO<sub>x</sub> 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 miniscule and effectively imperceptible; in all cases except the 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 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 NO<sub>x</sub> 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 2022 AA was updated to reflect comments of Natural England. Having already provided informal advice to Officers through the preparation of the HRA, the final comments of Natural England had focussed primarily on the air quality impacts of the Villages 1-6 outline application and the Crossings alone and in combination with other plans and projects including the Villages 1-6 outline application, the Village 7 outline application and other planned development within the Harlow and Gilston Garden Town (“HGGT”). In this regard, the 2022 AA concluded that there will be no adverse impact on the integrity of Epping Forest SAC as a consequence of the development alone or in combination with other relevant development.

- 6.2.27 Natural England responded to consultation in respect of the HRA 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 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 miniscule 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 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 advise that because in their view the Epping Forest Air Pollution Mitigation Strategy ("APMS") prepared in support of the Epping Forest 2023

Plan is 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 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 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 update 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 Local Plan to avoid an adverse effect to the integrity of the Epping Forest SAC.”* The Inspector is in the process of finalising her Report to the Council and it is anticipated that the Local Plan and EFAPMS will be adopted in Spring 2022. Following the receipt of the Inspector’s Report, if there is a change to the EFLP development strategy the APMS will be updated accordingly.

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 the EFLP has not yet 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

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<sup>42</sup> APP/J1535/W/20/3258787 and APP/J1535/W/20/3263876

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.

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

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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>

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.

- 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 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

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<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)

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 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 is proposed to be adopted on 6<sup>th</sup> March. 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

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<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)

<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)

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**

#### **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 alone 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 Lee Valley SPA/Ramsar site is 760m distant from the nearest allocated development site<sup>49</sup> and is 3.6km 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

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<sup>49</sup> Policy HOD4, Turnford Surfacing Site, Broxbourne Local Plan

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 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 Outline Application and the Village 7 Outline Application 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

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<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>

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 However, as the construction of the Development permitted pursuant to the Outline Application for 8,500 homes in Villages 1-6 will extend approximately four years beyond 2036 to 2040, Thames Water have requested conditions 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. 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 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). 6,750

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<sup>51</sup> Broxbourne, East Herts, Epping Forest, Harlow, North Hertfordshire, Stevenage and Welwyn-Hatfield districts and boroughs.

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	200	250	450	650	650	650	650	650
2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/2040	2040/41	
650	650	650	650	650	650	650	650	650	
		Total by 2036	6,750				Total by 2040/41	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 6,750 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.

6.3.12 The Council is satisfied that the proposed condition 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 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 outline Villages 1-6 component of the 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 Villages 1-6 developable area is in agricultural use. Studies in the Environmental Statement indicate that agricultural run-off is responsible for nutrient pollution within the Fiddlers' Brook, 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 Development, including the outline Villages 1-6 component and the two transport infrastructure components of the proposal 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 2020 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 Councils consider 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 Villages 1-6 Outline Application component of the Development site will be connected to the River Lee through the River Stort and its tributaries, which flow through the outline site area, and the two river crossing applications bridge the River Stort and Stort Navigation. 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 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 Authorities 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 Villages 1-6 Outline Application component of the 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 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

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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.

beyond the completion of the Development. The abstraction of water to supply the proposed Villages 1-6 element of the 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 C) by statutory bodies such as the Lead Local Flood Authority, Environment Agency and Thames Water for example, which are considered 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 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 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 June 2020 IHRA and 2022 IHRA update 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.

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<sup>53</sup> 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.

- 6.4.3 The Applicant's IHRA 2020 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 Appendix 22.1 of the Environmental Statement. These are included in Appendix D 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 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 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 Villages 1-6 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

East Herts District Plan Updated Habitats Regulations Assessment (Aecom, 2017)

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[https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Habitats\\_Regulations\\_Assessment\\_2016.pdf](https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Habitats_Regulations_Assessment_2016.pdf)

Epping Forest District Council Inspector's Report on the Examination of the EFDLP 2011 to 2033 (16<sup>th</sup> February 2023)

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2023/02/Inspectors-Report-on-the-Examination-of-the-EFDLP-2011-2033.pdf>

Epping Forest Local Plan Submission Version, 2017

<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>

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>

Waddenzee 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 Original Submission Crossing Applications (CSC and ESC)

### **Appendix B – Natural England Representations 2021**

- Natural England Representation to Amended Outline Application
- Natural England Representation to Amended Crossing Application (ESC only)

### **Appendix C – Proposed Conditions Relevant to HRA Matters**

- Outline Application Proposed Draft Conditions
- CSC Application Agreed Conditions
- ESC Application Agreed Conditions

### **Appendix D – Mitigation Route Map**

ES Addendum, Volume III, Appendix 22.1

### **Appendix E – Cumulative Schemes**

ES Addendum, Volume III, Appendix 3.5 (as updated in 2022 ES Addendum 3.5a)

In addition to the cumulative schemes listed in Appendix E, 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

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

- 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)
- Harlow Local Development Plan Submission HRA (Aecom, 2018)
- Lee Valley Regional Park Authority Strategic Policies, 2019
- Lee Valley Regional Park Authority Strategic Policies Appropriate Assessment (Lepus Consulting, 2019)

Date: 02 September 2019  
Our ref: 285862 8,500 dwellings, Gilston  
Your ref: 3/19/1045/OUT



East Herts Council  
Wallfields, Pegs Lane,  
Hertford, Herts. SG13 8EQ  
**By email only:** [planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk)

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam

**Planning consultation:** 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 powerlines; lighting; engineering works, infrastructure and associated facilities; together with temporary works or structures required by the development.

**Location:** Land North of the Stort Valley and the A414 Gilston Hertfordshire

Thank you for your consultation on the above.

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.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Lee Valley Special Protection Area ('SPA') and Ramsar and Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

We advise that water abstraction and water quality impacts need to be considered within the framework of the Habitats Regulations Assessment ('HRA') to ensure that the development will not impact upon site integrity.

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 and identified a Zone of Influence (Zol) of 14.6km. This work has recently been finalised and shared with your authority. Noting Hatfield Forest's location, it is currently with Uttlesford District Council for consideration as part of their emerging Local Plan and this information should have been shared with your authority, with the view of establishing a strategic solution for visitor impacts to the Forest.

As such, this application falls within the currently identified Zol for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, 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 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. As these mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

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.

#### **Lee Valley Special Protection Area ('SPA')**

With regards to air quality your authority should consider through the Habitats Regulations Assessment ('HRA') whether the projected increases in air pollution are acceptable with reference to recent air quality judgements including but not limited to the 'Dutch judgements'. Natural England recommends that you seek your own legal advice.

The HRA does not appear to address either water abstraction or water quality impacts. This is a concern as both water and sewerage undertakers appear to have raised separate concerns. Waste water capacity is of particular concern as Rye Meads Waste Water Treatment Works provides a clear pathway to an internationally designated site.

#### **Epping Forest Special Area of Conservation ('SAC')**

Natural England has previously advised the developer that there was a need to consider recreational and air quality impacts on Epping Forest SAC. As '*Appendix 14.4: Information for Habitats Regulations Assessment*' correctly state a Zol of 6.2kms for recreational pressure has since been established and this site falls well outside of this.

Given the scale of development we consider that it is appropriate for applicant to set out the provision of green infrastructure and open space. Note, however, that the paragraph is entitled 'Impact Avoidance and Mitigation' and that mitigation measures can only be applied and their effectiveness considered at the Appropriate Assessment stage to ensure compliance with the People Over Wind Judgement.

With regards to air quality Natural England confirms that our understanding of the information provided in support of the Epping Forest Local Plan indicates 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. Natural England has not sought air quality specialist or legal advice on this applications air quality assessment and has no comment on the methodology used but we repeat our advice issued to the inspectors for Epping Forest and Harlow Local Plan 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.

### **Further advice on Hatfield Forest SSSI mitigation**

The proposed development is within ~8km at its closest to Hatfield Forest. Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and 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 within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. 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.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (Zoi) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. The final report assessing the combined conclusions of these surveys has recently been completed by the National Trust and is currently with Uttlesford District Council for their consideration as part of the Local Plan process. However based on the previously confirmed Zoi and the currently available updated information, Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the emerging strategic solution. Consistent with this, please note that Natural England's Impact Risk Zones are in the process of being updated accordingly to reflect this emerging evidence, which will assist the Council in identifying additional relevant planning applications which Natural England should be consulted upon.

### **Site Specific Assessment**

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. We would advise that as the Local Planning Authority, an assessment is made as to whether the on-site provision, such as green infrastructure is sufficiently designated to provide mitigation, prior to the determination of this application.

In this instance, due to the 'outline' nature of the application, Natural England would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation. Natural England recognises that in this specific case the applicant possesses a large landholding and is proposing significant levels of green infrastructure.

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.

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, '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 developed. As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been identified, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

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.

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.

### ***Other Designated Sites Impacts***

For other issues in relation to designated sites and the environment, please note that Natural England is unable to provide a more detailed response on these matters for this consultation, as we have to take a risk based approach in deciding when to provide detailed advice to planning consultations. Consequently, the Council as decision maker should request from the developer sufficient information as may be necessary for it to assess the impacts likely to arise and any mitigation measures that may be necessary. You should use the Impact Risk Zones to inform any requests for further information, as they have been designed to inform local authorities when proposed development is likely to affect a SSSI.

The lack of comment on other issues from Natural England does not imply that there are no other impacts on the natural environment. It is for the local planning authority to determine whether or not this application is with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

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.

### **Other 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.

### ***Environmental enhancement***

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 102, 118, 174 and 175 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way;
- Restoring a neglected hedgerow;
- Creating a new pond as an attractive feature on the site;
- Planting trees characteristic to the local area to make a positive contribution to the local landscape;
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds;
- Incorporating swift boxes or bat boxes into the design of new buildings;
- Designing lighting to encourage wildlife;
- Adding a green roof to new buildings;

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access;
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips);
- Planting additional street trees;
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links;
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore);

### ***Biodiversity duty***

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](#)

### ***Soils and Land Quality***

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government's policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in paragraph 170 and 171 of the National Planning Policy Framework, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises a significant area of agricultural land, including much which is classified

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

2. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation, landscaping, allotments and public open space etc). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.
3. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) (including accompanying [Toolbox Talks](#)) and we recommend that this is followed.

### ***Ancient Woodland***

Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland <https://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Given the volume of information provided and competing resource pressures within Natural England our consideration of the documents may not be exhaustive. If there are any matters that either your authority or the applicant wish to bring to our attention either identifying issues that we have not discussed or addressing points that we have made please do not hesitate to contact us using the details set out below.

This concludes Natural England's advice at this stage which we hope you will find helpful.

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 020 802 61025.

Please consult us again once the information requested above, has been provided.

Yours faithfully

Mr Jamie R. Melvin  
Planning Lead Adviser – West Anglia

**From:**Melvin, Jamie  
**Sent:**2 Sep 2019 21:19:35 +0100  
**To:**Development Management - Planning  
**Subject:**[EXTERNAL] 285862 3/19/1045/OUT 8,500 dwellings, Gilston  
**Attachments:**285862 8,500 dwellings, Gilston.pdf

Dear Sir/Madam,

Please find attached our response to the above consultation.

Natural England has not provided separate/additional responses to 3/19/1046/FUL and 3/19/1051/FUL as we consider them to be unlikely to impact on designated sites and have not looked at them in much detail. We are aware that the additional crossings on the Stort will likely have negative ecological implications at a local level and that some members of this organisation have previously provided some advice. However, given current resource levels we are not able to provide bespoke advice relating to non-designated sites/features and we consider it unlikely that these applications will have direct impacts on any designated site. We have dealt with the implications of increased traffic movements in our attached response. If there is anything in these applications that you would like us to look at again please feel free to contact me.

Kind regards,  
Jamie Melvin

Planning Lead Adviser  West Anglia

Natural England, County Hall, Spetchley Road, Worcester WR5 2NP

Tel: 02080261025

<http://www.gov.uk/natural-england>

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England offers two chargeable services  The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.**

**These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.**

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Date: 21 January 2021  
Our ref: 334933  
Your ref: 3/19/1045/OUT



Development Management  
c/o planning@eastherts.gov.uk

Customer Services  
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Crewe  
Cheshire  
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T 0300 060 3900

**BY EMAIL ONLY**

Dear Sir/Madam

**Planning consultation: 3/19/1045/OUT - AMENDED PROPOSAL. Mixed use development of up to 8,500 dwellings, retirement/care facilities, community buildings, retail and commercial business space, gypsy/traveller pitches, open space, accesses and associated infrastructure/works.**

**Location: Land North of the Stort Valley and the A414, Gilston, Hertfordshire**

Thank you for your re-consultation on the above dated 19 November 2020. This response focusses on certain aspects of the shadow HRA that have been reviewed following earlier advice from Natural England as set out in our letter dated 02 September 2019 (Natural England Ref: 285862).

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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

In light of the further information provided in the review of the shadow HRA, Natural England offers the following advice.

It is noted that the conclusion of the shadow HRA, in relation to water quality impacts, that there will be no adverse effects (alone or in-combination) on the integrity of the Lee Valley SPA and Ramsar is predicated on the use of a planning condition to control the phasing of the development to ensure that new dwellings are not occupied prior to necessary measures being undertaken by Thames Water to ensure their capacity for the treatment of effluent will meet the standard required to prevent any such adverse effects on water quality at this designated site. Given that this mitigation relies on the commitment of a third party, Natural England advises that the Local Planning Authority needs to satisfy itself that a planning condition or planning obligation will provide the necessary certainty of the deliverability of the measures, as set out in the relevant section of the shadow HRA, to secure the mitigation required to safeguard the integrity of the Lee Valley SPA and Ramsar.

For information, it is also noted that at paragraph 5.18 of Appendix 14.4 Revised Information for Habitat Regulations Assessment, the report states that there will be “no significant adverse effects on the Lee Valley SPA and Ramsar as a result of the Proposed Development” yet the Habitat Regulations require, as an absolute, that there are no adverse effects on the integrity of European designated sites.

With regards to the impact of the proposed development upon recreational pressure experienced at Hatfield Forest SSSI and NNR, Natural England re-states the advice set out in the earlier letter that the development will be expected to contribute (through financial contribution) to the implementation of measures to mitigate the impact of increased visits to the Forest generated by the residential development at the application site. We request confirmation that a proportionate sum will be secured from this application, and would be happy to discuss this further with you if required.

In this context, East Herts DC may wish to consider the direction provided by the Planning Inspectorate for Appeal site: Land off Isabel Drive and Land off Stansted Road, Elsenham, Essex (Appeal ref: APP/C1570/W/20/3256109) where an appropriate financial contribution was required and secured by planning obligation. A copy of the decision is included with this response and your attention is drawn in particular to paragraphs 44 and 45 of that decision.

All other aspects of Natural England advice as set out in our letter dated 02 September 2019 remain unchanged.

This concludes Natural England’s advice at this stage which we hope you will find helpful.

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 at [tessa.lambert@naturalengland.org.uk](mailto:tessa.lambert@naturalengland.org.uk).

Please consult us again once the information requested above, has been provided.

Yours faithfully

Tessa Lambert  
Lead Advisor – Land Use Planning, West Anglia Area Team

Date: 21 December 2020  
Our ref: 335004  
Your ref: 3/19/1051/FUL & 3/19/1049/LBC



Development Management  
East Hertfordshire Council  
[planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk)

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**BY EMAIL ONLY**

Dear Sir or Madam

**Planning consultation: Erection of a new road, pedestrian and cycle bridge, replacement of 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**

**Location: Land to the South and East of Gilston Village and North of River Stort, Gilston, Hertfordshire**

Thank you for your consultation on the above dated 20 November 2020 which was received by Natural England on 20 November 2020.

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.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

#### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex 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.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Clare Foster  
Consultations Team

## Annex - Generic advice on natural environment impacts and opportunities

### Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under [s28G of the Wildlife & Countryside Act 1981 \(as amended\)](#). The National Planning Policy Framework (paragraph 175c) states [that development likely to have an adverse effect on SSSIs should not normally be permitted](#). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

### Biodiversity duty

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](#).

### 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.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspccicsimportance.aspx>

## Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

## Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

## Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. *Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.*

## Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered

where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access.

Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
  - Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
  - Planting additional street trees.
  - Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

## Appendix C: Proposed Conditions Relevant to HRA Matters

### Gilston Area Draft Schedule of Conditions

#### Enabling Works, Demolition, Infrastructure and Services: - **Definitions to be worked through but draft EW below**

The following works are likely to be undertaken during the enabling works, infrastructure and services stage:

1. Ground / drainage / archaeological investigations would be undertaken as required;
2. Hoarding or safety fencing would be erected around the boundary of demolition or construction areas, with fencing to protect sensitive features (e.g. vegetation to be retained, heritage assets, watercourse buffers);
3. Enabling works to utilities would be carried out, involving capping-off or removal of redundant utilities and boreholes, new supplies, diversions and connections, as agreed with the statutory authorities;
4. Demolition – inspections for hazardous materials (e.g. asbestos) and removal where required under appropriate licence. If present, hazardous materials would be removed and disposed of by appropriately licensed contractors following prescribed health and safety procedures. Demolition of above ground building structures would then proceed.
5. Remediation of soil/ground would be undertaken in the event that contamination is identified during intrusive ground investigations, although this is considered unlikely;
6. Hardstanding (e.g. concrete/asphalt parking areas, concrete floor slabs and foundations) within the construction area would be broken up and removed;
7. Engineering groundwork activities including excavation, grading and preparation of surfaces, and the placement / compaction of fill material would be undertaken to achieve desired ground levels (to be confirmed by Village Masterplans). Aggregate material (e.g. arisings from hardstanding removal or re-grading of land) will be re-used where suitable as sub-base for construction of roads, foundations and to create suitable 'platforms' for development; and

8. Infrastructure and services required by the Development would be installed, including but not limited to electrical, telecommunications, potable water, foul water and surface water drainage infrastructure.

9. These activities will be regulated by conditions imposed on the planning permission granted to minimise environmental effects.

Condition Number	Title	Villages 1-6
<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> <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> </ul>

		<ul style="list-style-type: none"> <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>
3	Timescales for RM Submission /Implementation	<p>The development granted permission by this decision for the highway access works (Village 1, 2 and 6 Accesses) 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>
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>

		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.
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> <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> </ul>

		<ul style="list-style-type: none"> <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> <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>
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<p>8</p>	<p>Strategic Landscape Design Code</p>	<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> <p>1. Design:</p> <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> <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> </ul>
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		<ul style="list-style-type: none"> <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> <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>
9	Strategic Landscape Phasing and Delivery Plan	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

		<p>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> <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> </ul>

		<ul style="list-style-type: none"> <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>
11	Strategic Landscape and Visual Appraisal	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>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>
<p>12</p>	<p>Strategic SuDs Strategy</p>	<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> <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</li> </ul>

		<p>pumping of surface water drainage will be acceptable. Any discharge outfall to a watercourse should be assumed to be surcharged.</p> <ul style="list-style-type: none"><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 to 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 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. 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 protections zones, surface drinking water safeguarding zones or areas previously used for landfill.</li></ul>
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		<ul style="list-style-type: none"> <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>
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> </ul>

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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. 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 development areas with the flood outlines overlaid will help to demonstrate that this has been achieved.</li><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> |
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		<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>
<p>14</p>	<p>Strategic Landscape Ecology Strategy</p>	<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> <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	<p>No demolition 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</p> <ol 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> </ol>

		<p>vii. Nomination of a competent person or person/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</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>
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 15.</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> <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>
19	Opportunistic Use of Minerals	<p>Prior to the commencement of ground works in each phase of the development, a Minerals Management Plan (MMP) for the sustainable extraction of minerals on an opportunistic basis shall be submitted to and approved in writing by the District Planning Authority. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved MMP. The MMP must include the following:</p>

		<p>a) an evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and</p> <p>b) a proposal for maximising the extraction of minerals, providing targets and methods for the appropriate recovery and highest value of beneficial use of the minerals (where feasible without the need for processing); and</p> <p>c) a method to record and report on a quarterly/biannually/yearly basis to the Mineral Planning Authority/District Planning Authority the quantity of recovered mineral for re-use on site.</p> <p>Reason: In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals District Plan Review and the National Planning Policy Framework'.</p>
<b>STAGE 3: CONSTRUCTION</b>		
20	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> <p>a) Updated Code of Construction Practice</p> <p>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.</p> <p>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</p>

		<p>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.</p> <ul style="list-style-type: none"> <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> <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> </ul>
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		<p>r) Appointment of a suitably qualified Ecological Clerk of Works and details of ecological supervision</p> <p>s) Measures to be taken to seek approval from the highway authority that the highway extent has been marked out accurately prior to construction.</p> <p>t) Demonstrate how the CTEMP for the part of the development has been cognisant of the CTEMP(s) for prior parts.</p> <p>u) Confirmation of details of a watching brief on excavations on the eastern side of Village 2 for opportunistic prior extraction</p> <p>v) Evaluate the availability of construction materials from mineral workings in proximity to the site and opportunities to use available materials, where possible</p> <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>
21	SWMP	<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>		
22	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> <p>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.</p>
23	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>

24	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>
25	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>
26	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>

		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
27	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 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>
28	V2 Interim Access Tree Protection	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.

		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	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> <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 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>
31	STC V3-6	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:

		<p>Access and Movement) between that village and the Village 1 Access 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>
<b>STAGE 4: VILLAGE MASTERPLANS &amp; DESIGN CODES</b>		
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>
33	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> </ul>

		<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 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> <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>
34	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>
35	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> <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> </ul>
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		<ul style="list-style-type: none"> <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> <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>
36	Management & Maintenance of Streets	<p>Prior to or at the same time as the submission of each VMP, full details of the proposed roles and responsibilities for future management and maintenance of all streets within that masterplan area, including a 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 Private Management and Maintenance Company has been established.</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>
<p>37</p>	<p>Village SuDs Strategy</p>	<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</li> </ul>

		<p>year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations.</p> <ul style="list-style-type: none"><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, 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.</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 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</li></ul>
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		<p>minimum of 150mm is recommended above external ground levels that are sloping away from vulnerable areas such as doorways.</p> <ul style="list-style-type: none"> <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 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>
38	Village Landscape & Visual Appraisal	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

		Reason 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.
39	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 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 of the Gilston Area Neighbourhood Plan.</p>
40	Village Energy & Sustainability Strategy	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

		<p>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> <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 BU1, BU2 of the Gilston Area Neighbourhood Plan.</p>
41	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>

42	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> <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>
<b>STAGE 5: RESERVED MATTERS REQUIREMENTS AND COMPLIANCE CONDITIONS</b>		
43	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 accordance with policies CC2, CC3 and DES4 of the East Herts District Plan Policy AG1 and BU1 of the Gilston Area Neighbourhood Plan .</p>
44	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>
45	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> <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 provide 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>
46	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 or 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>

		Reason: in accordance with Policies NE3 of the East Herts District Plan and Policy AG2 and LA1, of the Gilston Area Neighbourhood Plan .
47	Landscape Schemes	<p>With each Reserved Matters application 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>

		Reason: In accordance with Policies DES3 and NE3 of the East Herts District Plan and Policy LA1 of the Gilston Area Neighbourhood Plan.
48	Neighbourhood Open Space and Play	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).  Reason: in accordance with Policy CFLR1 of the East Herts District Plan Policy LA1 of the Gilston Area Neighbourhood Plan.
49	Heritage Design Principles	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)  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.
50	Operational Fixed Plant Noise	Noise resulting from the operation of fixed plant shall not exceed 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997 + A1:2019, at a point one metre external to the nearest noise sensitive building  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.
51	Village Noise Management	Prior to or at the same time as the submission of the Village 1 and Village 6 Masterplan and subsequent relevant reserved matters applications for residential development within those villages, a noise assessment shall be submitted to and approved in writing by the LPA, 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 (section 3.14) and British Standards BS8233 or prevailing best practice guidance as agreed with the LPA. The

		<p>development shall thereafter be carried out and maintained in accordance with the approved details.</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>
52	CLEMP	<p>Prior to the commencement of any part of the development hereby permitted other than enabling works, a Construction Landscape and Ecology Management Plan (CLEMP) for that part shall be submitted to and approved in writing by the District Planning Authority. The CLEMP shall include full details of both hard and soft landscaping and ecology management during construction, including the following (where relevant):</p> <ol style="list-style-type: none"> <li>1. Proposed finished levels and contours</li> <li>2. Means of enclosure</li> <li>3. Minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting as applicable)</li> <li>4. Proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc indicating lines, manholes and supports etc)</li> <li>5. Details of existing soft landscaping features to be retained and methods of protection,</li> <li>6. Implementation timetables, including clearance to avoid nesting periods</li> <li>7. Preparation of an annual work plan, including monitoring and enhancement actions which shall include the provision, improvement and maintenance of habitats for a period of not less than 5 years from completion of the relevant part of the development</li> <li>8. The implementation of a species-specific mitigation measures for that part as set out in the Environmental Statement and application documents</li> <li>9. Reporting plan for notifying the LPA of any unforeseen issues or damage to retained assets.</li> </ol> <p>Thereafter, the construction of the development shall not be undertaken other than in complete accordance with the approved details.</p>

		Reason: To protect and provide for protected species and habitats of ecological interest in accordance with Policies NE1, NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a Reasonable standard of landscaping in accordance with Policies BISH5, DES3 and DES4 of the East Herts District Plan 2018.
53	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 net biodiversity units for area and linear habitats achieved on that part of the site, and contribution towards 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> </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> <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> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Medium term 5-10 years – (e.g woodland thinning etc)</li> <li>• Long term 10 years +</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. 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>
54	OLEMP Verification	<p>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 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>

55	RMA 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 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.</li> </ul>
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		<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> <li>• Provision of appropriate water quality assessment including specific requirements for sensitive discharge locations such as ecological designations, groundwater source protections 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> </ul>
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- 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.
- Compliance with the agreed SuDS principles within the approved Design Code(s)
- 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.
- 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.
- 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 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.
- 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. The development shall not be carried out otherwise than in accordance with the details thus approved

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

		<p>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>
<p>56</p>	<p>SuDS Verification Report</p>	<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 59; 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> <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 Urban Drainage System in perpetuity and comply with the requirements of Policy GA1 V (y) of the adopted East Herts District Plan 2018.</p>

57	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 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.</p>
58	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</p>

		<p>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>
59	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>
60	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>

		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).
61	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>
62	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 out 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> <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</p>

		have an adverse impact on the local amenity in accordance with policy EQ2 of the East Herts District District Plan.
63	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>
64	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> <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>
65	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> <p>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</p>

		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)
66	Delivery and Servicing Management Plan	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.
67	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> <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>

## Informatives

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](mailto: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. 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.

16. 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.

17. 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).

18. 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.

19. 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.



**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:

- 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.

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:

- a) Full elevation drawings and cross sections to demonstrate the scale and layout of the bridge, including gradients
- b) Details of materials and appearance
- c) Details of structures including fencing, chicanes, seating, signage
- d) 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
- e) Details of lighting
- f) Details of how innovative, sustainable design solutions have been incorporated
- g) Details of how sustainable construction methods and materials have been incorporated
- h) 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)
- i) 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 compliments 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

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:

- a) Details of proposed function, layout and design
- b) Details of proposed surface and materials
- c) Soft and hard landscaping, including details of any proposed structures
- d) Measures to manage vehicular access and vehicle speed, including signage and wayfinding
- e) Measures to prioritise walking and cycling at the junction of Burnt Mill Lane and Fifth Avenue
- f) Details of lighting
- g) 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:

- 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) Parking and loading arrangements;
- f) 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;

- 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)

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,

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:

- 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.

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.

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.

- 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;

- 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:

- 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

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.

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 overflows 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

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:
  - 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-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 FIFTH AVENUE NORTHERN ARM LONGITUDINAL 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-CCi-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)

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.

Dated: 18th March 2022

On Behalf Of Development Management

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](mailto: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

# Development Management

- 01279 655261
- [www.eastherts.gov.uk](http://www.eastherts.gov.uk)
- East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

-  EastHertsDC
-  EastHerts
-  easthertscouncil



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.



**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:



- 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.



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:

- 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 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;

- 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.



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;



- 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.

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.

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:

- 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.
- 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).



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).

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

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



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

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).

**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.
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:

## 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 overflows 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.

8. H) 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 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)

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

# Development Management

- 01279 655261
- [www.eastherts.gov.uk](http://www.eastherts.gov.uk)
- East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

-  EastHertsDC
-  EastHerts
-  easthertscouncil



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:

A handwritten signature in black ink, appearing to be 'Jenny Pierce', written in a cursive style.

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](mailto: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

# Development Management

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- East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

-  EastHertsDC
-  EastHerts
-  easthertscouncil



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 22.1 – MITIGATION ROUTE MAP

## Mitigation Route Map (Project Wide)

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
<b>Environmental Statement Volume 1</b>							
<b>General</b>							
PW001	All topics	n/a	Multi-disciplinary environmental effects during construction	Implementation of the Code of Construction Practice (CoCP).	Construction	Planning condition on consent	Embedded mitigation
PW002	All topics	n/a	Multi-disciplinary environmental effects during construction	Development and implementation of site-specific Construction Environmental Management Plans (CEMPs).	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW003	All topics	n/a	General adverse construction phase transport effects	Development and implementation of site-specific Construction Transport Management Plans (CTMPs).	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
<b>Socio economics</b>							
PW004	Socio economics	7.5.1	General adverse socio economic effects	On-site provision of community facilities including schools, primary healthcare, community space, indoor and outdoor leisure space and playspace.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW005	Socio economics	7.10	Construction phase: employment and supply chain opportunities	Development and implementation of an appropriately worded Business, Employment and Training Strategy to maximise the local benefits of construction.	Construction	S106 agreement	Additional mitigation
PW006	Socio economics	7.6.12	Loss of business premises	Places for People to engage with business owners on options for relocation due to land take required for Gilston Park Estate.	Construction	Voluntary agreement	Embedded mitigation
<b>Human Health</b>							
PW007	Human health	8.5.2	Human health: inaccessibility	Application of development-wide accessibility standards.	Operation	Planning condition on consent	Embedded mitigation
<b>Transport</b>							
PW008	Transport	9.5.27	Modal shift to sustainable transport	Creation of pedestrian and cycle linkages within the Village Development and to key external facilities that have appropriate travel distances.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW009	Transport	9.5.27	Modal shift to sustainable transport	Provision of segregated cycle and pedestrian routes adjacent to roads, on-street cycle routes on more lightly trafficked roads, shared surfaces, and segregated cycle and pedestrian routes not adjacent to roads.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW010	Transport	9.5.27	Modal shift to sustainable transport	Highlighting and improving the opportunities for walking and cycling the Stort Valley, including the existing towpath that provides an east-west walking and cycling route through Harlow.	Operation	S106 agreement	Embedded mitigation
PW011	Transport	9.5.27	Modal shift to sustainable transport	Provision of a proposed bus loop around the Village Development Site.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW012	Transport	9.5.27	Modal shift to sustainable transport	Proposals to introduce bus priority measures at several locations including via the new Central (Eastwick) Stort Crossing.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on consent)	Embedded mitigation
PW013	Transport	9.5.27	Modal shift to sustainable transport	Improved links to Harlow Town Rail Station.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW014	Transport	9.5.27	Modal shift to sustainable transport	Commitments from Abellio Greater Anglia and Network Rail to roll out new Electric Bombardier trains in Spring 2019; with trains being a combination of 10-carriage walk-through trains or five-carriage walk-through trains.	Operation	Other - commitment by other parties	Other mitigation
PW015	Transport	9.8.162	Modal shift to sustainable transport	Implementation of the Site-Wide Travel Plan.	Operation	Planning condition on outline consent	Embedded mitigation
<b>Air Quality</b>							
PW016	Air quality	10.5.1	General adverse construction phase air pollution effects	Development and implementation of an Air Quality and Dust Management Plan (AQDMP).	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW017	Air quality	10.5.5	General adverse construction phase air quality effects	Development plans which ensure an adequate separation distance between new and existing roads and newly-constructed residential units and other building uses sensitive to air pollution within the Site.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW018	Air quality	10.6.59	Construction vehicles	Use NRMV vehicles that are reasonably new, adhere to recent emission standards and are well maintained to ensure that any air quality impact is negligible.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW019	Air quality	10.6.60	Construction vehicles	Construction vehicles using the local road network will meet the latest Euro emissions standard for Nox (Euro 6 / VI). Construction traffic should avoid Vezily Avenue.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW020	Air quality	10.6.64	Construction phase dust emissions	Undertake regular dust monitoring in the vicinity of the Site to monitoring the effectiveness of dust mitigation measures (as per a CEMP). The level of dust monitoring required is to be agreed between PfP and EHDC in advance of the commencement of works.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW021	Air quality	10.8.4	Construction phase dust emissions	Conduct regular liaison with any other high risk construction sites within 500m of the Site boundary, with a view to ensure plans are coordinated and dust and particulate matter emissions are minimised.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
<b>Noise and Vibration</b>							
PW022	Noise and vibration	11.5.16	Noise: building plant	To design building services plant to achieve operational noise limits consistent with the requirements of BS 4142.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW023	Noise and vibration	11.7.17	Construction phase noise effects	Ensure that vehicles employed for construction works will, where reasonably practicable, be fitted with effective exhaust silencers and shall be maintained in good working order and operated in a manner such that noise emissions are controlled and limited as far as reasonably practicable.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW024	Noise and vibration	11.7.17	Construction phase noise effects	Ensure that time slots are adopted for deliveries to ensure that convoys of vehicles do not arrive simultaneously and avoid unnecessary idling on-Site.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW025	Noise and vibration	11.7.17	Construction phase noise effects	Strict control to prevent temporary parking on kerbsides close to noise sensitive receptors near noise sensitive receptors.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW026	Noise and vibration	11.7.17	Construction phase noise effects	The use of clear signage to ensure that construction vehicles use only designated routes	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW027	Noise and vibration	11.8.36	Noise: building plant	To achieve operational fixed plant noise levels as outlined in Table 11.29 of the ES Addendum Volume 1, Chapter 11: Noise and Vibration.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Archaeology</b>							
PW028	Archaeology	12.5.3	General adverse construction phase archaeological effects	Conduct a programme of archaeological excavation and recording (Perservation by Record) prior to the commencement of and during development activities.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
PW029	Archaeology	12.6.12	General adverse construction phase archaeological effects	Monitoring of archaeological works by EHDC's archaeological advisor.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Additional mitigation
<b>Cultural Heritage</b>							
No mitigation measures identified as necessary.							
<b>Landscape and Visual</b>							
PW030	Landscape and Visual Impacts	13.6.105	General adverse construction phase LVIA effects	Temporary tree nurseries may be set up for the transplanted tree and proposed trees at an early stage to allow small trees to grow during the construction period	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW031	Landscape and Visual Impacts	13.6.105	General adverse construction phase LVIA effects.	Sensitively designed hoarding or boundary fencing for construction to enable such structures to be assimilated into the landscape/views	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW032	Landscape and Visual Impacts	13.6.105	General adverse construction phase LVIA effects.	Landscape enhancements to the Stort Valley proposed by the Stort Valley Partnership including tree and hedgerow planting, habitat creation/management and river restoration	Operation	S106 agreement	Embedded mitigation
PW033	Landscape and Visual Impacts	13.6.105	General adverse construction phase LVIA effects.	A programme of appropriate monitoring, agreed with the regulatory authority, so that compliance and effectiveness can be readily monitored and evaluated.	Operation	Planning condition on consent	Additional mitigation

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW034	Landscape and Visual Impacts	13.6.106	General adverse construction phase LVIA effects.	<p>Other general design principles could also be included, such as:</p> <ul style="list-style-type: none"> <li>- Restricting heights within the Development as appropriate to avoid new buildings being prominent from listed buildings, conservation areas and their settings;</li> <li>- Creating buffers between new development and key heritage assets outside the site;</li> <li>- Strengthening existing tree bands and hedges as appropriate to help screen development, especially in ways which are characteristic of the locality;</li> <li>- Developing detailed plans for the development based on careful sightline analysis to ensure appropriate intervisibility with heritage assets;</li> <li>- Minimising visual impacts from infrastructure such as road, signage and lighting; and,</li> <li>- Using key views to ensure that buildings do not intrude unduly on the setting of the key heritage assets.</li> </ul>	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Biodiversity</b>							
PW035	Biodiversity	14.5.1	Implementation of the CoCP and CEMPs	Implementation of an Ecological Clerk of Works.	Construction	Planning condition on consent	Embedded mitigation
PW036	Biodiversity	14.5.3	Bat and Great Crested Newt (GCN) legislative compliance	As part of the CEMPs, include a requirement to ensure that for certain affects on bats and GCNs, a European Protected Species License (EPSL) is required to ensure compliance with legislation.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW037	Biodiversity	14.5.4	Newly created habitats: creation and ongoing management requirements	Implementation of the Outline Ecological Management Plan (OEMP).	Operation	Planning condition on outline consent	Embedded mitigation
PW038	Biodiversity	14.5.14	Light pollution	<p>Adherence to the Outline Lighting Strategy (Appendix 19.2) and its principles:</p> <ul style="list-style-type: none"> <li>- Lighting levels and temporal extent must be minimised and commensurate with that required for security, safety and operational purposes;</li> <li>- Sports pitches within Gilston Park and Gilston Fields should not accommodate permanent high-level flood lighting;</li> <li>- Lighting design should avoid light spill onto trees, hedgerows, woodland edges and other light sensitive ecological areas to avoid disturbance impacts;</li> <li>- Lighting design should avoid adverse impacts on road users, the amenity of residents, neighbouring uses and the wider landscape through good design which minimises potential glare, light spill/trespass and sky glow; and,</li> <li>- Lighting should use high efficiency luminaries and be energy efficient where possible.</li> </ul>	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW039	Biodiversity	14.5.15	Surface water run-off	Surface water run-off will be controlled through a Sustainable Urban Drainage Systems (SUDs) scheme which will be integrated into the green infrastructure of the proposals. The SUDs will capture surface water and clean it before discharging it into the existing watercourses at a greenfield run-off rate (see Appendix 17.2: Flood Risk Assessment and Surface Water Drainage Strategy).	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW040	Biodiversity	Appendix 14.12: Para 5.2 & 5.3.	Reptiles	Translocation of reptiles from targeted translocation areas to pre-identified receptor areas, which are outside the Development footprint have been enhanced for reptiles, should future surveys identify a need (further details provided in Appendix 14.12, Para 5.2).	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW041	Biodiversity	Appendix 14.12: Para 5.7	Reptiles	Development and implementation of a management regime for reptile receptor areas, created as part of the mitigation proposals and the enhancement features, to ensure habitat remains suitable for reptiles in the long term.	Operation	Planning condition on consent	Additional mitigation
PW042	Biodiversity	Appendix 14.15: Para 5.5	Badgers	Undertaking of pre-construction surveys and applying of appropriate mitigation to enable sett closure licences to be obtained from Natural England, where necessary.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Additional mitigation
PW043	Biodiversity	Appendix 14.15: Para 5.6	Badgers: sett damage or obstruction	<p>Provision of a minimum 20m buffer distance to construction fencing around all setts, with larger buffers for more sensitive setts that might be in intensive use at the time of works and a 30-50m buffer (depending on the type of construction works to be conducted) around main and annexe setts.</p> <p>Provision of construction fencing raised off the ground using concrete bases, to allow badgers free movement to and from the protected setts. The size of the buffers will be confirmed based on the findings of the pre-commencement survey, informed by previous survey information.</p>	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW044	Biodiversity	Appendix 14.15: Para 5.7	Badgers: sett damage or obstruction	Implementation of best practice pollution prevention measures ensuring that all machinery, materials, fuel and chemical storage are over 50m from any sett.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW045	Biodiversity	Appendix 14.15: Para 5.8	Badgers: harm to or mortality of badgers	No works to take place before dawn or after dusk during the summer; adequate lighting will be used to enable workers to spot any active badgers when works are undertaken in dark/low light conditions during normal working hours in the winter; and, all work within 50m of main or annexe setts will be undertaken in good light conditions.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW046	Biodiversity	Appendix 14.15: Para 5.9	Badgers: harm to or mortality of badgers	All pits, excavations or tanks will be securely covered overnight to prevent Badgers falling in and being injured or trapped.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW047	Biodiversity	Appendix 14.15: Para 5.10	Badgers: sett disturbance	Highly disturbing works such as the use of very heavy machinery, pile-driving or pneumatic equipment will not be carried out within 50m of main or annexe setts.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW048	Biodiversity	Appendix 14.15: Para 5.12	Badgers: removal or blocking of movement routes	<ul style="list-style-type: none"> <li>- Retention of known badger paths and landscape features such as hedgerows and ditches extending away from main and annexe setts wherever possible.</li> <li>- Installation of tunnels underneath roads to maintain badger paths where necessary.</li> <li>- Location of the tunnel at the point where the road crosses the badger path or, if not, where there are existing landscape features such as hedgerows and ditches.</li> <li>- Provision of badger-proof fencing as necessary to funnel animals towards the tunnels.</li> </ul>	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW049	Biodiversity	Appendix 14.15: Para 5.14	Badgers: damage to or interference with setts	Provision of permanent screening buffers around all main, annexe and other significant setts using, where possible, 10-20m of prickly landscape planting using native species of local provenance; planted at the start of works to ensure establishment upon completion of construction.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW050	Biodiversity	Appendix 14.15: Para 8.1	Badgers: enhancement	Use native local provenance plant species, including fruit- and nut-bearing shrubs, in habitat creation that can provide food for badgers; and, creation of areas of short mown grassland suitable for foraging by badgers and scrub as cover.	Operation	Ecological Management Plan (to be secured by planning condition on consent)	Embedded mitigation
<b>Agriculture and soils</b>							
PW051	Agriculture and soils	15.5.2	Loss of soil resource	Soil resources on the Site proposed for built development will be safeguarded for re-use in residential gardens, landscaping and amenity areas via appropriate stripping and storing during the construction phase. This will be carried out in accordance with the CoCP and any subsequent CEMPs.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW052	Agriculture and soils	15.6.11	Loss of soil resource	Development and implementation of a Soil Resource Plan(s) (SRP).	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
<b>Ground Conditions</b>							
PW053	Ground conditions	16.5.3	General adverse construction phase ground conditions effects	Development and implementation of a Materials Management Plan (MMP); through which suitable spoil could be reused to reduce the loss and exportation of soils from the Site (see also Agriculture and soils; PW042).	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW054	Ground conditions	16.5.4	Construction waste legislative compliance	Management of construction waste in accordance with the Waste Hierarchy and, where necessary, to be taken to appropriate licensed facilities.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW055	Ground conditions	16.5.5	Construction waste legislative compliance	<ul style="list-style-type: none"> <li>a) there was a demonstrable and legitimate engineering need for import, e.g. to raise development platform levels which could not be achieved using site won fill alone;</li> <li>b) the imported materials were deemed suitable for the intended use under the MMP and following the CL/AIRE DoWCoP, which in turn requires a risk assessment to support the re-use of the imported material at the receiving site; and</li> <li>c) the Qualified Person under DoWCoP, independent from the design team, reviews the MMP and underpinning risk assessment and makes a Declaration to the EA before any ground is broken or materials are imported.</li> </ul>	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW056	Ground conditions	16.5.6	Construction workers: human health effects	Health and safety risk assessments will be carried out to identify working methods to reduce potential risks to site workers, visitors and off-site receptors (both human health and environmental receptors) in order to mitigate the human health impact on construction workers when coming into contact with potentially contaminated soils and water.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW057	Ground conditions	16.5.6	Construction workers: human health effects	All construction workers will be advised on the necessary PPE/RPE required for the work in specific areas of the Site.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW058	Ground conditions	16.5.8	Contaminated water/groundwater and leachate	Any groundwater or leachate control measures that are required will have the appropriate authorisations from the Environment Agency. Contaminated water will only be allowed to re-enter the ground when the appropriate consent is held, otherwise "dirty" waters will be treated as waste and sent off-site to an authorised treatment process.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW059	Ground conditions	16.5.13	Unexploded ordnance	UXO awareness briefings will be conducted with all personnel involved with earthworks or other intrusive works.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW060	Ground conditions	16.5.13	Unexploded ordnance	Development and implementation of an emergency response procedure to respond to the possible discovery of UXO.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW061	Ground conditions	16.5.14	Contaminated land	Compliance with relevant environmental pollution control measures and implementation of good design practices to mitigate potential effects on receptors from the long term operation of the Development.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW062	Ground conditions	16.5.15	Contaminated land	Ground gas monitoring in order to determine the need for and implementation of appropriate gas protection measures in buildings. Protection measures will be designed after site categorisation with reference to CIRIA C66525 and BS 8485:2015.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW063	Ground conditions	16.5.18	Contaminated land	Construction materials used in the subsurface will be specified to suit the prevailing ground conditions.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
<b>Water Resources and Flood Risk</b>							
PW064	Water resources and flood risk	17.5.1	General adverse construction phase water resources and flood risk effects	Development and implementation of a Water Management Plan(s), as part of the site-specific CEMPs.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW065	Water resources and flood risk	17.5.2	General adverse construction phase water resources and flood risk effects	Alignment of subsequent site-specific CEMPs with best practice guidance such as Guidance for Pollution Prevention (GPP) including: - GPP 2: Above ground oil storage; - GPP 5: Works and maintenance in or near water for construction or maintenance works near, in, or over water; - GPP 8: Safe storage and disposal of used oils; - GPP 13: Vehicle washing and cleaning; - GPP 19: Vehicles: Service and Repair; - GPP 21: Pollution Incident Response Plans; - GPP 22: Dealing with Spills; and, - GPP 26: Safe storage - drums and intermediate bulk containers.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW066	Water resources and flood risk	17.5.4	General adverse construction phase water resources and flood risk effects	Adherence to the mitigation measures outlined in Appendix 6.1: CoCP.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW067	Water resources and flood risk	17.5.16	Foul water drainage	Adherence to Appendix 17.3: Foul Water Drainage Strategy to ensure the: - collection of sewage using conventional drainage systems which will be designed and built to adoptable standards; and, - delivery of pumping stations where the topography is such that conventional drainage would be too deep and unviable (these are likely in Villages 1, 4, 5 and 7 when this comes forward).	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW068	Water resources and flood risk	17.5.20	New or modified structures affecting water bodies	(It is assumed that) Any new utility cables and pipelines that may need to cross watercourses to facilitate the construction of the Development will be installed at a suitable depth beneath the river / stream bed using trenchless techniques. Using trenchless techniques and standard mitigation measures will avoid permanent impacts on the morphology of water courses.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW069	Water resources and flood risk	17.6.28	Water quality monitoring	Development and implementation of a programme of pre-construction water quality monitoring. This will be undertaken to augment existing data and to: provide a robust baseline against which changes in water quality during construction works can be compared (pre-construction); to ensure that mitigation measures are operating as planned and preventing pollution (during construction); and, to verify that the works were completed without adversely affecting water quality (post-construction).	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW070	Water resources and flood risk	17.6.32	Water quality monitoring	Regular inspection and maintenance of the drainage systems and culverts as part of the Development, including systems to ensure that the potential for siltation and blockages is minimised under normal operation.	Operation	Planning condition on outline consent	Embedded mitigation
PW071	Water resources and flood risk	17.7.76	Curled Hook Moss: habitat loss	Development and implementation of a Curled Hook Moss Management Plan to protect and enhance habitat, particularly in relation to Village 6.	Operation	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
<b>Services and Utilities</b>							
PW072	Services and utilities	18.5.1	Damage to existing utilities apparatus during construction; diversion of existing utility apparatus during construction; and, new connection and reinforcement works	Construction of the Development in line with Parameter Plan 2: Village Corridors, Constraints and Developable Areas and Appendix 6.1: CoCP to avoid existing strategic utility apparatus and their associated easements (i.e. the National Grid electricity network; Affinity Water potable water network; and Cadent Gas high-pressure gas main).	Construction	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW073	Services and utilities	18.5.1	Potential risk to future occupiers from strategic utilities	Construction of the Development in adherence to Parameter Plan 2: Village Corridors, Constraints and Developable Areas and Appendix 6.1: CoCP to avoid existing strategic utility apparatus and their associated easements (i.e. the National Grid electricity network; Affinity Water potable water network; and Cadent Gas high-pressure gas main).	Construction	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW074	Services and utilities	18.5.4	Increased demand on utilities from the completed Development	Provision of utility reinforcement works as described in ES Volume 1, Chapter 5: Description of the Development (Para 5.3.75 - 5.3.82) and as agreed with the relevant Statutory Undertaker. This works will ensure sufficient capacity is available in the local utility network for the completed Development.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW075	Services and utilities	18.9.8	Increased demand on utilities from other developments	Development operator will liaise with the local Statutory Undertakers as required to understand capacity issues on the utility network. Development operator will also keep abreast of other potential developments in the local area, and potentially be able to share the cost of reinforcement upgrades with other developers and provide capacity for both the Development and other local developments.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Additional mitigation
<b>Light</b>							
PW076	Light	19.5.3	General adverse construction phase light effects	Where practicable, construction lighting in the Village Development Site and construction lighting in sensitive areas of the Central and Eastern Stort Crossings will be designed to comply with Environmental Zone E2 in accordance with the ILP Guidance Note.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW077	Light	19.5.4	General adverse construction phase light effects	<p>Construction lighting design will include the following good practice measures, taking into account known sensitive receptor locations and applied as required:</p> <ul style="list-style-type: none"> <li>- Site lighting will primarily be provided to ensure safe working conditions and to maintain security, while having regard to sensitive ecological receptors or occupied residential properties;</li> <li>- 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;</li> <li>- Illuminance levels will be designed in accordance with BS EN 12464-2: 2014 and CIE 129;</li> <li>- Lighting would be switched off when not required for safe working conditions and site security;</li> <li>- Low-level lighting would be used in ecologically sensitive areas, where possible;</li> <li>- 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;</li> <li>- 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;</li> <li>- Lighting would be kept at 0 degree tilt to avoid sky glow, where practicable;</li> <li>- Light dimming and automatic switch off would be used, where appropriate; and,</li> <li>- Warm / neutral white light would be used in proximity to railway corridors to avoid conflict with rail signal lights (being green, yellow and red).</li> </ul>	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
PW078	Light	19.5.7	General adverse operational phase light effects	<ul style="list-style-type: none"> <li>- Lighting levels and temporal extent must be minimised and commensurate with that required for security, safety and operational purposes;</li> <li>- Pedestrian areas and hubs of social interaction should be appropriately illuminated to reduce the fear of crime and promote a community feeling;</li> <li>- Sports pitches within Gilston Park and Gilston Fields should not accommodate permanent high-level flood lighting;</li> <li>- Lighting design should minimise light spill onto trees, hedgerows, woodland edges and other light sensitive ecological areas to minimise disturbance impacts;</li> <li>- Lighting design should adopt a sensitive approach in the vicinity of heritage assets;</li> <li>- Lighting design should avoid adverse impacts on road users, the amenity of residents, neighbouring uses and the wider landscape through good design which minimises potential glare, light spill/trespass and sky glow; and</li> <li>- Lighting should use high efficiency luminaires and be energy efficient where possible.</li> </ul>	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW079	Light	19.6.18	Light pollution alert levels	The Contractor will develop and implement an Alert Matrix, based on a threshold system, outlining alert levels, required on-site action, reporting action and post-alert actions as agreed with EHDC/HDC based on receptor sensitivity, site location and site-specific areas. This measure is likely to form part of the CEMP. Further details on this mitigation measure is provided in ES Volume Chapter 19: Light, section 19.6.18 - 19.6.21.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW080	Light	19.7.14	Slight adverse light pollution effects on residential receptors	Provision of considered luminaire positions and orientation at detailed design stage.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW081	Light	19.7.14	Slight adverse light pollution effects on residential receptors	<p>Provision of a number of additional mitigation measures, including:</p> <ul style="list-style-type: none"> <li>• Potential application of post-installation luminaire shields;</li> <li>• Part-retention and proposed landscaping; and,</li> <li>• Dimming of lights post curfew (in accordance with the appropriate codes and standards and in consultation with the appropriate authorities such as HCC and Highways England).</li> </ul>	Operation	Development Specification (to be secured by planning condition on outline consent)	Additional mitigation

## Climate Change

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW082	Climate change: carbon emissions	20.5.2	Embodied carbon	The delivery of buffers as defined in the Development Specification and Parameter Plans to retain and protect habitat and, in turn, minimise the displacement of existing carbon sinks and potential carbon emissions to atmosphere.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW083	Climate change: carbon emissions	Table 20.13	Construction phase: embodied carbon	Provision of measures including: - Implementation of a specification to reduce the carbon of standard building materials and components (e.g. cement replacement and preference for readily available products with higher recycled content); - Off-site construction for efficiency of material use and reduced waste; - Adopt low carbon materials such as timber; and, - Challenging supply chain to provide products and materials with high recycled content.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW084	Climate change: carbon emissions	Table 20.13	Construction phase: transport to site	Provision of measures including: - Preference for materials and components that are locally sourced to minimise transportation distances; and, - Off-site modular construction to consolidate delivery requirements.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW085	Climate change: carbon emissions	Table 20.13	Construction phase: installation process	Use of off-site construction for energy efficient assembly and minimal requirement for on-site installation processes.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW086	Climate change: carbon emissions	Table 20.21	Carbon emissions: repair	Early consideration of material durability and possible risks of material degradation and damage due to the local environment (both present and future climate) to inform detailed design.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Additional mitigation
PW087	Climate change: carbon emissions	Table 20.21	Carbon emissions: refurbishment	Maintenance planning to optimise the repair and replacement cycles of building elements and systems, thus minimising early failure and replacement arising from insufficient maintenance.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Additional mitigation
PW088	Climate change: carbon emissions	Table 20.21	Carbon emissions: operational energy use	Enable the transition to low carbon heat sources within the natural replacement cycle by incorporating technologies such as air source heat pumps by occupiers; - Implement measures to encourage energy efficient behaviour in future occupants; and, - Ensure energy efficiency is considered in the procurement of new equipment in future.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Additional mitigation
PW089	Climate change: carbon emissions	Table 20.21	Carbon emissions: natural capital (carbon sink and sequestration)	Sustainable management of the landscape, including agricultural land where possible, to increase potential of the landscape to sequester and store carbon.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Additional mitigation
PW090	Climate change: climate resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Protection of existing areas of ecological value through their retention and use of setbacks as defined by Parameter Plan 3: Green Infrastructure and Open Space.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW091	Climate change: climate resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Expansion and connection of existing and new habitats which are linked through green corridors, for example expansion of the existing woodland resource to enhance its resilience.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Additional mitigation
PW092	Climate change: climate resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Use of drought resistant species in landscaping.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Additional mitigation
PW093	Climate change: climate resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Future management of habitats to maximise biodiversity value.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Additional mitigation

## Mitigation Route Map

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
PW094	Climate change: climate change resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Future management plans of habitats and landscape to respond to climate change risks and incorporate measures to tackle invasive non-native species.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Additional mitigation
PW095	Climate change: climate change resilience assessment	Table 20.24	Agriculture and wildlife: water scarcity and flooding	Implementation of Appendix 17.2: Surface Water Drainage Strategy to provide a network of SUDS to manage water flow and avoid flood risk by achieving greenfield runoff rates for a 1 in 100 year storm event allowing for a 40% increase in rainfall intensity due to climate change.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW096	Climate change: climate change resilience assessment	Table 20.24	Agriculture and wildlife: water scarcity and flooding	Implementation of measures to reduce potable water use beyond those required by the EHDC Local Plan (i.e. to achieve water consumption target of 110 litres per person per day or less for all domestic properties)	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW097	Climate change: climate change resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Implementation of a Soil Resource Plan (SRP) during construction to safeguard the integrity of valuable soil resources during handling and ensure soil is retained for future use on-site.	Construction	Site-specific CEMP (to be secured by planning condition on consent)	Embedded mitigation
PW098	Climate change: climate change resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Implementation of biodiversity enhancements as proposed which will have a dual benefit of restoring and protecting soil health to increase its resilience against climate change impacts.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Embedded mitigation
PW099	Climate change: climate change resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Provision of increased green infrastructure (hedgerows, grassland, trees and shrubs) and introduction of sustainable urban drainage solutions to manage surface water on site through natural infiltration solutions, e.g. swales.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
PW100	Climate change: climate change resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Adoption of good soil and land management measures which encourage tenant farmers to embed climate change adaptation, reduce water demand and foster carbon storage.	Operation	Sustainability Strategy commitments, to be secured by planning condition on outline consent)	Embedded mitigation
<b>Cumulative Effects</b>							
No mitigation measures identified as necessary.							

## Mitigation Route Map (Village Development)

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
<b>Environmental Statement Volume 1</b>							
<b>Socio Economics</b>							
No mitigation identified as necessary.							
<b>Human Health</b>							
VD001	Human health	8.5.2	Access to health facilities and facilities which support a healthy lifestyle	A commitment to infrastructure triggers and a process of Village Masterplan and reserved matters planning approval.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD002	Human health	8.5.2	Adverse human health effects due to new home design	Delivery of new homes which comply with housing standards for daylight, sound insulation, private space and accessible and adaptable dwellings and temperature.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD003	Human health	8.5.2	Access to healthy food shops and growing opportunities	A commitment to infrastructure triggers and a process of Village Masterplan and reserved matters planning approval.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD004	Human health	8.5.2	Design of facilities to allow contact with natural, sustainable environments	A commitment to infrastructure triggers and a process of Village Masterplan and reserved matters planning approval.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Transport</b>							
VD005	Transport	9.5.24	Traffic build up at the Amwell roundabout	Delivery of off-site highway improvements at the Amwell roundabout to provide partial signalisation and regulate traffic flow.	Operation	Planning condition on outline consent	Additional mitigation
VD006	Transport	9.8.163	Servicing vehicle movements	Development and implementation of a Delivery and Servicing Management Plan (DSMP) detailing: - Routing restrictions; - Loading restrictions; - Timing restrictions; - Appropriate vehicle sizes and schedule of use; and, - Pedestrian and cyclist safety.	Operation	Planning condition on outline consent	Embedded mitigation
<b>Air Quality</b>							
VD007	Air quality	10.5.6	Offsite travel needs	Provision of day-to-day facilities and amenities (e.g. medical facilities and shops) within the Village Development site.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Noise and Vibration</b>							
No mitigation measures identified as necessary.							
<b>Archaeology</b>							
VD008	Archaeology	12.5.2	Adverse archaeological effects on Hunsdon Airfield, the Mount and the two moated sites which straddle Eastwick Hall Lane	Implementation of the CoCP.	Construction	Planning condition on outline consent	Embedded mitigation

VD009	Archaeology	12.5.7	Adverse archaeological effects in areas of high archaeological significance	Development and Implementation of Conservation Management Plans.	Operation	Planning condition on outline consent	Embedded mitigation
VD010	Archaeology	12.6.19	General adverse construction phase archaeological effects	Development and implementation of a comprehensive Archaeological Strategy to each village development; to be agreed with EHDC's archaeological advisor.	Construction	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD011	Archaeology	12.6.20	General adverse construction phase archaeological effects	Development and implementation of WSIs for each village development area.	Construction	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Cultural Heritage</b>							
VD012	Cultural Heritage	12.5.7	General adverse operational phase cultural heritage effects	Adherence to the general design principles as laid out in the Development Specification: <ul style="list-style-type: none"> <li>- Control heights as appropriate to avoid new buildings being over prominent from heritage assets;</li> <li>- Implement the corridors defined on the Parameter Plans between new development and key heritage assets;</li> <li>- Strengthen existing tree bands and hedges as appropriate to help screen development, especially in ways which are characteristic of the locality;</li> <li>- Develop detailed plans for the development having regard to careful sightline analysis to ensure appropriate intervisibility with heritage assets;</li> <li>- Minimise potential impacts on the assets' setting from lighting, activity and noise;</li> <li>- Minimise impacts from infrastructure such as road signage and lighting;</li> <li>- During detailed design give consideration to views to and from heritage assets; and,</li> <li>- Use key views to ensure that buildings do not severely impact on the setting of the key heritage assets.</li> </ul>	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD015	Cultural Heritage	12.5.6	General adverse cultural heritage effects	Adherence to the design principles laid out in the Development Specification concerning future detailed design within the Sensitive Development Areas (A: Grade I listed St Mary's Church and associated assets; B: Eastwick Moated Site Scheduled Monument; C: The Mount Moated Site Scheduled Monument).	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Landscape and Visual</b>							
VD016	Landscape and Visual Impacts	13.5.4	On-site landscape features and habitat features: retention, establishment and management	Development and implementation of Landscape Management Plans (LMPs), to inform subsequent detailed applications, which include for the protection and management of all the planting areas, green infrastructure areas and retained existing vegetation / features including the 20m buffers around the retained Ancient Woodlands and the other buffers around retained existing features.	Operation	Planning condition on outline consent	Embedded mitigation
VD017	Landscape and Visual Impacts	13.5.6	Retention of on-site trees, woodlands and hedgerows	Adherence to Parameter Plan 1 outlining the on-site trees, woodland and hedgerows to be retained.	Construction	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation

VD018	Landscape and Visual Impacts	13.5.8	Retention of on-site trees, woodlands and hedgerows	Erection of protective fencing along the edges of the 20m Ancient Woodland buffers and other buffers.	Construction	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD019	Landscape and Visual Impacts	13.5.8	Retention of on-site trees, woodlands and hedgerows	Conduct appropriate tree safety works (for example where diseased tree limbs overhang the development areas)	Construction	Planning condition on outline consent	Embedded mitigation
VD020	Landscape and Visual Impacts	13.5.8	Retention of on-site trees, woodlands and hedgerows	To identify pests and diseases and undertake appropriate remedial action, pruning and tree surgery as identified by the arboricultural consultant as necessary for sound arboricultural reasons.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
VD021	Landscape and Visual Impacts	13.5.8	Retention of on-site trees, woodlands and hedgerows	Protective fencing will be erected around specimen trees / tree belts to be retained (where they abut a development area) and along hedgerows.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
VD022	Landscape and Visual Impacts	13.5.9	General adverse construction phase LVIA effects	Ground works / excavations in the vicinity of trees, woodlands and other landscape features will be carried out with care, and in accordance with the relevant levels drawings – there should be no abrupt changes of level or steep gradients in the vicinity of the areas of protective fencing.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
VD023	Landscape and Visual Impacts	13.5.11	General adverse construction phase LVIA effects	The use of chemicals (including chemicals used in general landscape operations such as herbicides and pesticides) will be strictly controlled in the vicinity of existing landscape features.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
VD024	Landscape and Visual Impacts	13.5.11	General adverse construction phase LVIA effects	The use of heavy plant in the vicinity of existing landscape features should also be minimised, to avoid direct damage to trees and woodlands (e.g. from tall cranes and scaffolding) and indirect effects such as spillage of fuel or diesel.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
VD025	Landscape and Visual Impacts	13.5.14	General adverse operational phase LVIA effects	Within the Village Corridors, built development will be set back from adjacent properties and the settlements of Gilston and Eastwick as well as utility infrastructure, heritage assets, watercourses, ancient woodland and other vegetation will be retained.	Construction	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD026	Landscape and Visual Impacts	13.5.15	General adverse operational phase LVIA effects	All areas of Ancient Woodland within the Site will be retained, along with areas of woodland and hedgerows indicated on Parameter Plan 1. Veteran trees will also be retained and protected across the Site.	Construction	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD027	Landscape and Visual Impacts	13.5.16	General adverse operational phase LVIA effects	Provisions as outlined in the Parameter Plans and Development Specification which include the retention of significant views, minimising harm to the heritage assets and carefully considering the relationship of these assets to nearby built development.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation

VD028	Landscape and Visual Impacts	13.5.17	General adverse operational phase LVIA effects	For the majority of the Site, building heights will not exceed two to three storeys. Specific zones are identified where a maximum building height of 18m could be achieved.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD029	Landscape and Visual Impacts	13.5.19	General adverse operational phase LVIA effects	Provision of several areas of Strategic Green Infrastructure including: - Two Country Parks (Eastwick Wood Park and Hunsdon Airfield Park) to provide areas of public open space / access and opportunities for walking, cycling, horse riding etc.; - New woodland planting at Eastwick Wood Park to establish productive woodland and habitat links and assist in screening distant views of Village 4 from Hunsdon Road and the Public Rights of Way (PRoWs) in the Widford area. - Active management of Hunsdon Airfield Park as farmland / woodland with increased public access compared to the existing situation.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD030	Landscape and Visual Impacts	13.5.20	General adverse operational phase LVIA effects	Provision of Community Parks at Gilston Park, Gilston Playing Fields and Home Wood; providing a range of community sports provision, as well as, informal recreation with club house and changing facilities, car and coach parking and floodlighting provided where appropriate, i.e. away from sensitive heritage and ecological areas.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD031	Landscape and Visual Impacts	13.5.21	General adverse operational phase LVIA effects	Provision of two Strategic Green Corridors (Eastwick Valley and Golden Brook/Fiddlers Brook) within the Development. Structural planting will be included within these corridors which will include woodland, woodland edge planting, hedgerows, coppice and areas of woodland pasture.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD032	Landscape and Visual Impacts	13.5.23	General adverse operational phase LVIA effects	Provision of improvements to public rights of way where links connect to the Development's pedestrian and cycle network. Details of these improvements will be provided at the village masterplan stage, and submitted as part of reserved matters applications.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD033	Landscape and Visual Impacts	13.5.24	General adverse operational phase LVIA effects	Retention and enhancement of areas of permanent pasture (for instance to the north of Eastwick and in Golden Valley) given they support a high diversity of flowering plants and grasses.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD034	Landscape and Visual Impacts	13.7.59	Green infrastructure and open spaces: landscape enhancements and new planting	Agree appropriate monitoring so that the effectiveness of the various landscape enhancements and new planting proposed within the strategic green infrastructure and open spaces within the Development will continue to establish and mature beyond 2040.	Operation	Planning condition on outline consent	Embedded mitigation
VD035	Landscape and Visual Impacts	13.7.60	Green infrastructure and open spaces: landscape enhancements and new planting	Development and implementation of a detailed Maintenance Schedule for those areas covered by the Landscape Management Plans, to be prepared by the appointed Landscape Contractor for the delivery of these works.	Operation	Planning condition on outline consent	Embedded mitigation

VD036	Landscape and Visual Impacts	13.7.61	Green infrastructure and open spaces: landscape enhancements and new planting	Management proposals should be undertaken with professional landscape design, ecological and landscape management advice. Appropriate personnel would be identified as responsible for implementation of the Landscape Management Plan(s) and associated inspections, programmes and monitoring.	Operation	Planning condition on outline consent	Embedded mitigation
VD037	Landscape and Visual Impacts	13.7.62	Green infrastructure and open spaces: landscape enhancements and new planting	associated with the development should include: - Ground preparation; - Minor topsoiling; - Grass cutting; - Edge trimming; - Tree hedge and shrub pruning; - General tree care; - Watering; - Treatment of pests and diseases; - Creation of habitat features; and, Woodland management.	Operation	Planning condition on outline consent	Embedded mitigation
<b>Biodiversity</b>							
VD038	Biodiversity	14.5.5	Newly created habitats: creation and ongoing management requirements	Development and implementation of detailed Ecological Management Plans (EMPs) for RMAs of the Village Development as they come forward.	Operation	Planning condition on outline consent	Embedded mitigation
VD039	Biodiversity	14.5.6; 14.5.7; 14.5.8	Adverse biodiversity effects on existing ecological features	Retention and protection the most valuable ecological features where possible and to enhance them through appropriate management as detailed in Parameter Plan 1: Existing Vegetation and Buildings.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD040	Biodiversity	14.5.9	Adverse biodiversity effects on existing ecological features	Protection of retained habitat through the creation of buffer zones (20m to Ancient Woodland, 20m to Existing Waterways, 10m to Existing Woodlands, 20m Ecological Buffers to other sensitive habitats) as detailed in Parameter Plan 2: Village Corridors, Constraints and Developable Areas.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD041	Biodiversity	14.5.10	Adverse biodiversity effects on existing ecological features and habitat connectivity	Integration of existing habitats within the green infrastructure of the Village Development as shown in the Parameter Plan 2 and 3: Green Infrastructure and Open Space. These areas will include Landscape Areas which are not subject to built development and the creation of new 'parks', which will be naturalistic green spaces managed for biodiversity and recreation. The new parks include: - Eastwick Wood Park (a new woodland park in the north of the Site, incorporating the blocks of ancient woodland); and, - Eastwick Valley Corridor, Eastwick Hall Corridor, Golden Brook Riparian Corridor and Fiddlers' Brook Corridor (all are Strategic Green Corridor parks).	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation

VD042	Biodiversity	14.5.12	Stort tributaries: habitat connectivity and habitat enhancement	<p>Creation of three Strategic Green Corridors (Eastwick Valley Corridor, Golden Brook Riparian Corridor and Fiddlers' Brook Corridor). At these locations, aquatic and terrestrial habitats will be subject to management to enhance biodiversity while sensitively integrating recreational uses. There will be a minimum 20m buffer from all watercourses within and adjacent to the Site from the top of bank to built development. Management measures will include where appropriate:</p> <ul style="list-style-type: none"> <li>- removal of Himalayan Balsam;</li> <li>- enhancement of straight channels to create more sinuous varied channels;</li> <li>- creation of floodplain scrapes;</li> <li>- increase instream habitat diversity; and,</li> <li>- replacement of 'hard engineered' bank revetment with 'soft engineering' methods.</li> </ul>	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD043	Biodiversity	14.6.49	Creation of woodland access routes	<p>Any paths constructed in the woodlands in the Village Development area will be subject to detailed planning at the reserved matters stage for the relevant phase of development and will be designed with input from the consultant ecologist. Path routes will be designed to avoid the existing areas of high nature conservation interest within the woodlands and will be sited to avoid significant impact to the hydrological character of the fields. The paths will be as natural as possible compatible with access and site management.</p>	Operation	Planning condition on outline consent	Embedded mitigation
VD044	Biodiversity	14.6.50	Creation of Community Play Areas	<p>The Community Play Areas will be subject to detailed planning for the relevant phase of development and will be designed with input from the consultant ecologist. In the case of the facilities in Eastwick Wood Park they will be located in an area outside of the ancient woodland blocks and in the case of Home Wood they will be located and designed to avoid significant impacts on the woodland. Home Wood although listed on the Ancient Woodland Inventory has undergone extensive replanting and modifications over the last two centuries, which has resulted in a large amount of non-native species and a low number of AWVPs being present. This allows scope for the inclusion of Play Areas which are sensitively designed and situated to avoid any significant impacts on the woodland.</p>	Operation	Planning condition on outline consent	Embedded mitigation
VD045	Biodiversity	14.6.52	Creation of grassland access routes	<p>Any paths constructed in the retained fields will be subject to detailed planning at the reserved matters stage for the relevant phase of development and will be designed with input from the consultant ecologist. Paths routes will avoid the existing areas of high nature conservation interest within the retained fields and will be sited to avoid significant impact to the hydrological character of the fields. The paths will be as natural as possible; mown grasslands, gravel tracks etc, compatible with access and site management.</p>	Operation	Planning condition on outline consent	Embedded mitigation
VD046	Biodiversity	14.6.57	Loss of bat foraging habitat	<p>Habitat creation and enhancement measures as per the Biodiversity Strategy (Appendix 14.5) and the OEMP (Appendix 14.14) which exceed the level of compensation required to offset the predicted residual effects and so will result in overall positive effects on the bat foraging resource across the Site.</p>	Operation	Planning condition on outline consent	Embedded mitigation
VD047	Biodiversity	14.6.58	Loss of Pipistrelle, Brown Long-eared and Serotine bat roosts at Eastwick Lodge	<p>Provision of a purpose-built bat house (a building specifically designed to provide roosting opportunities for bats) within the proposed green infrastructure area to the east of Eastwick village.</p>	Operation	Planning condition on outline consent	Embedded mitigation

VD048	Biodiversity	14.6.58	Loss of minor Pipistrelle roosts at Overhall Farm	Provision of a pole roost within the immediate vicinity of Overhall Farm.	Operation	Planning condition on outline consent	Embedded mitigation
VD049	Biodiversity	14.6.59	Bat habitat fragmentation	Key commuting features such as hedgerows and tree-lines will be substantially retained where possible, buffered from development, and reinforced by additional strategic landscape planting.	Operation	Planning condition on outline consent	Embedded mitigation
VD050	Biodiversity	14.6.59	Bat habitat fragmentation	Areas where commuting routes will be bisected by roads will be subject to detailed design to mitigate loss of permeability through measures such as minimisation of road width and lighting, infill planting, provision of artificial bat bridges, and retention of mature trees to provide natural aerial 'bridges' where possible	Operation	Planning condition on outline consent	Embedded mitigation
VD051	Biodiversity	14.6.60	Barbastelle bat habitat fragmentation	Detailed design of the Village Development will be informed by the results of a further programme of Barbastelle radio-tracking, undertaken to positively identify key flightlines and ensure the preservation thereof.	Operation	Planning condition on outline consent	Embedded mitigation
VD052	Biodiversity	14.6.62	Breeding and wintering bird habitat loss	Habitat compensation measures as proposed in Appendix 14.10: Birds.	Operation	Planning condition on outline consent	Embedded mitigation
VD053	Biodiversity	14.6.66	Great Crested Newt (GCN) habitat loss	Provision of new hedgerows, the enhancement of retained hedgerows, the creation of buffers to protect retained features (e.g. woodlands and grasslands) and the creation of semi-natural open spaces (e.g. the Valley Corridor parks) in line with the Development Specification and Parameter Plans will compensate for the loss of the existing habitats. The long-term management of these areas will ensure that they retain their value for GCN.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD054	Biodiversity	14.6.67	Great Crested Newt (GCN) habitat fragmentation	Provision of buffers around the retained woodland and hedgerows and the provision of new routes within newly planted hedgerows.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD055	Biodiversity	14.6.67	Great Crested Newt (GCN) habitat fragmentation	Provision of newt tunnels at various locations within Village 4 to enable safe crossing points for GCN (due to the close proximity of meta-population 3 to the Village).	Operation	Planning condition on outline consent	Embedded mitigation

VD056	Biodiversity	14.7.52	Woodlands: Urban effects and maintenance of access infrastructure	<p>Provision of various measures at detailed design stage including:</p> <ul style="list-style-type: none"> <li>- Buffer Zone around woodlands close to the proposed settlements;</li> <li>- Management within woodlands to reduce effects from recreational use;</li> <li>- Layout and control of access points to woodlands;</li> <li>- Clearly marked footpaths that will direct visitors away from particularly sensitive ecological areas. Woodland management will be monitored and footpaths re-directed to other areas of low ecological value, where footpath erosion is identified as a significant issue;</li> <li>- Install dog mess bins across the Site, with these bins emptied at appropriate frequencies;</li> <li>- Checks undertaken for fly-tipping, focussed in areas particularly prone to such action, such as woodland margins and car parks; and where found any rubbish would be disposed of appropriately; and</li> <li>- Installation of interpretation boards at key locations to inform visitors of the site's ecological interest and dissuade anti-social behaviour, such as vandalism or collection/ picking of large quantities of native wild flowers.</li> </ul>	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD057	Biodiversity	14.7.56	Grasslands: Urban effects and maintenance of access infrastructure	<p>Provision of various measures at detailed design stage:</p> <ul style="list-style-type: none"> <li>- Buffer Zones around woodlands close to the proposed settlements;</li> <li>- Management within woodlands to reduce effects from recreational use;</li> <li>- Layout and control of access points to grasslands;</li> <li>- Clearly marked footpaths that will direct visitors away from any particularly sensitive ecological areas. Grassland management will be monitored and footpaths re-directed to other areas of low ecological value, where footpath erosion is identified as a significant issue;</li> <li>- Install dog mess bins across the site, with these bins emptied at appropriate frequencies;</li> <li>- Checks undertaken for fly-tipping, focussed in areas particularly prone to such action, such as woodland margins and car parks; and where found any rubbish would be disposed of appropriately; and,</li> <li>- Installation of interpretation boards at key locations across the site to inform visitors of the site's ecological interest and dissuade anti-social behaviour, such as vandalism or collection/ picking of large quantities of native wild flowers.</li> </ul>	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD058	Biodiversity	14.7.61	Bats: noise and disturbance	Erection of compensatory artificial roosting sites and secured from both inadvertent and intentional human disturbance by measures including elevation, fencing and dense strategic planting.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD059	Biodiversity	14.7.61	Bats: noise and disturbance	Provision of access management measures (e.g. positively promoted surfaced paths and interpretation panels) to minimise disturbance impacts within areas of ancient woodland, which are of particular significance to roosting and foraging bats.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD060	Biodiversity	14.7.61	Bats: noise and disturbance; and, bats: increased mortality due to road traffic collision	The detailed traffic strategy will include measures to minimise traffic increases within green lanes, and to maintain their rural character.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation

VD061	Biodiversity	14.7.69	Farmland breeding and wintering birds: disturbance through recreational activities	Establishment of 'dogs on leads' areas where Public Rights of Way run across farmland to reduce the impact of disturbance from dogs on ground-nesting farmland birds.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD062	Biodiversity	14.7.70	Farmland breeding and wintering birds: disturbance through recreational activities	Provision of signposts, interpretation boards, new footpaths, dog bins and benches as well as information leaflets to residents in order to encourage people to use the new Eastwick Park Wood, rather than the remaining farmland areas.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD063	Biodiversity	14.7.72	Northern woodland breeding birds: disturbance through recreational activities	Creation of 20m buffer zones around each northern woodland, creation of new walking routes within Eastwick Wood Park to encourage recreation away from the more ecologically important woodlands (e.g. Golden Grove which currently supports Lesser Spotted Woodpecker; Black Hut Wood which supports Marsh Tit; and, Marshland Wood and Home Wood that have supported Marsh Tit in the past).	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD064	Biodiversity	14.7.75	Great Crested Newts (GCN): habitat fragmentation	Use of single-lane roads at key road/hedgerow junctions (where possible) thereby decreasing the physical barrier posed to GCN movements and the incidence of road mortality.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD065	Biodiversity	14.7.75	Great Crested Newts (GCN): habitat fragmentation	Use of amphibian gutters/tunnels of an 'ACO' type specification to channel GCN movements under roads, depending on the detailed design of road heights above ground level and the presence of kerbs. These measures will be maintained in good condition as part of ongoing site maintenance.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD066	Biodiversity	14.7.75	Great Crested Newts (GCN): habitat fragmentation	Use of drop kerbs, located at least every 50m, to aid GCN movement through the Village Development site and the use of kerb stones next to road drains or gully pots inset to allow a safe passage.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD067	Biodiversity	14.7.76	Great Crested Newts (GCN): harm to individual GCN	See Items 064, 065 and 066 above.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD068	Biodiversity	14.7.77	Great Crested Newts (GCN): hydrological changes affecting habitat	Implementation of SUDS as per Appendix 17.2: Flood Risk Assessment and Drainage Strategy.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD069	Biodiversity	Appendix 14.12: Para 7.2	Reptiles	Compensation for the loss of reptile habitat in the south-eastern corner of Habitat Parcel 5 in the form of the creation of 1x hibernation site for reptiles located within a pre-identified reptile receptor area, should further survey work recommend (further details provided in Appendix 14.12, Para 7.2).	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Additional mitigation
VD070	Biodiversity	Appendix 14.12: Para 7.3	Reptiles	Compensation for the loss of reptile habitat on the western side of Habitat Parcel 3 in the form of the creation of 1x egg laying site for Grass Snakes within a pre-identified reptile receptor area, should further survey work recommend (further details provided in Appendix 14.12, Para 7.3).	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Additional mitigation

VD071	Biodiversity	Appendix 14.12: Para 8.1	Reptiles	Enhancement of the Site through suitable reptile habitat creation such as the development of rough tussocky grassland surrounded by areas of scrub within areas of open space across the Site.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Additional mitigation
VD072	Biodiversity	Appendix 14.12: Para 8.1	Reptiles	Installation of a total of 6x additional hibernation sites for reptiles and a total of 3x additional egg laying sites for Grass Snakes across the Site in addition to any those described above as compensation (as well as any further enhancements which may be recommended following further surveys).	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Additional mitigation
VD073	Biodiversity	Appendix 14.15: Para 5.18	Badgers: Eastwick Manor Wood clan main and annexe setts	Displacement of badgers from the Eastwick Manor Wood main and annexe setts to a new sett(s) created nearby within retained open space under the terms of a Natural England sett closure licence.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD074	Biodiversity	Appendix 14.15: Para 7.1	Badgers: habitat compensation	Conversion of parts of Eastwick Wood Park, Golden Valley Riparian Corridor and community owned parkland to grassland with shrub and trees to provide higher value badger foraging habitat for Black Hut Wood, Roundsell Shaw, Golden Grove and Eastwick Mead Osier Bed clans. Native local provenance fruit- and nut-bearing species will be planted and the grassland areas will be mown/grazed to maximise the foraging value to Badgers. The conversion will take place at the start of the proposed works to allow these alternative foraging resources to develop and be useful to Badgers in the short to medium term window within which they are required. The provision of Maize strips will also be used to maintain the seasonal cereal resource that the Badgers are used to.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Agriculture and Soils</b>							
No mitigation measures identified as necessary.							
<b>Ground Conditions</b>							
VD075	Ground conditions	16.5.14	Contaminated land	Implementation of remediation measures on contaminated land as determined through detailed geo-environmental investigations at the detailed design stage for each plot or phase. This will be in line with regulatory/industry standard practice as well as the requirements of BS 10175: 2011+A2:201724, generic/detailed risk assessment procedures and with CLR11.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Water Resources and Flood Risk</b>							
VD076	Water resources and flood risk	17.5.11	Surface water runoff	Implementation of the SUDS Strategy, outlined in Appendix 17.2: Flood Risk Assessment and Drainage Strategy, which may include (but not be limited to): - Water butts, green roofs, permeable paving within courtyards and local parking etc. with restricted discharge into the downstream SuDS; - Street side rills, ditches, bio swales etc. A swale and linkage pipe system that provides attenuation, possible partial infiltration during transfer of surface water through the system to downstream SuDS; and, - Linked storage ponds constructed toward the termination of the SuDS before controlled discharge at discreet locations to the local watercourse.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation

VD077	Water resources and flood risk	17.5.22	Fiddler's Brook Enhancements	Provision of enhancements in the Fiddler's Brook Corridor, including improvements to the watercourses' hydromorphology as well as the riparian and flood plain habitats (see Appendix 17.4: Water Framework Directive Assessment). Measures may include: - the introduction of new bed forms; - the relocation of the current channel where it has been straightened and re-aligned; - enhancements to riparian habitats; - improved floodplain connectivity; and, - the removal of structures that may be impacting on flow conditions and sediment transport, where feasible.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD078	Water resources and flood risk	17.5.23	Operational phase Fiddler's Brook Enhancements	Development and implementation of a WFD Mitigation and Enhancement Strategy.	Operation	WFD Mitigation and Enhancement Strategy (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Services and Utilities</b>							
No mitigation identified as necessary.							
<b>Light</b>							
VD079	Light	19.5.7	General adverse operational phase light effects	- Lighting levels and temporal extent must be minimised and commensurate with that required for security, safety and operational purposes; - Pedestrian areas and hubs of social interaction should be appropriately illuminated to reduce the fear of crime and promote a community feeling; - Sports pitches within Gilston Park and Gilston Fields should not accommodate permanent high-level flood lighting; - Lighting design should minimise light spill onto trees, hedgerows, woodland edges and other light sensitive ecological areas to minimise disturbance impacts; - Lighting design should adopt a sensitive approach in the vicinity of heritage assets; - Lighting design should avoid adverse impacts on road users, the amenity of residents, neighbouring uses and the wider landscape through good design which minimises potential glare, light spill/trespass and sky glow; and - Lighting should use high efficiency luminaries and be energy efficient where possible.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation

Wherever possible, detailed lighting design would use controlled light distribution, optimised optics (flat glass – controlled light distribution below the horizontal) and considerate luminaire positioning / minimal heights and tilting angles are;

- Luminaire selection based on inherent glare control to an appropriate G class ranging between 4 and 6;
- Wherever possible, modern, Light Emitting Diode (LED) luminaires would be employed throughout to minimise the obtrusive light spill footprint and be as energy efficient as possible;
- All luminaires used around the Site perimeter would be mounted within the Site, so that the main photometric distribution of the luminaire will be towards the task area only;
- Wherever possible, adopting a light quality that minimises disruption to existing ecological systems in the form of LED light sources (<4200K) which emit minimal ultra-violet and blue light;
- Operational, secondary mitigation measures will be deployed as required, including:
  - o Use of light shields/baffles;
  - o Reduced column height; and

Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)

VD080 Light 19.5.9 General adverse operational phase light effects Operation Embedded mitigation

Climate Change							
VD081	Climate change: carbon emissions	20.5.2	Embodied carbon	Design of the Village Masterplans to deliver approximate earthworks balance, where possible.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD082	Climate change: carbon emissions	20.5.2	Energy demand	Achievement of a 19% minimum reduction in regulated carbon emissions relative to prevailing Part L (Conservation of fuel and power) of the Building Regulations 2013.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD083	Climate change: carbon emissions	20.5.2	Energy demand	Adherence to the Energy Statement and the use innovative technologies and techniques in the future; achieved through greater fabric efficiencies, the move to a greater use of electricity as the grid decarbonises and other low carbon measures.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD084	Climate change: carbon emissions	20.5.2	Energy demand	Use of building orientation and massing to optimise daylight and passive solar gain to reduce energy demands whilst safeguarding against overheating from current and future climate change weather projections.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD085	Climate change: carbon emissions	20.5.2	Energy demand	Detailed design of lighting to be low energy, as per the Development Specification.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD086	Climate change: carbon emissions	20.5.2	Carbon emissions and microclimate	Implementation of the integrated green and blue infrastructure strategy to retain and enhance, as well as provide areas of new, landscaping together with existing watercourses and SUDS features as per the Parameter Plans in order to help sequester carbon emissions arising from the Development as well as provide passive shading and cooling to the local microclimate minimising energy demand for active cooling.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation

VD087	Climate change: carbon emissions	20.5.2	Microclimate	Provision of green corridors and green infrastructure will be provided within developable areas offering shading to reduce the potential for overheating to occupants, as set out in the Strategic Design Guide.	Operation	Strategic Design Guide (to be secured by planning condition on outline consent)	Embedded mitigation
VD088	Climate change: carbon emissions	20.5.2	Carbon emissions	Provision of the various enhancements to agricultural land / poorer quality habitats to increase the carbon sink and carbon sequestration capability of these areas (e.g. the creation of Eastwick Wood Park via new woodland pasture to link areas of Ancient Woodland together).	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD089	Climate change: carbon emissions	20.5.2	Water demand / supply	Use of drought resilient and native plant species to reduce water demand for irrigation.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD090	Climate change: carbon emissions	20.5.2	Water demand / supply	Installation of water saving measures and equipment to ensure that new homes achieve a mains water consumption minimum target of 110 litres or less per head per day, as per the Development Specification.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD091	Climate change: carbon emissions	20.5.2	Transport	Provision of local services and amenities (i.e. healthcare, education, community facilities) within walking/cycling distance and provision of walkable neighbourhoods to reduce the need to travel.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD092	Climate change: carbon emissions	20.5.2	Transport	Provision of new and extended bus routes and bus stops that are within a short distance of walking and cycling routes.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD093	Climate change: carbon emissions	20.5.2	Transport	Provision of on-Site employment opportunities within walking distance of new homes.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD094	Climate change: carbon emissions	20.5.2	Transport	Maintenance/management mechanisms to ensure land is managed sustainably, to be secured as described in the Governance Strategy which accompanies the application.	Operation	Governance Strategy, via Development Specification (to be secured by planning condition on outline consent)	Embedded mitigation
VD095	Climate change: carbon emissions	Table 20.21	Carbon emissions: natural capital (carbon sink and sequestration)	Sustainable management of the landscape, including agricultural land where possible, to increase potential of the landscape to sequester and store carbon.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation

VD096	Climate change: climate change resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Protection of existing areas of ecological value through their retention and use of setbacks as defined by Parameter Plan 3: Green Infrastructure and Open Space.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD097	Climate change: resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Expansion and connection of existing and new habitats which are linked through green corridors, for example expansion of the existing woodland resource to enhance its resilience.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD098	Climate change: resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Use of drought resistant species in landscaping.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD099	Climate change: resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Future management of habitats to maximise biodiversity value.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD100	Climate change: resilience assessment	Table 20.24	Species and habitats: inability to respond to changing climatic conditions	Future management plans of habitats and landscape to respond to climate change risks and incorporate measures to tackle invasive non-native species.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD101	Climate change: resilience assessment	Table 20.24	Agriculture and wildlife: water scarcity and flooding	Implementation of Appendix 17.2: Surface Water Drainage Strategy to provide a network of SUDS to manage water flow and avoid flood risk by achieving greenfield runoff rates for a 1 in 100 year storm event allowing for a 40% increase in rainfall intensity due to climate change.	Operation	Planning condition (to be secured by planning condition on outline consent)	Embedded mitigation
VD102	Climate change: resilience assessment	Table 20.24	Agriculture and wildlife: water scarcity and flooding	Implementation of measures to reduce potable water use beyond those required by the EHDC Local Plan (i.e. to achieve water consumption target of 110 litres per person per day or less for all domestic properties)	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD103	Climate change: resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Implementation of a Soil Resource Plan (SRP) during construction to safeguard the integrity of valuable soil resources during handling and ensure soil is retained for future use on-site.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
VD104	Climate change: resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Implementation of biodiversity enhancements as proposed which will have a dual benefit of restoring and protecting soil health to increase its resilience against climate change impacts.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD105	Climate change: resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Provision of increased green infrastructure (hedgerows, grassland, trees and shrubs) and introduction of sustainable urban drainage solutions to manage surface water on site through natural infiltration solutions, e.g. swales.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation

VD106	Climate change: resilience assessment	Table 20.24	Soils: increased seasonal aridity and wetness; Natural carbon stores and carbon sequestration	Adoption of good soil and land management measures which encourage tenant farmers to embed climate change adaptation, reduce water demand and foster carbon storage.F116	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Additional mitigation
VD107	Climate change: resilience assessment	Table 20.24	Land management: practices exacerbating flood risk	Ongoing maintenance of the as-built drainage SuDS to help minimise the risk of flooding arising from unfavourable land management practices.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD108	Climate change: resilience assessment	Table 20.24	Infrastructure: flooding	Use of water resistant construction materials and equipment.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD109	Climate change: resilience assessment	Table 20.24	Extreme weather events	Risks from extreme weather events will be reduce by: - Detailed design to consider the effects of projected increases in peak summer temperatures (e.g. specifying materials and equipment which are resilient to high temperatures, considering the impact on the expansion of structures and resulting risk to structures and road surfaces); - Detailed design to consider effects of extreme cold weather events (e.g. specifying materials and equipment which are resilient to low temperatures); and, - Ensuring infrastructure within the Development is protected from extremes in temperature.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD110	Climate change: resilience assessment	Table 20.24	Health and wellbeing: high temperatures	The Development Specification and Parameter Plan 3: Green Infrastructure and Open Space sets minimum areas for retained, enhanced and new green infrastructure. People will be provided easy access to natural greenspace which provides shade.	Operation	Development Specification and/or Parameter Plans (to be secured by planning condition on outline consent)	Embedded mitigation
VD111	Climate change: resilience assessment	Table 20.24	Health and wellbeing: high temperatures	Appropriate insulation and ventilation of buildings will be considered at detail design stage. - A passive design approach to limit risk of overheating through appropriate window design and use of green infrastructure would be considered further at the detailed design stage. - Existing and new trees and green infrastructure will provide shade in hotter summers to reduce the 'urban heat island' effect and heat stress in the public realm.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD112	Climate change: resilience assessment	Table 20.24	People, communities and buildings: flooding	Surface water drainage design will include an allowance for a 40% increase in rainfall intensity due to climate change and ensure surface water is appropriately managed such that the flood risk to neighbouring areas is not increased.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
VD113	Climate change: resilience assessment	Table 20.24	Health and social care delivery: extreme weather	Detailed design of non-residential institution and community facilities to ensure resilience to extreme weather events.	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation

VD114	Climate change: resilience assessment	Table 20.24	Water supplies and resources	<p>Water efficiency measures (specified at detailed design stage), including low flush WC's, low-flow water fittings, greywater/rainwater recycling and/or the selection of robust and native plant species that would not generally require supplementary irrigation beyond the establishment period in order to help achieve a water consumption target of 110 litres per person per day or less.</p> <p>- Use of water meters to encourage occupants not to waste water.</p>	Operation	Village masterplan and/or RMA stage (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Cumulative Effects</b>							
No mitigation measures identified as necessary.							

## Mitigation Route Map (Eastern Stort Crossing)

(1) Item	(2) Topic	(3) Source	(4) Issue	(5) Mitigation Measures	(6) Trigger	(7) Securing Mechanism	(8) Type of Mitigation
<b>Environmental Statement Volume 1</b>							
<b>Socio economic</b>							
No mitigation measures identified as necessary.							
<b>Human Health</b>							
No mitigation measures identified as necessary.							
<b>Transport</b>							
ESC001	Transport	9.5.17	Delivery of Sustainable Transport Corridor	Utilisation of the existing rail crossing on River Way before passing over previous mineral extraction works and terminating at Eastwick Road, at the location of the eastern access into the site.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC002	Transport	9.5.21	Delivery of Sustainable Transport Corridor	Provision of a "bypass" to Pye Corner. This will pass from the location of the access to Terlings Park to join the proposed Eastern Stort Crossing. This will result in the closure of Pye Corner to through-traffic.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC003	Transport	9.5.21	Delivery of Sustainable Transport Corridor	Provision of a 5m wide shared footway/cycleway on the southern side of the carriageway along the entire length of both the Eastern Stort Crossing and the 'bypass'.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC004	Transport	9.5.21	Delivery of Sustainable Transport Corridor	Provision of verge separation between the shared footway/cycleway and the adjacent carriageway.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC005	Transport	9.5.21	Delivery of Sustainable Transport Corridor	Provision of dropped kerbs and tactile paving at the Eastern Stort Crossing / 'bypass' roundabout and the Eastern Stort Crossing/River Way roundabout to the south.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC006	Transport	9.5.23	Delivery of Sustainable Transport Corridor	Provision of a new footway/cycleway connecting with the existing towpath adjacent to the River Stort in the vicinity of the proposed Eastern Stort Crossing/River Way roundabout.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
<b>Air Quality</b>							
No mitigation measures identified as necessary.							
<b>Noise and Vibration</b>							
ESC007	Noise and vibration	11.5.5	Road traffic noise: properties at the northern end of Terlings Park	Use of a low noise road surface on Eastern Stort Crossing.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC008	Noise and vibration	11.5.9	Road traffic noise: properties at the northern end of Terlings Park	Eastern Stort Crossing designed to be located in a cutting to further minimise noise effects.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC009	Noise and vibration	11.5.12	Road traffic noise: properties at the northern end of Terlings Park	Provision of a 3m high acoustic barrier at Terlings Park to minimise noise effects on properties at the northern end of Terlings Park.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
<b>Archaeology</b>							
ESC010	Archaeology	12.5.4	General adverse construction phase archaeological effects	Implementation of the agreed WSI for the Eastern Stort Crossing application; with further mitigation provided subject to the results of archaeological investigations.	Construction	Planning condition on full consent	Additional mitigation
<b>Cultural Heritage</b>							
No mitigation measures identified as necessary.							
<b>Landscape and Visual</b>							

ESC011	Landscape and Visual	5.5.12	Effects on landscape character	Landscaping proposals reflect the existing landscape character, assimilating the highway into the surroundings. The landscape strategy would bring forward new groups of native trees planted within areas of rich grassland and occasional blocks of native scrubland planting.	Construction	Planning condition on full consent	Embedded mitigation
ESC012	Landscape and Visual	5.5.12	Visual Impact	Trees will be placed to respond to existing groups and provide screening to larger bridge structures such as abutments and ramps.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
<b>Biodiversity</b>							
ESC013	Biodiversity	14.5.11	Habitat connectivity	Design of the Eastern Stort Crossing to use open span bridges and avoid the use of culverts.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC014	Biodiversity	14.5.16	General adverse operational phase biodiversity effects	Where the Eastern Stort Crossing crosses open water, it will be on an open span bridge and parts of the crossing on embankment will include measures to allow for the movement of flood water and wildlife.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC015	Biodiversity	14.6.54	Loss of approximately 0.67 ha of rank, species-poor grassland and nettle/thistle patches of the Fiddler's Brook Marsh LWS	Creation of an area of species-rich grassland as part of the floodplain grassland restoration/creation proposals on land within the Stort Valley, either within the ownership of Applicant, or managed by the Stort Valley Partnership, with the location to be agreed with the planning authority.	Operation	Planning condition on full consent	Additional mitigation
ESC016	Biodiversity	14.6.34	Breeding and wintering birds: habitat loss	See ESC014, ESC015 and ESC016.			
ESC017	Biodiversity	Appendix 14.15: Para 5.26	Badgers: removal or blocking of Redricks Lane movement route	Installation of badger tunnels at Redricks Lane (should pre-construction surveys suggest that badgers from the setts along Redricks Lane are using land within the proposed road corridors or further south) in order to maintain accessibility. Ideally the tunnels will be located where the proposed roads cross known Badger paths, or if not, where there are existing landscape features such as hedgerows and ditches. Badger-proof fencing will be used as necessary to funnel animals towards the tunnels.	Construction	Site-specific CEMP (to be secured by planning condition on outline consent)	Embedded mitigation
<b>Agiculture and soils</b>							
No mitigation measures identified as necessary.							
<b>Ground Conditions</b>							
ESC019	Ground conditions	16.7.20	Gas and groundwater conditions	Further site investigation will be required for the highway construction of the Eastern Stort Crossing Site over the historic landfill and into the operational phase to inform the gas venting measures. Monitoring requirements will be defined following access and an appropriately designed investigation.	Construction	Planning condition on full consent	Additional mitigation
ESC020	Ground conditions	16.6.3	Contaminated land	Further intrusive ground investigation will be carried out on the Eastern Stort Crossing site in advance of site works to inform the site-wide Remediation Strategy.	Construction	Planning condition on full consent	Additional mitigation
<b>Water Resources and Flood Risk</b>							
ESC020	Water resources and flood risk	17.5.15	Surface water runoff	Provision of grass conveyance swales with check dams followed by a small pond / wetland feature. The pond / wetland will be located outside of flood zone 3 at Terlings Park to Central Roundabout (E1).	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation

ESC021	Water resources and flood risk	17.5.15	Surface water runoff	Provision of kerbs/deck kerbed drainage, gullies, catchpits and possible over-sized pipework below road to collect surface water before discharging to SuDS swale type features at ground level at River Way Roundabout to Central Roundabout (E3).	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC022	Water resources and flood risk	17.5.15	Surface water runoff	Provision of a small pond or wetland feature within existing woodland that discharges into the existing ditch at the new roundabout with River Way (E4).	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC023	Water resources and flood risk	-	General adverse operational phase effects	Design in keeping with the requirements of the Flood Risk Assessment and Surface Water Drainage Strategy (Appendix 17.2).	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation

#### Services and Utilities

No mitigation measures identified as necessary.

#### Light

ESC024	Light	19.5.10	General adverse operational phase light effects	Carriageway and footway/cycleway lighting for the Eastern Stort Crossing will be designed to BS5489:2013: Code of practice for the design of road lighting, to BS EN 13201-2 - 2015 Performance requirements and in line with Hertfordshire County Council standards unless superseded by another updated standard.	Operation	Planning condition on full consent	Embedded mitigation
ESC025	Light	19.5.12	Light spillage in the Stort Valley	Existing and outdated street lighting infrastructure within the extent of the affected highway where new junctions are to be formed will be replaced with new LED lighting with full cut-off luminaires. This is proposed to improve existing light spillage levels; <ul style="list-style-type: none"> <li>• New street lighting for the carriageway will consist of 10m or 12m high columns supporting full cut-off, LED luminaires;</li> <li>• Lighting columns will be attached or bolted to the bridge structure parapet and between culvert sections where located off the bridge deck;</li> <li>• Warm / neutral white light would be used to avoid conflict with rail signal lights being green, yellow and red);</li> <li>• Columns would be placed as far away as practicable from a rail bridge or the fence line of railway track; and</li> <li>• Glare would be minimized for the train driver by the use of luminaires conforming to an appropriate G class selected from BS EN 13201-2:2015, Table A.1 or shielding.</li> </ul>	Operation	Planning condition on full consent	Embedded mitigation

#### Climate Change

ESC026	Climate change	20.5.2	Embodied carbon	Detailed design of Eastern Stort Crossing to achieve approximate earthworks balance, where possible.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC027	Climate change: resilience assessment	Table 20.24	Agriculture and wildlife: water scarcity and flooding	Implementation of Appendix 17.2: Surface Water Drainage Strategy to provide flood compensation to help manage water flow and avoid flood risk by achieving greenfield runoff rates for a 1 in 100 year storm event allowing for a 40% increase in rainfall intensity due to climate change.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
ESC028	Climate change: resilience assessment	Table 20.24	Infrastructure: flooding	Provision of flood compensation within the footprint of the Eastern Stort Crossing structure.	Operation	Eastern Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation

#### Cumulative Effects

No mitigation measures identified as necessary.

## Mitigation Route Map (Central Stort Crossing)

(1) Item (2) Topic (3) Source (4) Issue (5) Mitigation Measures (6) Trigger (7) Securing Mechanism (8) Type of Mitigation

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#### Socio economic

No mitigation measures identified as necessary.

#### Human Health

No mitigation measures identified as necessary.

#### Transport

CSC001	Transport	9.5.12	Delivery of Sustainable Transport Corridor	Provision of a new signalised junction at the northern end of the new crossing connecting the upgraded A414/Fifth Avenue with A414/Eastwick Road.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC002	Transport	9.5.13	Delivery of Sustainable Transport Corridor	Provision of new pedestrian and cycle crossing facilities as part of an improved Burnt Mill Junction.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC003	Transport	9.5.14	Delivery of Sustainable Transport Corridor	Provision of the foot and cycle bridge over the A414 ('the Eastwick Road Footbridge') as part of the Central Stort Crossing Development.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC004	Transport	9.5.21	Delivery of Sustainable Transport Corridor	Provision of a 5m wide footway/cycleway to the south of the Eastwick Crossing/River Way roundabout, to the west of the existing bridge	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC005	Transport	9.5.27	Delivery of Sustainable Transport Corridor	Provision of bus priority measures at several locations including via the new Central Stort Crossing.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation

#### Air Quality

No mitigation measures identified as necessary.

#### Noise and vibration

CSC006	Noise and vibration	11.5.5	1-7 Burnt Mill	Use of a low noise road surface at 1-7 Burnt Mill Lane.	Operation	Planning condition on full consent	Embedded mitigation
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#### Archaeology

CSC007	Archaeology	12.5.4	General adverse construction phase archaeological effects	Implementation of the agreed WSI for the Central Stort Crossing application; with further mitigation provided subject to the results of archaeological investigations.	Construction	Planning condition on full consent	Embedded mitigation
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#### Cultural Heritage

No mitigation measures identified as necessary.

#### Landscape and Visual

CSC008	Landscape and Visual	5.4.8	Effects on landscape character	Landscaping proposals will reflect the existing landscape character, with scattered groups of new native tree planting within native species grassland and occasional blocks of native scrubland planting.	Operation	Planning condition on full consent	Embedded mitigation
CSC009	Landscape and Visual	5.4.8	Visual Impact	Trees will be placed to respond to existing groups and provide screening to larger bridge structures such as abutments and ramps. The existing swale along the western side of the embankment will be planted with meadow grassland mix to provide new habitat and visual amenity.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation

Biodiversity							
CSC010	Biodiversity	14.5.11	Habitat connectivity	Design of the Central Stort Crossing to use open span bridges and avoid the use of culverts.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC011	Biodiversity	14.5.16	General adverse operational phase biodiversity effects	Layout and massing resulting in minimal land take and only a minor extension to the existing culvert of the River Stort.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC012	Biodiversity	14.6.54	Loss of rank, species poor grassland and nettle/thistle patches as part of the loss of approximately 0.64 ha of the Parndon Moat Marsh LWS	Creation of an area of species-rich grassland as part of the floodplain grassland restoration/creation proposals as part of the Central Stort Crossing.	Operation	Planning condition on full consent	Additional mitigation
CSC013	Biodiversity	14.6.55	Loss of c. 1,800m2 of embankment grassland/scrub complex (c. 1800m2) as part of the loss of approximately 0.64 ha of the Parndon Moat Marsh LWS	Creation of grassland and scrub on the new embankment as part of the Central Stort Crossing development.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC014	Biodiversity	14.6.55	Loss of c. 800m2 of swamp habitat (c. 800m2) as part of the loss of approximately 0.64 ha of the Parndon Moat Marsh LWS	Creation of new swamp habitat on the floodplain in areas within the Stort Valley (either within the ownership of Applicant, or managed by the Stort Valley Partnership; n.b. location to be agreed with the planning authority).	Operation	Planning condition on full consent	Additional mitigation
CSC015	Biodiversity	14.6.34	Breeding and wintering birds: habitat loss	See Items CSC011, CSC012 and CSC013 above.			
Agiculture and Soils							
No mitigation measures identified as necessary.							
Ground Conditions							
CSC016	Ground conditions	16.6.3	Contaminated land	Further intrusive ground investigation will be carried out on the Central Stort Crossing site in advance of site works to inform the site-wide Remediation Strategy.	Construction	Planning condition on full consent	Additional mitigation
Water Resources and Flood Risk							
CSC017	Water resources and flood risk	17.5.15	Surface water runoff	Provision of grass conveyance swales with check dams followed by a small pond / wetland feature at the A414 Central Crossing between junction with Eastwick Road in the north and the Stort Navigation in the south (road catchment C1).	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC018	Water resources and flood risk	17.5.16	Surface water runoff	Provision of grass conveyance swales with check dams followed by a small pond / wetland feature at the A414 Central Crossing south of River Stort Navigation (road catchment C2).	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC019	Water resources and flood risk	17.5.16	Surface water runoff	Adherence to Appendix 17.2: Foul Water Drainage Strategy to ensure the discharge of effluent to the existing Thames Water trunk sewer within the Stort Valley via a new sewer across the Central Stort Crossing, and another new connection beneath the River Stort close to Eastwick.	Operation	Planning condition on full consent	Embedded mitigation
CSC020	Water resources and flood risk	17.5.24	Floodplain compensation	Provision of an area of replacement flood storage due to the loss of floodplain associated with the widening of the A414 Fifth Avenue. This will be provided to the south east of the A414 junction with Eastwick Road, to the north of the River Stort (as detailed in Appendix 17.2: Flood Risk Assessment and Drainage Strategy).	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation

CSC021	Water resources and flood risk	-	General adverse operational phase effects	Design in keeping with the requirements of the Flood Risk Assessment and Surface Water Drainage Strategy (Appendix 17.2)	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
<b>Services and Utilities</b>							
No mitigation measures identified as necessary.							
<b>Light</b>							
CSC022	Light	19.5.10	General adverse operational phase light effects	Carriageway and footway/cycleway lighting for the Central Stort Crossing will be designed to BS5489:2013: Code of practice for the design of road lighting, to BS EN 13201-2 - 2015 Performance requirements and in line with Hertfordshire County Council standards unless superseded by another updated standard.	Operation	Planning condition on full consent	Embedded mitigation
CSC023	Light	19.5.11	Light spillage in the Stort Valley	<p>Existing street lighting along Fifth Avenue and along A414 and Eastwick Road affected by the Central Stort Crossing will be replaced with new LED lighting on new columns. This is proposed to improve existing light spillage levels;</p> <ul style="list-style-type: none"> <li>• New street lighting for the carriageway will consist of 10m or 12m high columns supporting full cut-off, LED luminaires;</li> <li>• Warm / neutral white light would be used to avoid conflict with rail signal lights being green, yellow and red);</li> <li>• Columns would be placed as far away as practicable from a rail bridge or the fence line of railway track; and,</li> <li>• Glare would be minimized for the train driver by the use of luminaires conforming to an appropriate G class selected from BS EN 13201-2:2015, Table A.1 or shielding.</li> </ul>	Operation	Planning condition on full consent	Embedded mitigation
<b>Climate Change</b>							
CSC024	Climate change: carbon emissions	20.5.2	Embodied carbon	Detailed design of the Central Stort Crossing to achieve approximate earthworks balance, where possible.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
CSC025	Climate change: climate change resilience assessment	Table 20.24	Agriculture and wildlife: water scarcity and flooding	Implementation of Appendix 17.2: Surface Water Drainage Strategy to provide flood compensation to help manage water flow and avoid flood risk by achieving greenfield runoff rates for a 1 in 100 year storm event allowing for a 40% increase in rainfall intensity due to climate change.	Operation	Central Stort Crossing application plans (secured through planning condition on full consent)	Embedded mitigation
<b>Cumulative Effects</b>							
No mitigation measures identified as necessary.							

## Definitions

- Column (1) provides the item number for each mitigation measure.
- Column (2) describes the topic area for which the mitigation is required.
- Column (3) provides the source of the issue identified (i.e. document and paragraph number).
- Column (4) describes the issue for which mitigation is required.
- Column (5) provides the detail of the proposed mitigation measure.
- Column (6) identifies the timing or 'trigger' for when the identified mitigation or measure **should be in place**. This refers to the '**construction**' and/or '**operational**' phases of the Development.
- Column (7) identifies the securing mechanism(s) for each measure.
- Column (8) categorises the type of mitigation; embedded or additional.



## Appendix 3.5

### Cumulative Schemes

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**Table 3.5: Cumulative Schemes**

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
1	Harlow East (SP 5.3)		750	Land in Epping Forest District allocated for circa 750 new homes under the Draft Epping Forest Local Plan.	-	2.5km east	Construction dates unknown. Due to come forward between 2018 and 2032.	
2	Riddings Lane Garden Centre (Site L)		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.	-	3.8km south	Construction dates unknown. Due to come forward between 2018 and 2032.	
3	Land west of Katherines (SP 5.2)		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.	-	2.6km south-west	Construction dates unknown. Due to come forward between 2018 and 2032.	
4	APP/N154 0/W/16/3 146636	Ymca Hostel - The Angle. Fourth Avenue,	69	Demolition of all Existing Buildings and Construction of 69 New Residential Dwellings, Including Flats and Houses,	Appeal allowed 28/09/16	920m south	Demolition works stated to commence early 2018 and to take 14 weeks. However, aerial photography does not	Demolition of the existing buildings on the Site has been

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
		Harlow, CM20 1DN		Ranging from 3 to 13 Storeys, With Associated Car Parking and Landscaping			indicate works have commenced.	undertaken lawfully (ref: HW/LDCE/20/0 0228).
5	HW/PL/11 /00055; as amended by HW/PL/15 /00142	Land to north of Gilden Way	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	1.5km east	Outline Permission stated construction was to take place from 2013 to 2018. Aerial photography does not show any indication of construction started for any Phase.	Aerial photography shows construction has begun and a number of dwellings are complete and occupied.
6	HW/PL/15 /00006			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			

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
7	HW/REM/ 15/00389			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.			
8	Education Centre, Hodings Road, Harlow (HDC SHLAA Site Ref. 13)		24	N/A	2021-31	450m south-west	Construction dates unknown. Due to come forward between 2021 and 2031.	
9	Purford Green School, Harlow, CM18 6HP (HDC SHLAA Site Ref. 14)		30	N/A	2021-31	2.8km south-east	Construction dates unknown. Due to come forward between 2021 and 2031.	
10	East of the Downs School (HDC SHLAA Site Ref. 14)		25	N/A	2021-31	1.1km south	Construction dates unknown. Due to come forward between 2021 and 2031.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
11		Playing field south of Gildea Way (HDC SHLAA Site Ref. 22)	67	N/A	2021-31	2km east	Construction dates unknown. Due to come forward between 2021 and 2031.	
12		Former Scout Hut, Elderfield (HDC SHLAA Site Ref. 23)	6	N/A	2014-21	1.9km east	Construction dates unknown. Due to come forward between 2014 and 2021.	
13		Playing field and land east of Radburn Close south of Clifton Hatch (HDC SHLAA Site Ref. 30 (29Ref 017))	69	N/A	2021-31	3.4km south-east	Construction dates unknown. Due to come forward between 2021 and 2031.	
14		South of Hawthorns west of Riddings Lane (HDC SHLAA Site Ref. 31)	35	N/A	2021-31	3.2km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
15	HW/FUL/18/00189	Land South Of 43-56 Bushey Croft Bushey Croft Harlow Essex	16	Development of 16 No. Affordable Homes Comprising 6 No. Two Bedroom and 10 No. Three Bedroom Houses on Land Between Bushey Croft and Rushes Mead	Permission granted 04/09/2018	2.9km south east	Construction dates unknown. Aerial photography does not indicate that construction has commenced.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
16		Garage blocks adjacent to Nicholls Tower (HDC SHLAA Site Ref. 36)	11	N/A	2021-31	2.5km south-east	Construction dates unknown. Due to come forward between 2021 and 2031.	
17		Elm Hatch and Public House (HDC SHLAA Site Ref. 38 (45Ref 3))	10	N/A	2014-21	2.1km south	Construction dates unknown. Due to come forward between 2014 and 2021.	
18		Stewards Farm (HDC SHLAA Site Ref. 39 (46Ref 035))	10	N/A	2021-31	3.9km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
19		Land between Barn Mead and Five Acres (HDC SHLAA Site Ref. 40)	10	N/A	2021-31	2.6km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
20		Kingsmoor House and gardens (HDC SHLAA Site Ref. 44 (51Ref 014))	9	N/A	2014-21	3.3km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
21		Pollard Hatch plus garages and adjacent land (HDC SHLAA Site Ref. 45)	20	N/A	2014-21	2.8km south-west	Construction dates unknown. Due to come forward between 2014 and 2021.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
22		Katherines Hatch (HDC SHLAA Site Ref. 46 (56Ref 013))	10	N/A	2014-21	2.8km south-west	Construction dates unknown. Due to come forward between 2014 and 2021.	
23		Service bays rear of the Stow (HDC SHLAA Site Ref. 48 (57Ref 037)) [Application submitted for 88 units (HW/FUL/19/00257) pending decision]	8	N/A	2014-21	950m south	Construction dates unknown. Due to come forward between 2014 and 2021.	
24		Garages east of 99-102 Greenhills (HDC SHLAA Site Ref. 52 (62Ref 01))	16	N/A	2021-31	1.3km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
25		Slacksbury Hatch and associated garages (HDC SHLAA Site Ref. 68 (78Ref 053))	10	N/A	2014-21	1.5km south-west	Construction dates unknown. Due to come forward between 2014 and 2021.	
26		Garage blocks between 1 and 36 Arkwrights (HDC SHLAA Site Ref. 70 (80Ref 055))	7	N/A	2014-21	1.5km south-east	Construction dates unknown. Due to come forward between 2014 and 2021.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
27	HW/FUL/18/ 00298; as amended by HW/NMA/19/00343	Lister House Perry Road Harlow Essex CM18 7LU	46	Demolition of Existing Medical Centre and Erection of 46 No. New Residential Apartments with Private Communal Garden and Associated Undercroft Parking	Permission granted 21/12/2018	2.8km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
28	Kingsmoor Recreation Centre (HDC SHLAA Site Ref. 73)		35	N/A	2021-31	3.3km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
29	Open Space to the south of Berecroft (HDC SHLAA Site Ref. 78 (88Ref 063))		294	N/A	2021-31	3.7km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
30	Wissants and adjacent playground (HDC SHLAA Site Ref. 83 (93Ref 068))		6	N/A	2014-21	3.3km south-west	Construction dates unknown. Due to come forward between 2014 and 2021.	
31	Land and Buildings at Wych Elm inc. bus garage and fire station (HDC SHLAA Site Ref. 88)		500	N/A	2021-31 and beyond plan period	650m south	Construction dates unknown. Due to come forward between 2021 and 2031.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
31a		Wych Elm House, Wych Elm, Harlow, Essex, CM20 1QR (Part delivery of HDC SHLAA Site Ref. 88)	122	Demolition of existing buildings and the erection of a 2-11 storey building comprising 122 no. residential units (Class C3), and 763 sq. m of ground floor commercial floorspace (Classes A1, A2, A3, D1), together with associated works and public realm improvements.	Permission granted 06/02/20	0.9km south	Unknown. Aerial photography indicates that construction work has not commenced.	
32		Land Adjacent to Katherines School HDC SHLAA Site Ref. 96 (107Ref 079)	27	N/A	2014-21	2.75km south-west	Construction dates unknown. Due to come forward between 2014 and 2021.	
33		Fishers Hatch HDC SHLAA Site Ref. 98	10	N/A	2021-31	1.2km south	Construction dates unknown. Due to come forward between 2021 and 2031.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
34		Colt Hatch community centre and adjacent land HDC SHLAA Site Ref. 101	11	N/A	2021-31	1km south-west	Construction dates unknown. Due to come forward between 2021 and 2031.	
35		Land between Second Avenue and St Andrews Meadow HDC SHLAA Site Ref. 142	16	N/A	2014-21	1.9km south	Construction dates unknown. Due to come forward between 2014 and 2021.	
36		Northbrooks Playing Fields HDC SHLAA Site Ref. 161	70	N/A	2021-31	1.5km south-west	Construction dates unknown. Due to come forward between 2021 and 2031.	
37		Playing field west of Deer Park HDC SHLAA Site Ref. 171 (OthCan184)	69	N/A	2021-31	3km south-west	Construction dates unknown. Due to come forward between 2021 and 2031.	
38		Land northwest of Kingsland HDC SHLAA Site Ref. 241	41	N/A	2014-21	2km south	Construction dates unknown. Due to come forward between 2014 and 2021.	
39		Playground & land between Little Pynchons and Pear Tree Mead HDC SHLAA Site Ref. 245	12	N/A	2021-31	3km south	Construction dates unknown. Due to come forward between 2021 and 2031.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
40		Playground west of 93-100 Jocelyns HDC SHLAA Site Ref. 251	12	N/A	2021-31	940m east	Construction dates unknown. Due to come forward between 2021 and 2031.	
41		Sherards House and adjacent land HDC SHLAA Site Ref. 266 (PrCn45)	15	N/A	2021-31	2.3km south-west	Construction dates unknown. Due to come forward between 2021 and 2031.	
42	HW/PL/04/00302 (as amended)	Phase 2 New Hall Farm and Hubbards Hall Farm (Whole Site), London Road, Harlow	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.	1.5km south-east	Construction period of approximately 15 years. Construction has commenced on-site with majority of Phase 2a completed.	Under construction. Early phases complete and occupied.
43	HW/PL/13/00098 & HW/PL/13/00100			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			

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
44		1 & 1a Walfords Close (HDC SHLAA Site Ref. 284 PrCn71)	12	N/A	2014-21	1.2km south-east	Construction dates unknown. Due to come forward between 2014 and 2021.	
45		Westgate House and MS carpark (HDC SHLAA Site Ref. 287 PrCn74)	170	N/A	2014-21	890m south	Construction dates unknown. Due to come forward between 2014 and 2021.	
46		Coppice Hatch and garages (HDC SHLAA Site Ref. 301 UCS23)	16	N/A	2021-31	2.3km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
47		Pypers Hatch (HDC SHLAA Site Ref. 314 UCS45)	10	N/A	2021-31	1.75km south-east	Construction between 2021 and 2031.	
48		Garage block south-east of Fesants Croft (HDC SHLAA Site Ref. 327 UCS68)	7	N/A	2014-21	1.1km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
49		Garage block south of 84-97 Barn Mead (HDC SHLAA Site Ref. 336 UCS80)	6	N/A	2021-31	2.5km south	Construction dates unknown. Due to come forward between 2021 and 2031.	
50		Land east of 144-154 Fennells (HDC SHLAA Site Ref. 343 UCS90)	23	N/A	2021-31	3.8km south	Construction dates unknown. Due to come forward between 2021 and 2031.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
51		Land associated with Hestor House and Hester Mews (HDC SHLAA Site Ref. 347 UCS99)	15	N/A	2021-31	500m south-west	Construction dates unknown. Due to come forward between 2021 and 2031.	
52		Maunds Hatch and Hall (HDC SHLAA Site Ref. 352 UCS109)	10	N/A	2021-31	3.4km south	Construction between 2021 and 2031.	
53		Sumners Hatch (HDC SHLAA Site Ref. 361)	19	N/A	2021-31	3.6km south-west	Construction dates unknown. Due to come forward between 2021 and 2031.	
54	HW/FUL/15/00229 (as amended)	Aylets Field; the briars; Copshall Close; - known as Priority Estates	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,	Granted permission 07/01/16	3.3km south	Construction dates unknown. Aerial photography shows construction is in progress.	Phases 1 and 2 complete and residents in situ. Phase 3 under construction.

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				Drainage Infrastructure, and Landscaping				
55	N/A	Green Belt North East Harlow	2,600	Will come forward when Local Plan is finalised. Based on work in Harlow Strategic Sites Assessment.	-	3km east	January 2021 to December 2031	
56	<del>HW/COU OR/16/00 119</del>	<del>Greenway House Parkway Harlow Essex CM19 5QD</del>	<del>78</del>	<del>Change of Use from Office Use (Class B1) to 78 Dwellinghouses (Class C3)</del>	<del>Prior approval not required 03/06/2016</del>	<del>2.5km south west</del>	<del>Unknown. No works have not yet commenced.</del>	<del>Complete. Residents in situ.</del>
57	<del>HW/COU OR/16/00 027</del>	<del>Templefields House, River Way Harlow, CM20 2EA</del>	<del>154</del>	<del>Change of Use from Class B1(a) (Offices) to Class C3 (Dwellinghouses) Comprising 154 Units (83 Studios, 68 x 2 Bedrooms)</del>	<del>Prior Approval not required 03/03/16</del>	<del>0.7km east</del>	<del>Unknown. No works have not yet commenced.</del>	<del>Complete. Residents in situ.</del>
58	HW/FUL/17/00097	Proposed Redevelopment of Land at Harvey Centre, West	468	Demolition of the existing buildings and comprehensive re-development of the site to provide a mixed-use development (including 4 new buildings ranging	Granted 06/10/17	1km south	Demolition has commenced and construction is expected to be completed by 2021.	Aerial Photography does not indicate that

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
		Gate, Market Square, Broad Walk, West Gate, Harlow		from 3 to 16 storeys) comprising 468 residential units, circa 2,900 m2 of flexible retail floorspace, communal amenity space, a new pedestrian boulevard, car parking, cycle parking, with associated hard and soft landscaping, revised access and servicing arrangements.				works have commenced.
59	HW/OUTA M/17/002 46	Third Avenue, Harlow, CM19 5AW	N/A	Redevelopment of The Former GSK South Site To erect Up To 46,916m2 (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	2km south	Enabling works Q4 2018, construction due to commence 2019. Due to be complete by 2023.	Plot 2 and Plot 3 3 units constructed. Enabling works have commenced on Plot 4.
60	HW/FUL/1 7/00563	1-7 Burnt Mill Harlow 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	Granted 04/06/18	Adjacent to west	Construction dates unknown.	Aerial Photography does not indicate that works have

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				(within Class B1) and 159 Car Parking Spaces.				commenced. Consent has now expired.
61		Land to the North of West Road (SAWB2)	125	Land to the north of West Road is allocated as a residential development site, to accommodate approximately 125 homes by 2022.	-	2.7km east	Construction dates unknown. Due to be complete by 2022.	
62		Land to the South of West Road (SAWB3)	175	Land to the south of West Road is allocated as a residential development site, to accommodate approximately 175 homes by 2022.	-	2.3km east	Construction dates unknown. Due to be complete by 2022.	
63		Land to the North of Sawbridgeworth (SAWB4)	200	Land to the north of Sawbridgeworth is allocated as a residential development site, to accommodate approximately 200 homes by 2027.	-	3.5km north-east	Construction dates unknown. Due to be complete by 2027.	
63a	3/18/2735 /FUL	Land At Cambridge Road,	184	Hybrid planning application comprising: Full planning permission for 85 dwellings along		4.6km east	Unknown	Application validated January 2019.

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
		Sawbridge- worth  (Delivery of the SAWB4 Site)		with a new access onto Cambridge Road, provision of new spine road, landscaping, associated infrastructure and the demolition of existing dwelling; and Outline planning permission for 99 dwellings with associated open space, landscape and infrastructure with all matters reserved except access.				Awaiting decision.
64	Land North and East of Ware (WARE2)		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. 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	-	4km west	Construction dates unknown. Due to be complete by 2033, with potential for a further 500 homes to be delivered in this location post 2033.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				further 500 dwellings will also be delivered in this location.				
65	HW/CR3B /17/40003 (ECC ref: CC/EPF/08 /17)	Junction 7a on M11, Gilden Way, Harlow Essex	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	Permission granted by ECC: 21/07.17	1.3km south-east	Due for completion in Q1 2021	The junction opened to traffic in June 2022.

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				<del>Roundabout, located within the district of Harlow.</del>				
66	HW/LDCP/16/00488	A414 - A1184 Carriageway Dualing Scheme, Edinburgh Way, Harlow	N/A	<del>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.</del>	<del>Granted 06/10/17</del>	<del>0.15km south</del>	<del>Eastbound carriageway widening/footway and drainage works were completed October 2019. Anticipated completion date of June 2020.</del>	<del>Works complete and operational.</del>
67	HW/FUL/17/00130 (as amended by HW/NMA/17/00324)	A414 Link Road, London Road, Harlow	N/A	Second Primary Access and Associated Highway Works to Serve Newhall Phase II.	Granted by HDC: 06/07/17	1.4km south-east	Unknown.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
68	HW/CCRE G4/17/00 207 (ECC ref: CC/HLW/2 1/17	New access on A1184, Cambridge Road, Harlow	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	1km east	Unknown.	
69	3/19/2124 /O UT	Gilston Village 7	1,500	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	Decision pending	Adjacent to the west of the Site	Construction anticipated to commence in 2022. Anticipated completion by 2030.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				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.				
70	HW/FUL/1 8/ 00144	Edinburgh House Car Park,	361	Redevelopment of existing car park associated with former Pearson House.	Permission granted 12/09/19	0.4km south east	Unknown. Aerial photography indicates that construction work has not commenced.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
		Edinburgh Gate, Harlow, Essex		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				
71	3/14/1408 /F P	Land At Crane Mead, Crane Mead, Ware, Hertfordshire SG12 9PY	101	Demolition of the existing building and erection of a mixed-use development comprising 101 residential (C3) apartments and employment (B1) space, along with associated highway and landscape works.	Permission granted 14/11/14	5.5km west	Unknown. Aerial photography indicates construction work has not commenced.	
72	HW/OUTA M /17/00246 (as amended)	New Frontiers Science Park Third Avenue Harlow	N/A	Redevelopment of The Former GSK South Site to erect up to 46,916 sqm (GIA) of Class B8 Floorspace, Including Demolition of Buildings, Construction of New	Permission granted 22/12/17	2.3km south west	Construction works anticipated to have commenced January 2018. Anticipated completion in December 2020.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
	by HW/NMA/ 18 /00091; HW/NMA/ 19 /00327; HW/NMA/ 19/00328; and, HW/NMA/ 19 /00412)	Essex CM19 5AW		Paved Surfaces, Boundary Treatment and Landscaping, Parking and Associated Works				
73	HW/OUTA M /17/00372	New Frontiers Science Park, Coldharbour Road, Harlow, Essex, CM19 5AD	N/A	Outline Application for up to 115,200 sq .m. (GIA) of Offices, Research and Development Laboratories (Class B1), Ancillary Facilities, New Accesses, Landscaping, Parking and Ancillary Works	Permission granted 23/10/18	2km south west	Enabling and construction due to commence in 2018 and 2019 respectively. Anticipated completion in 2024.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
74	3/13/0804 /OP (as amended)	Land At Bishops Stortford North, Bishops Stortford	2,200	Erection of up to 2,200 dwellings inclusive of affordable housing; green infrastructure, amenity and formal and informal recreation space; landscaping; development of 2 mixed use local centres on 4.1 hectares of land providing up to 21,000 sq.m. (gross) commercial floorspace (Use Class B1 a, b and c) inclusive of (if required) a maximum of 3,000 sq.m. (gross) for healthcare facilities (Use Class D1), together with retail floorspace (Use Classes A1, A2, A3, A4 & A5) up to a maximum of 1,200 sq.m. (gross), residential development (use Class C3), and the potential for other community/ cultural/leisure (Use	Permission granted 02/04/15	7km north east	Construction commenced Q2 2017. Anticipated completion date is not known.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				<p>Class D1 &amp; D2) if required (floorspace to be agreed); the potential for an additional 0.5 hectares of land for up to 4,000 sq.m. (gross) commercial floorspace (Use Class B1 a, b and c) if required or for residential purposes (Use Class C3) if not; a primary school and associated facilities on 1.25 hectares of land; a further primary school on 2 hectares of land with the potential to extend by 1.08 hectares if required or for the expansion land to be used for residential purposes if not; 4 new junctions (A120, Hadham Road, Rye Street and Farnham Road); estate roads and public transport route; footpaths/ cycleways; site profiling/ earthworks; a noise bund with</p>				

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				barrier; a sustainable drainage system; utilities services including foul water pumping stations; 2 residential garden extensions; and the demolition of 221 Rye Street and 164 & 166 Hadham Road. (All matters reserved with the exception of full details of the appearance, landscaping, layout and scale of the residential element of Phase 1 and Access for Phases 1 & 2).				
75	HW/OUTA M/21/002 5	Land at Harvey Centre at West Gate on Market Square Broad Walk West Gate, Harlow	578	Hybrid planning application to demolish the existing buildings and provide a comprehensive re-development of the site with a mixed-use development comprising up to 578 residential units, up to 3,000sqm (GEA) flexible retail/drinking establishment/leisure/community /commercial space (Use Classes E	Approved October 2022.	1.5km south	Construction anticipated to begin in Q2 2022 and be completed by Q1 of 2031. As the application is still pending, the revised construction period is unknown.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				and sui generis), communal residential amenity space, a new pedestrian boulevard, public realm improvements, car and cycle parking with associated plant and hard/soft landscaping. All matters are reserved for Blocks B, C2 and C3. Blocks A and C1 and associated public realm is submitted in detail. Amended Description Proposal.				
76	07/20/046 7/F	Former Turnford Surfacing Site Rye Works Rye Road Hoddesdon En11 0Gr	104	Redevelopment of a brownfield site to provide 104 residential units, consisting of 29 one bedroom apartments, 62 two bedroom apartments and 13 three bedroom town houses and one small commercial unit for A1/ A2/ A3/ B1a/ D1 or D2 use. Associated junction improvement works to Rye Road/ Fishermans		3.2km south west.	Unknown.	Application validated June 2020.

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
				Way and public tow path improvement works				
77	07/22/084 4/F	Land At Ratty's Lane Hoddesdon Hertfordshire EN11 0RF	N/A	Full planning application for the erection of a 5,650 sqm Industrial / Warehouse Building service yard and parking including access onto Ratty's Lane.		3.5km south west	Unknown.	Validated 01.09.2022 Application pending.
78	HW/FUL/19/00291	15 - 29 West Gate Harlow Essex CM20 1JP	163	Demolition of existing building and redevelopment of the site to provide a mixed use development within a part 8 and part 12 storey building comprising 163 residential units, circa 390sqm of flexible commercial (Use Class A1/A2/A3/A4/A5/D2) floorspace, and ancillary communal amenity, car parking and cycle storage.		4.8km south east	Unknown.	Planning Permission granted (subject to S106) 14.02.20
79	CC/HLW/01/20, as amended by	Gilden Way, Harlow	-	The construction of a new 2FE (420 pupils) Primary School with associated playing fields, hard play areas, MUGA, landscaping,	Approved January 2021.	3km east	Unknown.	

No.	Ref. No.	Site Address (Site Allocation)	Units	Proposals	Status/Date November 2020	Approx. Distance from Site Boundary	Timing Assumptions	Status August 2022 (if different to November 2020)
	CC/HLW/1 36/20			cycle/scooter storage, staff parking and supporting infrastructure. Relocation of existing Harlowbury Primary School in Harlow.	Granted April 2022			
80	HW/FUL/2 1/00625	Sir Frederick Gibberd College, Harlow	-	Construction of a new school for 64 pupils with complex, and severe social, emotional and mental health difficulties, aged 7-16 years old, with on-site residential accommodation for 15 pupils.		2km south	Unknown.	



HEGNPG

Supporting our Community

**Hunsdon Eastwick and Gilston Neighbourhood Plan Group**

Channoeks Farm

Gilston

CM202RL

<https://hegnp.org.uk/>

Planning Policy  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford SG13 8EQ

12<sup>th</sup> January 2023

FAO Ms Jenny Pierce by email

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(cc. Mr Kevin Steptoe by email at [Kevin.Steptoe@eastherts.gov.uk](mailto:Kevin.Steptoe@eastherts.gov.uk))

Dear Sir/Madam,

**Gilston Area Applications – Outline Planning Application for Villages 1-6 ref:  
3/19/1045/OUT**

This letter of representation constitutes the response of the Hunsdon, Eastwick and Gilston Neighbourhood Plan Group (HEGNPG) on behalf of the Hunsdon and Eastwick & Gilston Parish Councils and the local community. It should be read in conjunction with the previous representations submitted by the HEGNPG in January 2021 (general OPA), February 2022 (Stort Crossings) and September 2022 (Viability Appraisal).

It is divided into three parts:

- Part 1: recent expectations set out by Rt Hon Michael Gove on behalf of DLUCH
- Part 2: the reasons why the OPA should not be approved as presented
- Part 3: recommended essential conditions which should be included in any approval.
- Part 4. Response on the Gilston Area Stewardship and Governance Strategy

## **PART 1**

### **The expectations set out by Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities in his letters to Council Leaders and MPs (1<sup>st</sup> and 5<sup>th</sup> December 2022)**

In early December 2022, the Secretary of State set out very clear expectations for future development and housing:

- Planning should be about delivering “enough of the right homes in the right places and will do that by promoting development that is beautiful, that comes with the right infrastructure, that is done democratically with local communities rather than to them, that protects and improves our environment, and that leaves us with better neighbourhoods than before”.
- Local and Neighbourhood Plans will have more power with future legislation and should be considered the best form of community action – and protection.
- Council Leaders should ensure strong design leadership within their council and, working with their communities, turn visions for beautiful towns, cities and neighbourhoods into standards all new development should meet.
- Councils should also refuse planning permissions for development that is not well-designed and housing targets should not be used as justification to grant permission.
- The Planning Inspectorate should no longer override local decision making which is sensitive to and reflects local concerns.
- Local authorities will not be expected to build at densities wholly out of character with existing areas or which would lead to a significant change of character. The new Office for Place will support the Council and its community in achieving this goal.

The HEGNPG is well attuned to, and probably ahead of this Ministerial call to action:

- In its representations to the Local Plan (2018) and Villages 1-6 OPA (2019), it has consistently called for development of ‘exceptional quality’ – with very specific recommendations for what this means in the local area.
- In 2021, we completed the Gilston Area Neighbourhood Plan (GANP) for the development area including tailored policies and guidance to define appropriate development in the Gilston Area and, very importantly, provide clear definitions of local character and what is to be considered ‘well-designed’ in the local context. The GANP won two national planning awards and a Landscape Institute award in recognition of its constructive approach in the promotion of quality development.
- Throughout 2020-2022, the HEGNPG continued to engage constructively with the Council and developers in the interest of better development. By doing so, it has abundantly and consistently demonstrated vision and design ambition for the Gilston Area.

It is therefore regrettable that our “community action” through the appropriate and democratic use of planning tools, as advocated so strongly by Secretary of State Gove, is yet to produce any assurance that future development in the Gilston Area will be ‘beautiful’, supported by the

necessary infrastructure and democratically delivered “with the local community”, rather than against it.

This is the time for the Council to show the strong vision and leadership that the Secretary of State expects. This includes a clear, transparent and honest response to the concerns that the local community, through the HEGNPG, has raised time and again.

**We would expect the officer’s report to the DMC to reflect the Government’s guidance that sensitivity to local concerns, local character and beauty should be overriding factors guiding the planning process. The officer’s report should, therefore, include:**

- 1. A detailed assessment of the OPA against Local Plan Policies and GANP Policies, recognising that the applicant has not explicitly addressed the GANP Policies in their application. This is necessary as the GANP provides a stronger, locally informed planning policy framework for the Gilston Area and clearly sets out how to address community concerns.**
- 2. A statement of the Council’s interpretation of ‘beauty’ and local character in line with GANP Policies and GANP Appendix 3.**
- 3. A renewed commitment to the Council’s own Gilston Area Charter SPD (2020) that identifies the Strategic Landscape Master Plan as a comprehensive priority plan to be approved ahead of the approval of the first village masterplan.**
- 4. A clear position and commitment to the development of Design Codes for the Gilston Area, so clearly identified by the Secretary of State’s letter as a duty of all planning authorities to guide development and not a developers’ supporting document.**
- 5. Detailed response to the community concerns and expectations set out in this letter and previous representations.**

## **PART 2**

### **Why the OPA should not be approved as currently submitted**

1. The priorities that led to the site allocation in the Local Plan and discussed extensively at the Examination in Public five years ago have fundamentally changed. There would now be a presumption against the release of land from the Green Belt and housing targets would be required to take into account local constraints and concerns. There would be far greater consideration of the impact of the new Eastern Crossing on the floodplain of the Stort Valley and sustainable transport targets would require stronger evidence of deliverability. This is a long term project which will extend well beyond the current Local Plan timeframe and It is therefore imperative that the OPA is considered within the framework of future acceptability and policy compliance to ensure that development at Gilston does not become outdated before it even commences.

2. The changes introduced by the applicant's Viability Assessment (VA), even after the commendable efforts in renegotiation, result in a such a poor outcome that the current development concept should be rejected and rethought:
  - a. A massive tract of Green Belt will be built upon to deliver a very low proportion of affordable housing which falls far short of policy requirements, thereby undermining the very argument played out at the time of the Local Plan allocation that building on greenfield land and at scale was the best way to deliver the affordable housing required to meet identified local needs.
  - b. Social infrastructure (education, healthcare, open space, community facilities) will be delivered considerably later than required, contrary to the Garden City principles and the principle of land value capture enshrined in Policy GA1 and the requirement of GANP Policy AG9, putting further pressure on existing communities and already overstretched infrastructure.
  - c. Road building, both in Gilston and in Harlow, has taken priority in the allocation of funding and is being secured through S106 negotiations, while sustainable transport measures are insufficiently robust and therefore unlikely to be successful. This will eventually result in the Gilston Area being entirely car dependent to the point that even the new roads will be congested.
3. The VA confirms that the delivery of the Eastern Stort Crossing (ESC) and the additional requirements of the revised Central Stort Crossing (CSC), such as the Superarch and the double junction to access Village 1, result in a chronic diversion of land value capture to the delivery of new road infrastructure, draining funding and diluting the ambitions set out in the Local Plan of which EH could have been rightfully proud. The ESC was promoted as needed by the Gilston Area development, so much so that it was granted full and detailed approval a year before the outline planning application even comes before the DMC. In February 2022 we warned that approving the crossings was premature and would have a serious impact on the overall quality of the development. We also demonstrated that the road was over scaled and poor value for money, as well as not needed. Now the applicants say exactly that: that the ESC has consequences on viability and is not required for 10 years or more, and that the CSC will only be delivered by 1,500 units – approximately 5 years after it is needed. The Council a year ago stated that the harm caused by the Eastern Crossing was outweighed by the benefits of the GA and the affordable housing and social infrastructure it would bring. This was clearly a misplaced assessment and the Council should not now compound previous mistakes and make the situation worse: it should show the leadership and ambition expected by the Government and rethink the delivery of the Gilston Area on different grounds.
4. As well as the colossal cost of the ESC, the VA negotiations have introduced many more road schemes; these all seem to involve or be for the benefit of Harlow, where other development funding sources are also available. By contrast, there are little or no contributions or infrastructure offsets for the existing settlements in East Herts, not even the ones directly adjoining and affected by the GA: Hunsdon, Eastwick or Gilston outside the red lines. The scale of the development will have a significant impact on these settlements in terms of accessibility, community services, amenity, privacy and disturbance. The Terlings Park playground will be affected, Pye Corner will be forever

transformed and no interim or permanent measures to deal with safety and placemaking have even been considered. The existing communities will suffer competition for access to education, social services and healthcare for 5-10 years at least and will be cut off from any bus service which may be provided. The current proposals fail to address this and totally ignore GANP Policy EX1 which requires the mitigation of impacts of the development on existing communities to ensure a comprehensive and integrated development. The applicants have failed to respond to community concerns (as detailed in previous representations and at meetings) about local impacts and have not demonstrated where and how impacts on existing settlements and residents will be mitigated as part of an overall and comprehensive scheme. EH appear to have allowed the applicants to do this and have ignored our very legitimate requests for clarification, thereby failing to act in the best interests of the area and its communities.

5. In January 2021, the HEGNPG provided a formal representation to the OPA (see main letter plus Addenda H and I), to which a response has still not been received. We are concerned that Parameter Plans (PP) 2, 3, 5 and 6 once approved and combined, will encourage a type of development that is far removed from the 'gentle density' and respect for local character advocated by DLUCH and the Office for Place.
  - a. The Village Developable Areas (VDAs) as shown in PP2 and PP5 are such that the villages are not separated by meaningful green corridors (as required by GANP Policy AG4). This had been previously raised by the HEGNPG (January 2021 Addendum G), the HGGT Design Review Panel and by the Council's own Landscape Officer around the same time. PP3 Green Infrastructure and Open Space clearly shows how the villages merge into one another with only two Strategic Landscape Corridors. The Development Specifications (DS) refer to a minimum width of corridor of 10-40m, i.e. the typical length of a private garden and not much more than a usual street width. This is clearly inadequate and should not be approved. The landscape and countryside should not be treated as the 'left-over space' of the VDAs but as a structural element clearly intended to create individual villages set in the landscape as required by policy and the HGGT documents.
  - b. Revised PP6 (Building Heights) is of particular concern and demonstrates very clearly that the level of flexibility proposed by the applicant is inappropriate and would not constitute any form of control. This makes PP6 dangerously over-generous. The majority of the area is marked at 14+/-2m – so on average 3-4 floors, whereas the Development Specification (Para 4.7.7) identifies a further 10-15% at a height up to 18m (5-6 floors). In addition, all buildings along the edges of the limited Strategic Green Corridors (for example along the Golden Brook) have a proposed height to the ridge of +14m plus 5m 'Limit of Deviation' – i.e. potentially 19m tall, or 5-6 floors. How compact development with very limited landscape and building heights between 4 and 6 floors could possibly constitute locally appropriate 'village character' is not explained. This is clearly in direct conflict with GANP Policy AG6 and Appendix 3 and also at odds with the aspirations of the Government and the Office for Place.

- c. The height and urban wall created by the development proposed in the Parameter Plans is evident in the verified views (Part 8 and 9 of Environmental Statement Addendum) from the south: View 8 from Gilston, View 12 from Pardon Lock, View 14 from Plume of Feathers car park, View 16 from Burnt Mill Lock, View 18 from Harlow Town Park and even View 21 from Hunsdon Mead all indicate that a wall of development will dominate the skyline and views, removing all sense of 'villages set within the countryside'. This is the result of deliberate choices such as lack of adequate landscape buffers and buildings 14-18m tall.
  - d. The applicants have also produced a Strategic Design Guide (as a supporting document), updated in July 2022, i.e. a full year after the GANP was adopted and became part of the statutory Development Plan. The applicant chose to ignore the GANP policy requirements in terms of strategic landscape design and design of the built form. They have not used this guide to explain how they intend to create soft edges, a balance between landscape and built form or even to explain what a village built in 2023 could look like. It only includes reference to local materials as a token gesture towards 'local character'.
6. Although expansion of acute healthcare has so far been the responsibility of the Government and the NHS and not funded through development, it must be acknowledged that the NHS Clinical Commissioning Groups for the area have made it clear that there will be a lack of hospital care for the growing population in the area without further investment and that they will struggle to staff the primary care centres within the development. They have identified a funding gap of £39M, for which the applicants have successfully contested responsibility. The shortfall will obviously impact upon the existing population as a consequence. It will be highly irresponsible to allow the occupation of new homes unless a viable solution can be found and appropriate investment in acute and primary care and general healthcare secured. This is a major development and the numbers of people it will attract cannot simply be absorbed by existing facilities. Ignoring the issue will put lives at risk.

The Council should not forget that this site was part of the Green Belt until a few years ago, and that it is unlikely that the Government today would have allowed its release and development. It should also reaffirm its commitment to why the Green Belt was lost: to deliver affordable homes, a development of exceptional quality and the timely delivery of a range of social and transport infrastructure through the development of villages of appropriate local character. Mr Gove and Office for Place are very clear that quality of design and local acceptability should take priority over targets.

We have been disappointed that whilst we have attended many meetings with the applicants and the Council to make our views known and to receive information about the progress of the development, most of our requests for clarification and suggestions have been disregarded and the GANP policies ignored even where clearly applicable or helpful. This is not Localism- how it should be or what the Government aspires to in its championing of Neighbourhood Planning.

**We expect the officers' report to address openly and clearly the six points above and fully assess compliance with the GANP Policies as part of its policy review of the proposals.**

### **PART 3**

#### **Proposed additional conditions in the event that officer' report recommend approval of the OPA**

As we have made clear above, the HEGNPG and the local community recommends that the OPA should be revisited to improve viability, deliver a higher proportion of affordable housing and that Parameter Plans, Development Specifications and Strategic Design Guide are provided that are more closely aligned with adopted policy (Local Plan and GANP). We believe that this is what the Government would expect to see and that a more appropriate set of proposals will provide a more robust development framework and eventually save time when considering Reserved Matters.

If these documents are not to be provided prior to the determination of the OPA by DMC, additional conditions should be applied to ensure that future details and reserved matters applications will be "the right type of development in the right place" as advocated by the Government through Mr Gove.

A summary of the key additional conditions we would advocate is presented below:

1. **Strategic Landscape Masterplan: A Strategic Landscape Master Plan should be prepared in collaboration with the local community for the whole area of the Gilston allocation (Local Plan Policy GA1) and submitted and approved before the commencement of development or the approval of the first Village Master Plan (whichever is the earlier) in accordance with the Gilston Area Charter SPD.** The Strategic Landscape Master Plan should respond to the requirements for a landscape-led approach in accordance with GANP Policy AG1 and the recommendations of the HGGT Quality Review Panel. Development and work on the Village Master Plans should not start until a convincing landscape-led approach is presented to define the extent of meaningful separation and green corridors between villages in accordance with GANP Policy AG4.1. The extent of green corridors should be approved as part of the Strategic Landscape Master Plan and should not be limited to the land outside the Village Developable Areas. Meaningful separation should be defined as the extent required to avoid coalescence between villages, ensure that the villages remain distinct, establish visual separation and distance between different village settlements and support biodiversity and wildlife.
2. **Parameter Plans: Parameter Plans 2, 3, 5 and 6 are for illustrative purposes only and will inform detailed design work and the development of the Strategic Landscape Masterplan, Design Codes and Village Master Plans.** The Parameter Plans are not based on detailed assessment and there is a danger that as currently

presented they could result in an inappropriate form of development which is not in compliance with Local Plan or Neighbourhood Plan policies.

3. **Advance planting: Planting of green corridors and buffers should take place in the first planting season immediately following the approval of the Strategic Landscape Master Plan to maximise the opportunities for screening, visual separation and wildlife protection in accordance with GANP Policy EX1.** This will allow the establishment of new tree planting and landscaping in advance of development and assist with the integration of the development within its landscape setting.
  
4. **Active travel: An active travel network of walking and cycling routes connecting key destinations and extending to existing settlements should be agreed as part of the Strategic Landscape Master Plan and developed in advance of the occupation of the first houses to support sustainable travel modes from the outset of the development.** This is in accordance with the sustainable transport strategy for the Gilston Area and GANP Policy TRA1.
  
6. **Design Codes: An overarching Design Code should be submitted and approved prior to the commencement of development and approval of individual Village Master Plans. The Design Code should be prepared in consultation with the local community and should clarify village character taking into account the character of typical East Hertfordshire villages, individual village identity, appropriate scale and massing, relationship between built form and landscape, etc in accordance with GANP Policy AG6.** GANP Appendix 3 provides an adopted definition of local and village character which has the support of the local community. GANP Policy BU1 also makes specific reference to appropriate heights and densities.  
The Design Code should provide the controls and details that qualify appropriate heights and scale, which are expected to be well below the 'maximum heights' identified in PP6, which should not be interpreted as consented typical heights.  
The HEGNPG suggests that a Strategic Design Code is also prepared by the Local Authority and adopted as SPD, as envisaged by the Secretary of State's letter to all Council leaders. Only a public planning document will guarantee extensive and open consultation with the community. A Strategic Design Code should cover village character, landscape edges, massing, heights and density.
  
7. **Mitigation of Traffic Impacts: Development and first occupation of the residential or commercial units will not be permitted until a detailed assessment of the cumulative impacts of traffic (including development and construction traffic) on existing communities has been undertaken and adequate mitigation measures are put in place. This will include assessment of delays, road safety, pedestrian and cycle accessibility, air quality, noise and place-making at Pye Corner, Gilston Lane, Church Lane, Fifth Avenue during construction (say at 5 years intervals or following agreed development milestones) and at completion.** The requirement for mitigation is in accordance with GANP Policy EX1.

**8. Provision of other necessary Infrastructure: Prior to the commencement of development, details of the following infrastructure provision should be submitted to and approved by the local planning authority:**

- a. **Burial grounds** in accordance with Policy GA 1 and considering that local cemeteries will not have the capacity to serve any significant increase in population..
- b. **Flood mitigation**, including, but not exclusively, the following areas:
  - i. The Airfield and Hunsdon Village via Drury Lane
  - ii. Along the southern section of Gilston Lane – from fields to the east of Gilston Lane with over flow of Fiddlers Brook
  - iii. Length of road approx. 500 metres east of Church Cottages
  - iv. Length of road running between Church Cottages & Great Penny's (near Game Keepers Cottage)
  - v. Eastwick Hall Lane
  - vi. Cockrobin Lane
- c. **Community facilities including cultural facilities and facilities for children and young people.**

In addition, provision should be included in the S106 for the following:

- d. **Sport and play facilities in Hunsdon and Eastwick** where a Multi Purpose Games Area and accessible open space and play space for children are already needed.
- e. **Support for local communities to deliver the Priority Projects identified in Appendix 4 of the GANP**

**PART 4**

**Gilston Area Stewardship and Governance Strategy**

We broadly welcome this Framework document and support the concept of a single Community Body incorporated as a registered charity in perpetuity for the Gilston Area Development. The Stewardship and Governance of the Gilston Area is a massive subject in itself and will require expertise, commitment and leadership from the developers, the planners and the people who live here now and in the future.

We have commented on a previous draft though were disappointed that a number of our suggestions were not included in this version. Some were, which we were pleased to see. We have made our views known to PfP and to the planners at EHC.

One of our principal objections was that though it attempts to set the approach to place management, and to define the community assets and the structures to achieve their transfer and funding, it leaves far too much detail to the S106 agreement which the Council is negotiating with the developers. That is not a public document, so we have no clear indication of the extent of the developers' financial commitments and legal obligations, nor will we until after the Outline Planning Application is heard when it will be presented as a "done deal". We have been told that heads of terms will be published soon to give some idea of what will be agreed but they will not be specific or exhaustive enough.

Secondly, the document is lacking in the following respects:

1. It is ambiguous and vague about the area and people it is intended to benefit- in our opinion, it should at this early stage be ready to make it clear that the Charitable Body will be for the general public benefit of the people who now or in the future live or work in the geographical area at present comprised within the boundaries of the Civil Parishes of Hunsdon, Eastwick and Gilston as this is where the development is intended to take place and the Charity should be accountable to those people. There should be no suggestion that a wider population outside this area or in Harlow should be beneficiaries of the Charity. We consider this a key point and if it is not agreed we see little prospect of being able to support the proposed structure.
2. The proposed participation in membership and on the Board of Trustees of the Charity will be an important element to ensure proper representation and accountability but we consider that the proposals in the document will leave the local parish councils under-represented which will prove to be undemocratic and lead to difficulties in the future. The Parish Council structures in the Area will need a wide scale review in due course so that they continue to fully represent the electors who live or come to live in the area and they can fulfil their role, both financially and democratically. The Framework Document makes certain suggestions on this but is in danger of seeking to impose a developers' solution rather than seeking a well thought out review which has regard to the views of local people.
3. We are pleased that the Document acknowledges the GANP policy D2 about Stewardship but it fails to recognise the Policy AG7 which stipulates the early delivery of community ownership and the long-term stewardship, protection and maintenance of the Community Trust Open Space Land identified for special protection in the District Plan. The Neighbourhood Plan is an important Planning document which neither the developers nor the planners can cherry-pick from and ignore what does not suit them- a point we have made elsewhere a number of times and will continue to make.
4. It seems unfair that new residents will have to pay service charges for some services that the District Council refuse to adopt, yet EHC will still impose full council tax charges on them and declines to rebate part to the community.

### **In Conclusion:**

We are aware that the S106 negotiations have been complex but the effectiveness of the S106 agreements and delivery mechanisms will be of critical importance and we would expect to see full details of the S106 including phasing, funding and relevant triggers detailed in the officers' report. This is essential to ensure the timely delivery of necessary infrastructure and members will not be able to determine the OPA without clear details being available to the DMC.

The HEGNPG are firmly committed to securing a high quality development appropriate to the local area, as initially identified in the Concept Development Framework which formed the basis of a statement of common ground between the developers and the Council (November 2017), and as subsequently enshrined in the adopted Gilston Area Neighbourhood Plan which has the widespread support of the local community and is now a

formal part of the statutory development plan. We are not seeking to delay or impede progress of the project, only trying to preserve the original concepts advanced by the developers and supported by East Herts and the local community and to ensure the development is in accordance with adopted policies in the Local Plan and Neighbourhood Plan. Unless the necessary controls are in place in the outline planning approval, we are very fearful of the outcomes and the irreversible damage which will be done to our shared vision for the Gilston Area.

We believe that the Gilston Area has the potential to become an exemplar development of outstanding quality provided the issues set out in our representations are directly and openly addressed prior to determination of the outline planning application.

We look forward to further discussions with you.

Best regards,

-Anthony Bickmore  
Chair HEGNPG



HEGNPG

Supporting our Community

**Hunsdon Eastwick and Gilston Neighbourhood Plan Group**

<https://hegnp.org.uk/>

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16 September 2022

By email only

Jenny Pierce, [Jenny.Pierce@eastherts.gov.uk](mailto:Jenny.Pierce@eastherts.gov.uk)  
Kevin Steptoe, [Kevin.Steptoe@eastherts.gov.uk](mailto:Kevin.Steptoe@eastherts.gov.uk)

Dear Sir/Madam,

**Gilston Area Applications – Revised Outline Planning Application for Villages 1-6 ref 19/1045/OUT: Viability Assessment**

The Hunsdon, Eastwick and Gilston Neighbourhood Plan Group (HEGNPG), on behalf of the Parish Councils of Hunsdon and Eastwick & Gilston have reviewed the Financial Viability Assessment (July 2022, ref. 96V) submitted by Places for People and would like to express our **serious concerns about the far-reaching implications** of this document for the Gilston Area and the delivery of the high quality development embedded in Garden City principles which the District Plan promised when it passed Examination.

- We are disappointed that Places for People appear no longer to be committed to the delivery of a scheme that is compliant with the expectations clearly set out in policy GA1 and other key policies in the District Plan and the Gilston Area Neighbourhood Plan and their own Concept Development Framework.
- We deplore the substantial shift away from Garden City Principles and the key tenet of Land Value Capture for the benefit of present and future communities for what appears to be unjustifiable developer profits; this has been exacerbated by the direction taken to prioritise the delivery of costly strategic highways infrastructure over other community benefits.

- We expect East Herts to assess the merits of the proposed revisions robustly and to use the planning instruments at its disposal to ensure the scheme is policy compliant and will deliver the high-quality sustainable development that has justified the release of the Green Belt. In doing so, we expect the Council to pay full regard to the advice set out in the Independent Viability Review undertaken by BPS.
- We fear that this 'revision' may not be the last and that we could find ourselves on a slippery slope of falling quality of development and quality of life for future generations. This is not the shared vision which the community has supported and underpins the Neighbourhood Plan.

There is a substantial difference between the baseline costs and of the level of reasonable profits in the Turner Morum (TM) report prepared by PfP and the BPS report prepared on behalf of the Council. While we fully appreciate that viability appraisals are based on a number of assumptions, the discrepancy is so great that **the TM report cannot be used as the basis for planning decision making**. We expect to see the matters raised by BPS to be fully addressed by PfP and a revised appraisal submitted and subject to consultation before any further progress is made in determination of the outline planning application.

In the interest of achieving appropriate and sustainable development, in line with Garden City Principles, it is now **incumbent on the Council to re-establish the credibility of the entire process** and make sure that any subsequent planning approval is clearly associated with:

- A transparent assessment of viability, with reliable assumptions for baseline costs and fair but not excessive rates of return for the developers.
- Reaffirmed commitment to Land Value Capture to deliver the social and physical infrastructure for the benefit of the community; , so publicly made by the Council and the developers in 2018 and written into the District Plan: this could be done by agreeing a realistic baseline land value (BLV) in the Viability Appraisal **before** applying any uplift due to the allocation. The Council has always promoted the principle of Land Value Capture to deliver the social and physical infrastructure for the benefit of the community and must reinforce this with the applicant.
- An approach to scaling back the development if this would ensure viability (as suggested in the East Hertfordshire Strategic Sites Delivery Study prepared by PBA in 2015) that is driven by sustainability and material priorities, rather than the expediency of ambiguous interpretations of planning requirements. The Gilston Area Development Forum should be given the opportunity to assess options and make recommendations.
- A new review by the HGGT Quality Review Panel should be undertaken to ensure that the proposals are still in line with policy expectations and the adopted Vision for the HGGT.
- The resulting recommended changes should subject to full public consultation to ensure transparency of the whole process.

**The HEGNPG and the Parish Councils urge East Herts Council to treat the very significant and controversial proposals put forward by Places for People**

**as a call to reassess the scheme as a whole and ensure a fair and transparent process which will deliver the development and meet the identified housing needs of the District, safeguard quality of life commitments made to current and future residents and ensure just and reasonable profits for the investors taking into account Garden City Principles and the key tenet of Land Value Capture.**

## **Specific Concerns**

### **1. Low level of affordable housing / higher Private Rent provision**

We are not convinced that the proposed new housing mix will meet East Herts identified housing needs or result in mixed and balanced communities and provide homes for local people and key workers.

East Herts is an expensive place to live: key workers, younger generations and many local residents need access to a range of affordable units. The District Plan acknowledges that there is a significant need for affordable housing. The West Essex and East Hertfordshire SHMA which informed the District Plan confirmed that in numerical terms East Hertfordshire had the highest level of affordable housing need in the Housing Market Area- equating to 32% of overall housing need.

The Council's stated aim is to maximise affordable housing provision and the target of 40% applied to larger sites in Policy HOU3 was informed by viability assessments. EHC had previously assessed the need for 4,000 affordable units to be delivered in the Gilston Area - that is 3,400 in V1-6 and this has now been cut to 1800 : if these much needed affordable homes are no longer to be delivered as part of the Gilston development, where will they provided and what will the implications be for local households and meeting identified local needs?

One of the key benefits of building at scale should be to maximise affordable housing provision- a figure of 21% (which could in practice be further reduced over time) is totally unacceptable for a development of this size and on a site which has been released from the Green Belt on the premise of the planning benefits that would be secured.

It is argued by the developers that the provision of private rented homes will go some way towards compensating for this but in practice, in this location, private rent will attract a range of employment related accommodation (airline staff, hospital staff, company workers) resulting in inflated rental prices and stiffer competition for housing. It will not meet local needs.

We note that BPS consider the scheme to be in surplus and capable of contributing further towards affordable housing. Para 5.5 of the BPS report states that if a benchmark profit of 15% on cost is assumed, this surplus would represent c.£109 million. We would urge the Council to ensure that the level of affordable housing provision is maximised in accordance with policy.

PfP should also be required to provide, and EHC to publish a well-documented and benchmarked assessment of their proposed housing mix and how it will contribute to the formation of stable and prosperous local communities in accordance with Policy GA1 and the shared vision for the Gilston area.

## **2. The lead weight of the Eastern Crossing**

The HEGNPG argued forcefully, but to no avail, in its representations to the Development Management Committee that the costs of the CSC and ESC could put the rest of the Gilston Area development at risk and that the planning applications for the crossings should not be approved before understanding the full viability position of the scheme, an issue already then raised by the developers). Sadly, our fears have proved to be well founded.

The VA report has confirmed that the massive (and increasing) costs of the two crossings (including additional junctions and pedestrian bridges) have played a significant part in the cuts to affordable housing and other contributions now proposed by PfP. It also confirms our earlier contention that the ESC will not be needed, and will not be built in any case, before 10 years at least and that there would be the opportunity to reconsider the road schemes.

These over-scaled and over-engineered infrastructure projects are a lead weight on the wider development. Though already, prematurely, approved, they should be reconsidered, and efforts made to minimise costs and impacts: smaller footprint, reduced earthworks, revision of unnecessary junctions. EHC should support the preparation of revised proposals to reduce the crippling costs of the crossings as part of trying to find a fairer and more balanced solution.

## **3. The funding implications for Harlow's Sustainable Transport Corridors**

The VA and PfP note that they will expect the HGGT and the authorities to secure substantial funding contributions for the ESC from other developers (as identified in the HGGT IDP) and guarantee that part of the funding in case of shortfall.

This could potentially result in a very significant loss of funding for Harlow's Sustainable Transport Corridors. This could potentially make the 60% share of Sustainable Travel within the Gilston Area unattainable if buses, cycle routes and other active travel measures are cut back or delayed in the surrounding area. This will in turn invalidate all the baseline assumptions made in the Transport Assessment which has been submitted in support of the outline planning application.

Alternatively, if PfP were required to increase their own contribution to deliver the crossings, this could result in a further reduction in affordable housing, other infrastructure provision and community benefits.

Before any revised proposals are approved, the HGGT and Transport Authorities should provide a clear and deliverable framework to secure the necessary funding to complete the STCs. PfP should supplement their TA with further 'sensitivity testing' / scenarios in which the STCs in Harlow are delayed or not delivered.

## **4. Lack of clarity regarding Pye Corner**

The revised proposals do not make clear what would be the impact on Pye Corner (already a difficult junction and challenging fast road in the middle of a village area) and on Terlings if development in Village 1, Village 2 and maybe other areas comes forward in advance of the planned date for completion of the ESC. Eastwick Road at this location is a C road with weight restrictions that cannot take construction traffic and is unlikely to be suitable to serve the first 3,500 homes. The acceptability of the interim proposals for this area should be made clear and capable of scrutiny, as it will be a cause of considerable concern for residents.

A full transport, safety and noise study should be provided as part of the planning application submission, as specific impacts will result from the proposal to defer the ESC which is included in the VA.

## **5. Cutbacks on investments in the Stort Valley**

Although outside the red line application boundary, the Stort Valley will clearly be significantly impacted by the proposals:

- Water and drainage patterns will be affected.
- Cycle routes will be required to link new residents to key destinations in Harlow
- There will be considerable pressure for additional leisure use as c. 35,000 people move into the area.

We fully endorse HMWT's representations already submitted on the VA and invite EHC to identify how the costs of the inevitable impacts will be covered, if they are not to be funded through development.

## **6. The lack of provision for Health Services**

If it is the case that development in the HGGT is only required to contribute towards the provision of primary care facilities, such as a new health centre or GP surgeries, it cannot be acceptable to approve a development which will potentially house 35,000 new residents without any certainty about funding or medical staff to deliver the necessary health provision to meet their needs.

The area already experiences shortages and lack of doctors and nurses. It's not enough to provide land and buildings if there will be no-one to staff them.

The IDP identifies a shortfall of £330 million for the relocation or redevelopment of the Princess Alexandra Hospital with potential funding sources identified as the Department for Health and Social Care, NHS England, the Hospital Trust, CCG and private financing. No funding has been identified for extra care or nursing/residential care provision across the HGGT.

The pressures on the NHS, and central Government funding in 2022 are massively greater than they were in 2018 when the District Plan allocated the GA site. The Clinical Commissioning Groups and the Ambulance Service are warning that it is not within their capacity to provide GPs or ambulances for the new residents; furthermore, the delivery of the proposed new hospital in place of Princess Alexandra is looking uncertain.

This is a growing and now a very real problem for the whole Garden Town and must be addressed and the necessary commitments and funding secured before a development of the scale proposed can be approved by EHC or accepted by HGGT.

## **7. Status of the Draft Strategic Landscape Masterplan**

The Strategic Landscape Masterplan is recognised as a critical document which must be in place prior to the preparation of Village Masterplans. We have become increasingly frustrated by the lack of progress made to date and the suggestion that this should follow the grant of outline planning consent. We are therefore extremely concerned that the VA states that landscaping costs have been based on the Draft

Strategic Landscape Masterplan when this document does not form part of the outline planning application submission and limited consultation has taken place.

If such a document has been prepared and is being relied on for the purposes of the VA, it should be made available as part of the planning application and subject to full consultation. We would welcome the Council's clarification on the status of this document.

## Conclusion

The HEGNPG is of the view that the **amended scheme is no longer policy compliant and cannot be considered acceptable in planning terms**. Given the gravity of the current situation, we would request an early meeting with you to discuss the implications of the VA and the OPA going forward and reserve our right to make further comments as additional information becomes available and dialogue with various parties is undertaken. We would also urge the Council to place significant weight on the independent review undertaken by BPS and to ensure that all of the matters raised in that report are fully addressed.

Whilst our community remain committed to continue to engage with all parties to ensure an exceptional development of the highest quality in accordance, we believe the vision and objectives in the District Plan and Neighbourhood Plan are in serious jeopardy. **We regret we cannot support the proposals as currently presented given the grave uncertainty regarding the funding and delivery of essential social and community infrastructure and other benefits and the substantial reduction in affordable housing provision now proposed.**

Yours faithfully

**D A Bickmore, Chairman**

CC Cllr Linda Haysey, EHC Leader

Cllr Eric Buckmaster EHC and HCC



HEGNPG

Supporting our Community

Hunsdon Eastwick and Gilston Neighbourhood Plan Group  
Channoeks Farm  
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Dear Jenny,

**Re - Revised Environmental Statement Village 1 -6 application**

Thank you for your email of 23<sup>rd</sup> April notifying us of the further information and evidence relating to the Environmental Statement submitted in support of Gilston Area Villages 1-6 Applications.

May I refer you to Addendum K (extract below) of our response to the revised outline application regarding the proposed provision for Gypsy and Travellers and Travelling Show People.

*The proposals have been added to the outline planning application in response to a request from East Herts Council. There is no evidence that an informed assessment has been undertaken. No design or location criteria are offered in the Development Specification or SDG.*

*An analysis of options does not appear to have been submitted, and the Landscape and Visual Impact Assessment has not been updated to address the identified sites. This analysis is required to demonstrate the relative merits of each option and ensure that they will not result in any unacceptable harm to landscape character and visual amenity*

*The development of serviced sites for gypsies and travellers outside of Village boundaries is contrary to the objective of a green infrastructure network, retained in perpetuity, around villages. Development of serviced sites should be contained within the Village Developable Areas and should not be considered a suitable use within the landscape buffers or green corridors.*

*There is concern for the potential adverse landscape and visual effects of each site. The site to the south of V6 is located within a green corridor, which was identified to provide an important buffer between V6 and the A414, and laterally between Eastwick and Village 7, overlooking and visible from the Stort Valley; and the site to the north of V3 goes beyond the site boundary and the logical development limit of Golden Grove into currently open countryside.*

Without prejudice to our fundamental objection to the proposals as set out in Addendum K we have reviewed the further information updating the EIA (which we considered a necessity) and have the following concerns: -

- There is still no overall Environmental assessment for the GA1 allocation; it seems to be 'cut' into sections by the splits in site ownership and we fear that doing that will result in a lower overall outcome so more unacceptable environmental loss. This is perfectly illustrated by having 2 separate applications each with a G&T site a few hundred metres from each other, viz Villages 6 & 7.
- The site proposed between villages 6 & 7 is in an area designed as an important landscape buffer between the proposed villages. The GA1 Allocation was put forward to the Inspector on the basis of 7 villages set in a countryside setting and the buffers, narrow as they are, are a fundamental concept and the loss of them through this proposal is unacceptable as it clashes with the basis upon which the Green Belt was released.
- It is unclear whether the provision of these sites is subject to the requirement for sustainable transport mode shift or whether this allocation will use the 40% non sustainable transport capacity – oddly the environmental assessment does not consider this?
- It is proposed that the pitches located to the south of Village 6 are protected from A414 traffic noise by an acoustic screen and/or commercial buildings. The land rises around 10m from the A414 to Village 6. The pitches are therefore going to be on terraces (cut and fill) and higher than the acoustic screen. The result is that temporary dwellings such as caravans will suffer significant noise levels as acknowledged in the further assessment study.
- Although drivers on the A414 may only catch a glimpse, other people, particularly those using the Stort Valley whether on foot, cycle or on the water, will be unable to avoid seeing such overbearing features such as mobile homes and commercial buildings looking down on them from the Eastwick slopes. This is a substantial harm and loss of amenity in what is supposed to be a recreational area which the applications say elsewhere will be enhanced and improved - in fact exactly the contrary is now proposed. No assessment has been made of this in the amendments to the EIA and it should have been.
- Accordingly, the landscape and visual impacts both during construction and on completion have not been fully or properly assessed when viewed from the Stort Valley
- Similarly, we do not accept that the visual impact of the proposed G&T/TSP pitches to north of Village 3 that abuts High Wych, has been thoroughly investigated. Again, there is very little in the document except for this below, which is the same for both construction and operational phases: -

13.7.25 Apart from possibly introducing commercial use or a G&T/TSP site into its northernmost part, the Development would not have any direct physical effects on the landscape of this area LLCA to the east of the site. However, the perception of the landscape would alter within this area (up to the western edge of High Wych) as the urban influence of Villages 2, 3 and 4 would be apparent.

This assessment is not clear as it implies that the amended proposals would actually have a direct physical effect on the landscape. In this case the landscape and visual impacts need to be assessed.

In summary the HEGNPG consider that: -

- The further work on landscape and visual assessments in the revised Environmental Assessment has not been properly assessed.
- The application correctly describes the land between Villages as buffers but then seems to suggest that buffers should not be buffer and can be developed – this must be wrong as it was not what was presented to the Inspector when the the GA1 allocation was made.
- Our original comments have not been addressed so remain.

Yours sincerely,

Anthony Bickmore, Chairman HENPG

CC Bob Toll, Chairman, Hunsdon PC  
Mark Orson, Chairman, Eastwick and Gilston PC  
Cllr. Eric Buckmaster, EHC



HEGNPG

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21<sup>st</sup> January 2021

FAO Ms Jenny Pierce by email at [Jenny.Pierce@eastherts.gov.uk](mailto:Jenny.Pierce@eastherts.gov.uk)  
(cc. Mr Kevin Steptoe by email at [Kevin.Steptoe@eastherts.gov.uk](mailto:Kevin.Steptoe@eastherts.gov.uk))

Dear Sir/Madam,

**Gilston Area Applications – Outline Planning Application for Villages 1-6 and Detailed Applications for Central and Eastern Stort Crossings refs 19/1045/OUT, 19/1045/FUL and 19/1051/FUL**

The Hunsdon, Eastwick and Gilston Neighbourhood Plan Group (HEGNPG), after consultation with the community and the Parish Councils of Hunsdon and Eastwick & Gilston, has concluded that the proposals included in **the revised planning application submissions for the Gilston Area cannot be supported and should not be approved without further integrations and modifications**. These are necessary to demonstrate a clear commitment to the delivery of development in the form of distinct villages, enhancing the natural environment and supporting infrastructure that addresses the needs of future and existing communities, as required by Policy GA1, the submission Gilston Area Neighbourhood Plan, the Gilston Area Charter SPD and other relevant guidance including the Gilston Area Concept Framework and the HGGT Vision and Design Guide. In addition, the mitigation of impacts on the existing communities is not adequately addressed. Far too many of these measures are left vague and unspecific to be defined and secured through the s106 agreement and governance arrangements. We maintain that

greater clarity and certainty on these critical matters is required before the current planning applications can, properly, be determined.

We acknowledge that the applicants have made some welcome additions and clarifications, while retaining strong commitment to quality building design and 40% affordable housing. Other welcome improvements are on public transport provision, heritage protection and increase of employment space within the village centres.

However, we remain concerned that if East Herts Council (EHC) approves the applications in their current form, they will fail to achieve the agreed vision and objectives for development in the Gilston Area and fail to fulfil the Garden City principles set out in the District Plan itself

We outline below the key areas of concern of the local community. These are explained in further detail in the Addenda attached to this letter.

### **Summary of our Main Concerns (Relating to the Development Proposals as a whole)**

***Status of the Application Documents submitted for approval*** – The Parameter Plans (PP) and Development Specification (DS) are presented as the documents that will fix the boundaries of the built area, maximum heights and green spaces. This interpretation is confirmed in the DS (Section 6.2), which states that the role of the Strategic Landscape Masterplan (SLMP) and Village Masterplans (VMPs) is to apply the boundaries, parameters and principles identified in the OPA. This approach fails to present adequate reasoning and justification for the parameter proposed and invalidates the role of later master planning stages. It also shows unacceptable parameters (no meaningful separation, no integrated green infrastructure, unacceptable height parameters, etc.). It should be made clear in the Development Specification that subsequent design stages (SLMP and VMPs) will be the key documents where the boundaries of the Green Infrastructure and Buffers and the built-up area will be fixed, and that heights and density can only be set on the basis of a VMP which has the full engagement of the community. This is essential to ensure the Parameter Plans and Development Specification are not applied in a way which will constrain the masterplanning process and prejudice the overall vision and objectives for the Gilston Area (see Addenda G and I).

***Development Contributions (s106) and Land Value Capture for the benefit of the whole community*** – We have raised these matters with EHC multiple times, but we are still informed that the Heads of Terms for the Section 106 agreements are far from settled and that most of the commitments required of the applicants remain to be negotiated. We understand that even the basis on which they will be formulated is not yet agreed, with the applicant's rejection of the HGGT Infrastructure Development Plan and reversion to its own draft heads of agreement submitted with the original application which are not accepted by EHC or the community. It is impossible to see if the full mitigation of impacts on existing communities and off-site enhancements for the benefit of existing and future residents will be secured. The extent and timing of the provision of services and community facilities in line with Garden City Principles are also obscure and uncertain.

This is a requirement of EHC's Policy GA1 that is unresolved and demands the clarity of unambiguous and detailed Heads of Terms, open for all to see and upon which to base the wide and far-reaching decisions now required of the Councillors of EHC (see Addendum A).

**Community Trust Land and Stewardship** – Despite engaging with EHC and the Developers for 18 months on this matter, there is still no detail of what land will be transferred to the community, when the transfer will take place to meet the Policy GA1 requirement and how the long-term stewardship will be secured and funded; this is an unresolved requirement of EHC’s Policy GA1 (see details in Addendum B).

**Main Access Highways** – The route from the Eastern Crossing to the entrance to Village 6 (and Village 7) is proposed as a sequence of isolated junctions and local access roads. At the same time, it is described as a strategic connection required to support the Garden Town as a whole, and relieve traffic from Harlow town centre (i.e. a road fulfilling the role of a by-pass). The lack of transparency about the real objectives of the proposals raises doubts that the benefits and impacts have been properly evaluated to justify the heavily engineered design and land take, which appears to be contrary to the objectives of containing vehicular traffic in favour of the promotion of sustainable transport and has massive impact on the existing community. The detailed highways applications fail to properly address the consequential impacts of their proposals; should they be consented (see Addenda C,D,E).

**Comprehensive Development and Integration with Village 7** – Despite assurances, this has not been adequately addressed. A holistic approach is needed given that GA1 is a single allocation of 7 villages not 6 +1. A properly phased and clear delivery framework that knits all development together in a logical sequence (so including Village 7 and existing settlements) is not provided. We believe this should detail community facilities, green spaces network, footpaths and cycle routes and the promotion of social cohesion. The developers of Village 7 seem to be proposing a different design approach on many aspects; this is at odds with Policy GA1 and EHC’s stated ambitions to have a strong masterplan led approach to major projects. To make decisions on villages 1-6 without the incorporation of the village 7 development will lead to disconnection and harm to the community.

**Green Infrastructure Network and Adequate Separation between Villages** – Meaningful separation between the 7 villages and the creation of a backbone of a continuous green infrastructure network surrounding the villages is not clearly set out. This could compromise the establishment of an appropriate balance between built areas and landscape, with implications for the Strategic Landscape Masterplan and Village Masterplans. The proposals for the areas north of the high tension power lines are not sufficiently developed and we are concerned that the proposals are not informed by a robust landscape framework (work on the Strategic Landscape Masterplan does not appear to us to have meaningfully started) – see Addendum G. (**NOTE** we have read the Hertfordshire County Council’s (HCC) Landscape Officer’s report and note that their concerns with the applications in many cases echo our concerns).

**Treatment of Sensitive Sites** (fields in front of St Mary’s, to the west of Home Wood, south of Gilston Park House and around Hunsdon House) – There is insufficient clarity about the extent of the controls put in place to safeguard the setting of heritage assets and very exposed and prominent locations (see more details in Addendum H).

**Development Heights and Built Form** – Inadequate control measures are provided to ensure village quality and requests for potentially inappropriate flexibility in heights, location and development quantities without justification, establishing development parameters that could constrain the design-led approach of the

Strategic Landscape Master Plan and Village Master Plan processes (see Addendum I).

### ***Other Concerns (Relating to specific issues)***

***Other Transport Issues*** – Inadequate or no commitments to improved access to the stations by cycling and walking and to creating an efficient, connected network of essential routes for walking and cycling accessible to the new and existing communities (see Addendum J).

***Industrial Uses / Business Park*** – Poorly integrated and prominently located employment uses, undermining the concept of ‘villages’ as set out in the Concept Framework. To achieve the objective of sustainable development and encourage local employment which reduces the need to travel, the village centres should be the focus of employment provision for the community rather than promoting the concept of a road orientated Business Park at the edges of the site which also reduces the green infrastructure at a key location and seems in conflict with EHC’s sustainability ambitions.

***Provision for Travellers and Showpeople*** – Inadequate assessment has been undertaken of this sensitive land use, and the two safeguarded areas appear to have been included as an afterthought at the margin of the sites and, of even greater concern, within landscape areas outside development boundaries that are identified for green corridors, wildlife and biodiversity to be retained in perpetuity. Design criteria for the successful integration of this requirement should be set out in the Development Specification and EHC’s requirement to accommodate such uses post 2033 should be considered in the next Local Plan review on a cross District basis, not now. The insistence on making provision earlier has distorted what the District Plan requires. This and the developers’ refusal to allocate potential sites within their developable areas means that the Council and the applicants have lost the support and trust of the community on this matter and the proposal put forward is fundamentally unacceptable.

***Biodiversity Net Gain*** – Lack of clarity about the strategy for achieving biodiversity net gain or any commitment as to when / or as part of which work proposals it will be made. A clearer commitment to this requirement should be added to the Development Specification.

***Infrastructure Delivery Plan - Social Infrastructure*** – there appears to be no progress on our concerns on the timely delivery of local social infrastructure such as Schools, Health Care and other social needs. The proposed Infrastructure Delivery Plans left key items to be delivered too late in the development planning so making for unbalanced communities. ***IDP -Transport*** – A number of sustainable transport improvements have also been suggested too late. Early delivery of these will be critical to people changing their patterns such as public transport, cycling and walking, equally importantly who will deliver these and by when?

### ***Further Considerations***

Many matters have developed or changed over the last 15 months and should be reflected in the revisions, these include further elaboration of how the developer is intending to respond to:

1. The Covid pandemic, leading to an economic shift, different lifestyles and development requirements.

2. Phasing of development and infrastructure provision and changes to the housing trajectory.
3. The additional urgency to address the climate emergency, including more stringent targets for carbon neutral development including EHC's consultation on its own Sustainability Strategy and greater recognition of the importance of achieving a biodiversity net gain of a minimum of 10%. The recently published Future Homes Standard also needs consideration.
4. The Charter SPD and Community Engagement SPD have been approved since the submission of the planning applications. Clarity is required with respect to the full planning strategy for the development, including a matrix of what will be approved as part of which application in accordance with the Charter SPD, the scope of the masterplans and how the community will be meaningfully engaged at each stage in accordance with the Community Engagement Strategy SPD.
5. The emerging Gilston Area Neighbourhood Plan (GANP)

### ***Proposed Way Forward***

The HEGNPG advocates that the following main integrations and revisions are made before the proposals are in a condition to be decided or, we suggest capable of being recommended by Officers for approval:

1. **Fixing Development Parameters**; It will be necessary to establish a clearer development process and schedule of what it is fixed and what remains to be determined as part of this application. The extent of development, green corridors, heights and densities indicated in the Parameter Plans and Development Specification cannot be fixed at this stage without further justification. There is a real danger that development will be built to the maximum extent leaving no separation, that the top range of the height envelope (4-5 stories) will be the norm and that minimum width of the green corridors will be 'filled up' with other requirements (as already happening in the application). It must be agreed that the Parameter Plans and Development Specification only set out high-level development principles which must be further developed at the masterplanning stage. It is premature for critical elements of Parameter Plans to be fixed at this stage when the Landscape Masterplanning work has not yet started and further necessary assessment work has not been undertaken. The Parameter Plans submitted for approval can only be agreed as 'indicative' and not to be applied as a set of 'control documents'. Boundaries of the green corridors and built-up areas, heights, density etc. will be fixed through the Strategic Landscape Master Plan and Village Masterplans in full consultation with the community.
2. **Confirmation of the Heads of Terms and content of the S106**. More transparency and clear detailed proposals are required to understand how impacts on the existing community will be addressed and off-site enhancements to manage the development's impacts delivered. The Developers are pushing back on their responsibilities for transport and other infrastructure (VDAR Appendix 9) and it is not clear how or if the development impacts at Gilston will be mitigated or the promised enhancements delivered. There is a fundamental disagreement between the Council and the HGGT on the one hand and the applicants on the other as to Delivery of Infrastructure and the appropriate Plan for its delivery which has to be resolved with clarity and transparency before this

application can proceed. Furthermore, the infrastructure triggers are 'indicative' and we are disappointed that so little progress appears to have been made on agreeing the subject matter headings, let alone detail heads of terms. In the absence of the above, councillors will be delegating matters to officers which they themselves should be deciding and/or will be making decisions without the necessary and appropriate facts before them. This will be a breach of the legal and democratic process and to proceed in this fashion will leave them open to serious and inevitable challenge.

6. **Stewardship;** the Community have participated in discussions with the developers but there has been no effective progress. The timing and nature of community ownership, and the essential funding mechanisms all remain outstanding. There have been some modest 'early win' proposals but almost none of these have progressed over the last 18 months. The planning applications should not be agreed without clarity about transfer of land, its timing and the stewardship arrangement, as this is contrary to Garden City Principles, Policy GA1 (VII) and the Concept Framework and the emerging Neighbourhood Plan.
7. **Highway justification;** A highway strategy document is required explaining the options considered and how the proposals maximise opportunities for sustainable transport and minimise impacts on the environment and local communities. Without a robust framework, design solutions that cause significant severance, landscape loss, involve massive land take for vehicular traffic and will likely require CPO of private property cannot be justified. In addition, the proposals leave many areas unfinished as a consequence of the proposed highway changes and that seems to be a critical omission for a detailed planning application. Suggestions for better connections to Harlow Town Station are made but lack any substance or commitment on the part of the Developers or other bodies. Approval of proposals relating to the corridor between Temple Fields and Church Lane (V7) (detailed applications and general arrangement plans) should be suspended pending the publication and consultation of a detailed A414 Strategy for Segment 14 in the context of overall priority being given to sustainable and convenient active transport between the Gilston Area and Harlow.

## Conclusion

EHC has achieved the largest release of Green Belt land in England in recognition of the exceptional circumstances made in its Local Plan. The Community have been assured by the Council before, during and after the Local Plan Examination that the Gilston project would be delivered to meet exceptionally good standards in reflection of the exceptional circumstances advanced at the Examination. The developers championed this aspiration at the time but have yet to show precisely and clearly how they will achieve and deliver it. As a community we have worked tirelessly to help shape the development to achieve the undertakings made to us, we have prepared a Neighbourhood Plan that sets out how we see the Gilston allocation being delivered to achieve this objective. We have consulted extensively with the Council and applicants on this.

We regret that these three applications still require much further work before they can be supported. Indeed there are major omissions, which we feel means the applications are not capable of being determined without considerable further work. Our community remain ready to continue to engage with all parties to see this development emerge as an exceptional development of quality.

Yours faithfully

**D A Bickmore, Chairman**

CC Cllr Linda Haysey, EHC Leader

Cllr Eric Buckmaster EHC and HCC

**Development Contributions (S106) and Land Value Capture for the benefit of the whole community****Issue:**

The terms of the S106 agreements are unknown and it is not possible to see if full mitigation of impacts on existing communities and off site enhancements for the benefit of existing and future communities will be included and the extent and timing of provision of services and community facilities in line with Garden City Principles. The application merely proposes that the uplift in land value will be used to pay for the 'minimum' infrastructure requirements rather than meet the policy ambitions of GA1 and the HGGT; this is a substantial dilution of the Council's original vision as a Garden City. It is regrettable that the applicants show reluctance to provide more than the minimum that their narrow and legalistic interpretation of the legislation would permit. This is in direct conflict with the provisions of the District Plan Policy GA.III. If that is incapable of implementation, then the policy is predicated on a false and impossible premise. If that is the case, the District Plan will have to be revised and resubmitted for Examination and approval. This is something which EHC have to address before they go any further with the application.

The Development Specification state that a Strategic Delivery Plan will be submitted to and approved by the local planning authority before development commences on site and that this will accord with broad Delivery Principles proposed. This does not provide us with the necessary confidence that infrastructure will be delivered in a proper and timely manner to meet the needs of the whole community in accordance with planning policy and Garden City Principles. It is also unclear how the necessary triggers and contributions will be captured in the S106 agreement and how these will apportioned across Villages 1-6 and Village 7.

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**Related to Planning Documents:**

Supporting information – informing S106 negotiations:

Village Development Addendum Report (VDAR):

- Delivery Statement (Appendix 8)\_
- IDP Response Table (Appendix 9)
- Draft Infrastructure Triggers (Appendix 11)

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**Development Aspirations:**

District Plan Policy GA1 states that development will be based on the principle of land value capture to deliver the social and physical infrastructure for the benefit of the community.

HGGT IDP sets out the infrastructure required to accommodate development based on assessment of existing capacity to meet the comprehensive needs of new and existing communities.

Submission Gilston Area Neighbourhood Plan Policies AG9 and D2 requires

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infrastructure capacity to be phased to meet the comprehensive needs of new and existing communities and to ensure necessary physical and social infrastructure is provided at time of need.

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### Concerns:

- The Delivery Statement does not provide confidence that the necessary infrastructure required to accommodate the development will be provided at the time of need or that contributions will be secured to deliver the full range of infrastructure identified in the HGGT Infrastructure Delivery Plan and mitigate impacts on the existing community. The applicant states that this may affect the viability of the scheme and that only infrastructure considered 'appropriate' to mitigate the impacts of development will be funded through the development. This is a cause of great concern to the community, especially as the applicants decline to provide information on viability. It is difficult, if not impossible, to see how viability will be a factor in what is said to be a £2.8 billion pound development.
  - The approach adopted by the applicant is not in accordance with Garden City Principles and it appears that the concept of Land Value Capture is being abandoned.
  - We have asked to see the S106 HoT's covering the development and have been told by EHC that no HoT's for this exist in any meaningful form. This is of critical importance given the short timescale set by EHC for determination of the application. The application cannot be determined without full and detailed HoT's and it is impossible for the community to form a view on the adequacy of these measures based on the information submitted. The VDAR (para 4.9) states that these matters will be resolved with the local planning authorities as part of the continued determination of the applications, *'the outcome of which may have a material bearing on project viability'*. Far too many commitments are left unspecified and uncosted with only a proposal to examine their feasibility within S106 negotiations. In too many instances the applicants have not yet entered into meaningful discussions with other third party landowners or stakeholders to bring forward realistic proposals that are capable of delivery and which they are prepared to be obliged to pay for. This leaves us to seriously doubt whether the necessary infrastructure will be delivered at the appropriate time and we strongly contend that the application is not ready for determination in its current form.
  - Without the opportunity to see the S106 HoT, it is impossible to understand the phasing of infrastructure. We are concerned that the draft triggers proposed will allow for the development of a substantial number of new homes without the necessary infrastructure being secured. This highlights again the importance of a coordinated approach to the Infrastructure Delivery Plans and planning obligations for Villages 1-6 and Village 7 as the Council and its partners at HGGT are well aware. But this is not something which the applicants are prepared to commit to.
  - The draft infrastructure triggers are not evidenced by an assessment of impacts on existing infrastructure capacity and would not deliver the necessary mitigation to manage the impacts of development on existing communities in
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the early stages of development. The triggers for the completion of parkland and landscaping works are considered to be too late in the development programme. Development will almost be completed before completion of the parkland and necessary landscaping/ woodland restoration. Needs should be identified and closely integrated with development programme.

- The application states that 40% of all housing will be affordable. However, the applicant's previous commitment to retaining the affordable housing has not been reconfirmed and it is unclear how this will be delivered. We are concerned that if this commitment is now in question, their position on other important matters such as Stewardship may also be open to review.

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**Proposal:**

1. Further details of the S106 HoTs and proposed infrastructure triggers and a more comprehensive delivery strategy are required before the application can properly be determined. The community and other consultees should be afforded the opportunity to comment on these before the application is reported to planning committee.
2. HoTs should also include mitigation measures for impacts on existing local communities and off-site enhancements for the benefit of existing and future communities in accord with the land value capture principles in the District Plan, the Concept Framework Document and the emerging GANP.
3. The report to planning committee must include detailed unambiguous HoTs as these will be material to determination of the planning application, and a necessary pre-requisite without which the Councillors cannot make an informed and balanced decision. The applicants claim the total S106 contribution is over £600m; such a sum cannot be left not detailed.

## Community Trust Land and Stewardship

### Issue:

The applicant has provided an outline framework for the future governance of the area but to date the Parish Councils have not been given the opportunity to have real input. It will be very important that the Parish Councils and the community have time to adequately reflect on alternative possible governance structures and what role they will take.

Despite requests for further information, there is still a lack of detail of:-

- What land will be transferred to the community
- When the land will be transferred and
- How long term stewardship will be secured and funded.

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### Related to Planning Documents:

Supporting information – informing S106 negotiations:  
Village Development Addendum Report (VDAR)

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### Development Aspirations:

District Plan Policy GA1 (11.3.7) and the Concept Framework states that the transfer of the Community Trust Open Space Land should take place **early** in the overall development programme to deliver local ownership and management of these assets.

Submission GANP Policy AG7 states that funding and design support should be secured through a legal agreement prior to the transfer of land and made available at the **early** stages of development. Policy D2 states that arrangements for future governance and stewardship will be secured as part of the planning process.

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### Concerns:

- Agreement on stewardship of community assets has not meaningfully advanced since the first submission of the outline planning application (May 2019). However, it is a key requirement of Policy GA1. Whilst we welcome the commitment to form a local working group, the timing for the ‘early transfer’ of the land by the applicant is still not set out in the application. In fact it is now stated that the transfer of the land will be “at the end of the development” (Development Specification- Governance Commitments p 67)
- Discussions have been held but we are no closer to having an agreed basis for taking this forward. The information submitted in November 2020 indicates that the Community Trust Land will be *delivered* at the end of the delivery programme: Work on Hunsdon Airfield parkland is to be completed on the occupation of 5000 homes and Eastwick Wood on the occupation of 7500 homes. This could be in several decades’ time. No trigger for the transfer of the land has been indicated. On the contrary the Development Specification states

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it will not be until the end of the development which might be in 25-30 years time, if ever. The countryside parks are integral to the development and represent important mitigation measures and must take place early in the development programme with clear obligations for the funding of the necessary work promised and a future endowment for the maintenance of it within the Community Trust.

- We are no closer to understanding the nature of community ownership and how the communal areas and buffers will be managed. Without a clear programme for the transfer of ownership and the establishment of a community land trust or similar mechanism, the proposed triggers and promises of triple locks are meaningless. We warmly welcome the concept of early wins and hope some can be delivered through the s106.
- Under Policy GA1 a large amount of land is due to be transferred to the local community and in granting planning permission, there must be greater clarity about how this land will be protected and funded and how future stewardship arrangements will work.

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**Proposal:**

1. Clearer commitments regarding future governance arrangements and community ownership need to be secured as part of the outline planning application.
2. Commitments to working with the parish councils and the community must be secured in the S106 agreements.
3. The proposed triggers for the delivery of the Airfield and Eastwick Wood parkland are unacceptable and contrary to Policy GA1. Early transfer **and** delivery of the Community Trust Open Space Land and the necessary funding for this must be secured in the S106.

**Main Access Highways – Approach to the Whole Route from Temple Fields to Village 7****Issue:**

The route from the proposed Eastern Crossing to the entrance to V6 (and V7) is applied for as a sequence of isolated junctions and local access roads. At the same time, it is described as a strategic connection required to support the Garden Town as a whole, and relieve traffic from Harlow town centre (i.e. a road fulfilling the role of a by-pass).

The lack of transparency about the real objectives of the proposals raises doubts that the benefits and impacts are properly evaluated to justify the heavily engineered design and the massive road land take, which appears to be contrary to the objectives of containing vehicular traffic in favour of sustainable transport.

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**Related to Planning Documents:**

For Approval

General Arrangement Plans for access to V1, V2, V6

PP4

Detailed Application Drawings – Highway design and Landscape design

Supporting Documents

CSC and ESC Options Report

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**Development Aspirations:**

Eastwick Roundabout is a major constraint to movement in the area: for vehicles and for cyclists. Pedestrian provision is particularly poor. Traffic along Eastwick Road towards High Wych is too fast and causes problems at Pye Corner. Lorry restrictions, however, ensure that volumes, noise and pollution are generally contained.

The local community is determined to ensure that the Gilston Area is to be planned and delivered in accordance with Garden City Principles and Policy GA1 / GA2, including being designed such that walking, cycling and public transport are the most attractive forms of local transport. There is support through the emerging GANP and the HGGT Transport Strategy for upgraded infrastructure that does not create severance within the community (GANP Policy AG8) and promotes sustainable travel choices. We are open to consider proposals in their own merit, as well as in relation to the existing communities.

The community would like to be able to explore the options behind the proposals and be satisfied that the proposed arrangements and layout have been optimised for their purpose.

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**Concerns:**

The route from Edinburgh Way to Church Lane / V7 is approximately 4.6km long and will be designed to accommodate 9 junctions (one every 3-500m) at 40mph

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speed. This route is openly referred to as reflecting the ‘aspirations’ of the two highways authorities (ECC and HCC) to deliver an improved strategic road corridor linking the A414 to Edinburgh Way to offer relief to Fifth Avenue (ESC Options Report - Exec Summary 1.1.3). This approach is also reflected in other aspects of the application:

- PfP pushing back on their responsibility to pay for the road upgrades and the ESC because of its strategic road (VDAR – Addendum 8).
- PfP indicating that triggers for its construction are dependent on delivery of houses elsewhere in Harlow (Appendix 11)
- Reference to proactive encouragement (in the form of reduced turning lanes) for traffic coming from the west along the A414 to use the ESC to reach Harlow, the Enterprise Zone and Junction 7a.

This has introduced the creation of a by-pass to Harlow (i.e. a strategic road with wider benefits) disguised as an access road to development.

The NPG (via Markides Associates) have questioned whether the proposed corridor represented the best infrastructure solution to enable the development and a response in May 2020 by the HGGT/ ECC and HCC confirmed that the proposals represent the preferred strategic solution.

The benefits and specifications of a new Harlow by-pass / strategic route via Terlings have never been openly presented as strategic options. The approved A414 Corridor Strategy (HCC, Nov. 2019) is very conceptual and does not constitute a proper assessment. In addition, in its Technical Report (Segment 14, pg. 248) it states: *The immediate priority for the Harlow and Gilston area is to ensure that the proposed Garden Communities including Gilston are **well connected to the existing town**, and that there are sufficient opportunities to facilitate sustainable travel on foot, by bike and by public transport. **A new direct east-west route from the M11 at J7a to the A414 at Eastwick could work against local priorities** and therefore has not been considered further as an immediate priority for investigation in the A414 Corridor Strategy.*

The HGGT Sustainable Transport Strategy echoes the same message, arguing that it is futile to build more road capacity to accommodate future growth and that a change in travel behaviour should be the key option.

The ambiguity about the role of the corridor is leading to potentially poor decisions:

- The corridor has 9 junctions, of which 6 (with 3 signalled crossings) between Edinburgh Way and the replacement junction of Eastwick Roundabout instead of the current 5 roundabouts. It is not therefore efficient.
  - It will create severance within the existing communities, splitting the Gilston community in two (Terlings Park and the rest).
  - It will increase through traffic in High Wych directed to the M11.
  - It will bring increased noise and pollution to a tranquil area.
  - It will potentially undermine efforts to promote sustainable and active travel between the future Gilston communities and key destinations within Harlow.
  - It may relieve traffic on Edinburgh Way, a commercial / industrial district, to put
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traffic across a residential community.

- Design road speeds have resulted into a sweeping alignment across the landscape with significant embankments and terrain alterations: *The extent of cut required to achieve an appropriate highway gradient, has resulted in a substantial area land of take, and feels disproportionate to the scale of the highways infrastructure* (HCC Landscape Report on the Planning Applications, Section 2.6). This is very pronounced on the ESC and the entrance to V6.

The NPG assumes that CPO will be required to deliver the ESC, given the complexity of ownerships and Terlings' residents' entitlement to the land. Without a clear and transparent narrative about the whole corridor and justifiable benefits, we cannot see how a CPO can be successfully advanced.

Finally, the provision for pedestrians and cyclists connecting to Harlow town centre and rail stations (Roydon and Harlow Town) is not given the same level of information and attention: for example flooding in Burnt Mill Lane and in the Stort Valley are not addressed, access along Station Road remains too narrow and no firm commitment is made to the station's northern access. There is no evidence that meaningful discussions have taken place between the applicants and third party owners and stakeholders. Yet pedestrian and cycle movement is a fundamental requirement of the development on which the road design also depend.

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**Proposal:**

1. Reject or suspend approval for all proposals relating to the corridor between Temple Fields and Church Lane (V7) pending the publication and consultation of a detailed A414 Strategy for Segment 14 in the context of overall priority being given to sustainable and convenient active transport between the Gilston Area and Harlow.
2. Revise all access junctions to demonstrate a landscape-led approach which optimises land take, pedestrian and cycle permeability, respect for existing vegetation (as also advocated in HCC Landscape Report on the Planning Application).
3. Comprehensive and detailed design of a reliable pedestrian and cycle network as part of the detailed planning applications for the ESC and CSC extending to the two stations and Harlow town centre.
4. Ensure that the 'consequences' of the applications are evaluated and addressed (the quality of the spaces in Pye Corner and under the proposed new bridge, if it is to be built; Burnt Mill Lane, Eastwick road etc).

**Central Stort Crossing (CSC) and new Village 1 access road****Issue:**

There is insufficient information to evaluate the design choices informing the CSC, the main access junction and V1 access road, which results into very significant land take, impact on the Stort Valley and confines pedestrian and cyclists on an inconvenient bridge over the roads. This is in addition to the issues related to the overall corridor (see Addendum C).

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**Related to Planning Documents:**

For Approval:

Detailed Application Drawings: Engineering drawings, Construction access drawings

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**Development Aspirations:**

The community supports the HGGT Vision and its Transport Strategy, which promote the creation of Sustainable Transport Corridors linking all parts of the Garden Town and constituting a backbone of pedestrian friendly connections prioritising active movement over vehicular one.

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**Concerns:**

The design proposals are heavily engineered and clearly not guided by principles of place-making or landscape (see also Addendum C). This results in strong priority and visual dominance given to vehicular movement – contrary to Garden City principles and to the HGGT stated aspirations:

- Dedicating the direct access to V1 to buses only (promoted as a way to assert the prominence of public transport) appears a token gesture that massively increases road land-take to provide a vehicular access to V1 300m east.
- The eastern arm of the junction has a carriageway width approximately 5 times the current road width – around double the size of any of the avenues within Harlow.
- Pedestrians and cyclists are confined to a bridge nearly 400m long, which creates opportunities for anti-social behaviour, putting the likes of pedestrians with prams, young people and other vulnerable users at risk.
- Pedestrian and cycle access to the station has not been properly secured: there is no commitment to delivering the northern access to the station (only unspecified financial contributions and the concept is not supported by any feasibility studies) and no proposals to improve the current access routes, which has narrow pavement and no cycle route.
- How pedestrian and cycle access to Harlow town centre is to be upgraded is not presented / addressed. The critical transport infrastructure to meet the 60% sustainable movement targets stops before it reaches Harlow Station, a key issue still not addressed.

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**Proposal:**

1. Reject or suspend approval of the CSC Detailed Application pending the publication and consultation of a detailed A414 Strategy for Segment 14 in the context of the design of Sustainable Transport Corridors across Harlow.
2. Revise all junctions to demonstrate a landscape-led approach which optimises land take, pedestrian and cycle permeability, respect for existing vegetation (as also advocated in HCC Landscape Report on the Planning Application).

**Eastern Crossing****Issue:**

There is insufficient information to evaluate the design choices informing the ESC, which results into very significant land take, impact on the Stort Valley and severance of Terlings Park from the rest of the Gilston community. The proposals also do not address the treatment of the downgraded Eastwick Road and improvements to Burnt Mill Lane and provide insufficient detail about the proposed Terlings Park acoustic barrier.

This is in addition to the issues related to the overall corridor (see Addendum C).

**Related to Planning Documents:**

For Approval:

Detailed Application Drawings: Engineering drawings, Construction access drawings

Landscape drawings

**Development Aspirations:**

The community supports the HGGT Vision and its Transport Strategy, and the overall objectives for pedestrian friendly and healthy communities. The emerging GANP (Policy AG8) states that new infrastructure should have minimal impact on existing communities and avoid creating severance. It also states (Policy EX1) that the impacts on existing communities should be adequately mitigated.

**Concerns:**

There is no strategy for the land acquisition required to secure the ESC and demonstrate it is deliverable. The NPG are not satisfied that the proposals are solely justified by the access needs of the development and that the proposed scheme and consequently the CPO is the best approach in the public interest to deliver social, environment and economic well-being.

The design proposals are heavily engineered and clearly not guided by principles of place-making or landscape (see also Addendum C). This results in a series of concerns and unanswered questions:

- The width, speed (40-50mph) and engineering make of the ESC are not fully explained and justified. Roundabouts are sized for major traffic loads, central ghost reservations intended to make travel at speed safe. The width of the bridge at Fiddlers Brook (26.7m wide bridge with a 20.8m carriageway) corresponds to a two lane carriageway width even if shown as a single lane.
- The impact on existing communities (including High Wych) of the removal of the Heavy Load restrictions is not fully explored.
- The overall arrangement results in Terlings Park being hidden behind the sound barriers and severed from the rest of Pye Corner and Gilston. The playground at Terlings will no longer be easily accessible for other residents of Gilston.
- The layout requires land take from Local Open Space (including felling a c.100-year old oak) at Terlings Park and destruction of the designated Local Wildlife

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Area (both designations by the District Plan). Adequate mitigation for this loss has not been proposed.

- The proposals have great impact on the landscape of the Stort Valley and are great generators of noise. There is no confidence on the landscape, wildlife and pollution mitigation strategy associated with the proposals.
- The space of 'gravel and shade loving plants' under the Fiddlers Brook bridge (Landscape Drawing DR-L-5221) is approximately 30x60m, the size of a junior football pitch. The headroom under the bridge ranges from 2.5m to 3.5m: the height of a typical room. The resulting space is clearly unattractive and we believe is likely to become prone to antisocial behaviour. It will require artificial lighting 24/7 and cameras for surveillance; it seems irresponsible for the applicants to be creating such spaces.
- There are no proposals for the downgrade of Eastwick Road (so becoming a road to serve only Terlings as a result of the development): the road should be redesigned as a permeable surface. Given the likely low levels of traffic it is unlikely that segregated cycle routes (adding a further 5m of tarmac) would be necessary. A clear approach should be presented to ensure that the road does not become a parking place for the station. A 20 MPH home zone might be considered?
- There are no proposals for the downgrade of Pye Corner Eastwick Road (becoming a cul-de-sac as a result of the development): the road should be redesigned as a permeable surface, removing redundant engineering features and including it into the landscape proposals. The war memorial should be reset into the new context created by the development. Pedestrian and cycle provision should be made as part of the detailed application. A clear approach should be presented to ensure that the road does not become a target for informal parking.
- Terlings and Burnt Mill Lane provide an important cycle connection to the station. Upgrade of the routes and prevention of flooding should be included in the detailed application boundary because they are an essential component of access to the area. Commitment to delivery of the upgrades at first occupation of houses in V1 and V2 should be made.
- There is no clarity about the maintenance and adoption of the willow wall (sound barrier) and the almond shape space between Road 1 and downgraded Eastwick Road.
- There is no clarity of the construction impacts (site access, construction sites etc.)
- There seems no consideration of the consequential impacts car parking spilling over from the station into Pye Corner and Terlings given the planned improvements offering free and easy access to Harlow Town Station.
- Assessment of noise and air impacts have not been fully considered, particularly around moving the private vehicle main access to the development of 10,000 homes next to the Social Housing in Terlings Park. During the public consultation, it was clear that P4P and EHC have not considered this impact alongside the impacts of the ESC.

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**Proposal:**

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1. Reject, or suspend approval of, the ESC Detailed Application pending the publication and consultation of a detailed A414 Strategy for Segment 14 in the context of the design of Sustainable Transport Corridors across Harlow.
  2. Demonstrate deliverability by confirming the funding allocation across the Garden Town and providing demonstration that the proposals are the best solution in the public interest to deliver social, environment and economic well-being – sufficient to justify CPO.
  3. Revise and extend the proposals to include design mitigation on Eastwick Road and upgrade of Burnt Mill Lane to demonstrate a landscape-led approach which optimises land take, pedestrian and cycle permeability, respect for existing vegetation and minimization of pollution (as also advocated in HCC's Landscape Report on the Planning Application).

**Comprehensive Development and Integration with Village 7****Issue:**

A holistic approach is needed given that GA1 is a single allocation requiring a comprehensive, phased development across the whole of the site allocation. A clear framework that knits all development together (including Village 7 and existing settlements) is not provided for community facilities, social and cultural cohesion, green spaces network, footpaths and cycle routes and connectivity within the site and the outside world around it. The applicant states in the Village Addendum Document that there has been *continuous engagement* with Briggens Estate 1 Ltd to ensure the integration of Villages 1-6 with Village 7 but this is not reflected in the Parameter Plans or the other documents which have been submitted for approval. Limited evidence is provided as to how the two developers are working together to provide a comprehensive framework for development and infrastructure provision and how this is to be addressed in a consistent and integrated manner in the respective s106 agreements

**Related to Planning Documents:**

For approval:

PP4 shows a Sustainable Transport Corridor and green corridor between Villages 6 and 7 but no connections between the villages in terms of green infrastructure network, footpaths or cycle routes, inter-dependency and shared cultural or social facilities planned from the outset. Village 7 is outlined on the Parameter Plans and illustrative material but is not shown as part of a comprehensive development.

Supporting documents:

VDAR Appendix 5 provides a Technical Report prepared by Grimshaw Architects to address the issues. This is limited to an overlay of parameter plans submitted in support of each application to show physical interactions.

**Development Aspirations:**

Policy GA1 requires future development to be planned as a single allocation informed by local character and distinctiveness. A comprehensive plan for the whole Gilston Area is seen as key to preventing piecemeal development and controlling the form and character of new development.

GA1 is single allocation - not a development of 6 + 1 separate areas.

**Concerns:**

- The application does not provide the necessary clarity or confidence that the development of Villages 1-6 and Village 7 will be brought forward as a comprehensive properly and logically phased development.
- The Parameter Plans do not demonstrate how the relationship between Village 6 and 7 will be controlled.

The community does not have confidence that the overall area will be managed

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effectively, coherently and in the interests of all current and future residents. Unless the two applications are considered together there is a real risk that decisions on villages 1-6 without the incorporation of the village 7 development will lead to disconnection and harm to the community.

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**Proposal:**

1. The Parameter Plans should be amended to incorporate the details shown in Appendix 5 of the Village Development Addendum to show the integration of Villages 1-6 with Village 7 in respect of pedestrian and cycle routes and green infrastructure network.
2. Further clarification to be provided of how the developers will work together to ensure an integrated development and delivery of necessary infrastructure and mitigation. This should be referenced in the Governance documents and reflected in the s106 in terms of planning obligations. The Governance Strategy should relate to all 7 villages and not to the 6 covered by the outline planning application.
3. The requirement for a comprehensive and integrated approach to masterplanning and delivery of the GA1 allocation must be secured through the application of appropriate conditions and planning obligations. These must be applied consistently in the determination of the outline planning applications for both Villages 1-6 and Village 7.

**Green Infrastructure Network and Adequate Separation between Villages****Issue:**

Meaningful separation between villages and the backbone of a continuous green infrastructure network surrounding the villages is not identified in the Parameter Plans or Development Specification. The green corridors between villages (new and existing) are critical in providing a landscape setting, protecting and promoting biodiversity, accommodating pedestrian and cycle routes and a range of other functions. The case for a substantial release of Green Belt land has been made for a development of exceptional quality yet there seems to be little attempt to mitigate the Green Belt loss.

The Development Specification states that village corridors will be approximately 10-40m width. In some cases the VDA is shown right up to the boundaries of an existing settlement. It is unclear how far this has been tested to demonstrate that all the necessary functions can be achieved. The community believes these corridors will need to be wider than shown on the Parameter Plans to deliver the vision and objectives for the Gilston Area.

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**Related to Planning Documents:**

For Approval  
PP2 and PP3  
Development Specification (DS)  
Strategic Design Guide (SDG)

Supporting Documents:  
Landscape and Green Infrastructure Report (Addendum)

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**Development Aspirations:**

Policy GA1 clearly states that development in the Gilston Area should take the form of a series of distinct villages.

The Concept Framework sets a principle of buffers and 'meaningful separation' and the HGGT Vision clearly describes the villages as set within a continuous landscape.

Submission GANP (Policy AG2 and AG4) requires that a robust and permanent Green Infrastructure network is established and that the individuality and separation of villages in the Gilston Area is maintained.

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**Concerns:**

- We remain concerned about the lack of clear landscape objectives, which are clearly set out within the Concept Framework, the HGGT Vision and Strategic Design Guide and the Charter SPD which contain landscape aims and objectives that should be taken into account even at this stage.
- The VDAR indicates that all areas and zones shown on the Parameter Plans

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are to be intended as fixed. This is in contradiction with the DS which states that the Village Development Area (VDA) is submitted in outline to provide the *necessary flexibility* for the detailed design of the scheme through the preparation of Village Masterplans and a Strategic Masterplan and the subsequent submission of Reserved Matters Applications. The Development Specification (para 4.3.4) recognises that the corridors cannot be fixed at this outline stage stating- 'There is a commitment to providing a Village Corridor *in the general location* shown on the Parameter Plan'. This is contradicted in the DS itself where it states that the Parameter Plans provide a framework of control for the masterplanning process. The Parameter Plans do not provide sufficient justification for the proposals and it is inappropriate for details of the Green Infrastructure Network and corridors between villages to be fixed without further landscape and visual analysis at the masterplanning stage. HCC Landscape Officers are of the same opinion (Landscape Report, Section 2.3.2).

- The PPs and Strategic Design Guide (SDG) do not comply with the requirement of Policy GA1 and the Concept Framework (requiring distinct villages separated by meaningful landscape) and the Charter SPD. Section 1.4 of the SDG describes the Strategic Landscape Master Plan as following the Village Masterplans and applying to the 'spaces around and in between each village' implying that the village boundaries take precedence over the landscape. This is wrong. The detailed configuration of green corridors and green infrastructure cannot be defined as the 'resulting land' after village development. This is contrary to the requirement for a landscape led approach.
- The Strategic Green Corridors (PP3) are incidental, rather than strategic. In places they are equivalent to the width of an existing lane (for example along Gilston Lane), without any landscape buffers and therefore no certainty that the minimal width will be maintained if the lane carriageway needs widening as a result of the development.
- The connectivity east-west from the Airfield through Home Wood to Gilston Park and beyond is severed; continuous and uninterrupted development areas are proposed from V5 to V4 (PP3, PP5) – this is clearly contrary to the requirement of District Plan Policy GA1 and emerging NP AG2. This also creates a continuous linear frontage in a very open and prominent location.
- Development areas extend right to the edges of private properties in Eastwick and Gilston without any buffers, effectively relying on third parties to provide green buffer and separation.
- Strategic Green Corridors, already insufficient, are indicated to be also the location of allotments, G&T safeguarded development land and other uses (VDAR Land Use Budget Section). This will further limit their ability to accommodate strategic landscape and biodiversity functions.
- Community Parks are discontinuous as they include fenced off developed areas like the schools playing fields and Play Areas inside Ancient Woodland and the Local Green Spaces identified in the GANP.

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**Proposal:**

1. The Strategic Design Guide and Development Specification should be modified prior to approval to:

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- a. Ensure that meaningful and continuous Green Infrastructure and Strategic Green Corridors and separation between villages is established as part of the Strategic Landscape Master Plan and that the boundary of the built area is only agreed once sufficient corridors, buffers and green spaces have been identified.
  - b. Avoid fixing the Village Developable Areas in the Parameter Plans in advance of a more detailed SLMP.
  - c. Make a clear commitment to meaningful minimum buffer widths that demonstrate settlements are clearly separated.
  - d. Confirm which types of activities are acceptable in each type of landscape and especially in the Strategic Green Corridors based on their visual impacts and requirement for fencing, lighting, biodiversity and access to the public.
  - e. Exclude inclusion of play spaces and allotments within the existing woodlands (for example within Home Wood in PP3 and Village 5 Land Use Budget in VDAR)
2. Flexibility along the 'village developable area' edge is vital to ensure that at the Masterplanning stages, the developable area boundary can be adjusted to reflect site conditions and tested as part of an iterative design process to ensure that the village development sits comfortably within its landscape and visual setting. This approach to flexibility is in line with Policy GA1, the Concept Framework, the HGGT Vision, the Charter SPD and the submission Gilston Area Neighbourhood Plan which promotes a landscape led approach to development.
  3. Parameter Plans should be amended to state: "Configuration of developable areas and green corridors subject to detailed design". Other proposals e.g.: removal of existing trees and hedgerows should also be 'indicative and subject to detailed design'.
  4. The Development Specification wording should be amended to state that the village developable area is flexible in order that its exact location and the configuration of the green corridors separating the villages can be determined at the masterplanning stages.
  5. The expanded narrative in the Development Specification should take precedence over the Parameter Plans.
  6. Alternatively, PP2 and PP3 should be amended to indicate clear separation between each village and between the future villages and the current communities as well as continuous green infrastructure in accordance with the Concept Framework and the key diagram agreed with the developers at the Examination of the GANP.

## **Treatment of Sensitive Sites (fields in front of St Mary's, to the west of Home Wood and south of Gilston Park House)**

### **Issue:**

Some positive changes have been made to address heritage concerns and we are pleased to note the revised sensitive development areas around the scheduled monuments and St Mary's Church. However, there remains insufficient clarity about the extent of the controls put in place to safeguard heritage settings or very exposed and prominent locations. The OPA should make direct and enforceable commitment to the protection of these sensitive areas. The application is strangely silent about the effect of development on Hunsdon House, a Grade 1 listed building. While that is more directly affected by the Village 7 application it borders the part of the site owned by Places for People and this illustrates the risk of harm in considering the two applications separately.

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### **Related to Planning Documents:**

For Approval:

PP2, PP5, PP6

DS Sections 4.3, 4.6, 4.7 and Appendix 5

SDG Village 4 and Village 5 Principles

Supporting Documents:

Land Use Budget and Density Report (VADR) – illustrative

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### **Development Aspirations:**

These three sites are very important to the community: one provides the important heritage setting to Listed St. Mary's Church, while Home Wood is visible for miles across the open plateau of the Hunsdon Airfield and the setting of Gilston Park House is also sensitive. It would be preferable for these sites not to be developed, but if development should take place, it is essential that it is discrete and 'lost in the landscape'. It is also important that views from Hunsdon Airfield do not present a continuous built form spanning across several villages. The role of the site in between V5 and V4 is essential in breaking this frontage by creating a different, primarily unbuilt frontage.

- The District Plan does not enter into this detailed topic, but clearly requires that villages are separate and distinct (Policy GA1) and that heritage and its setting are protected.
- The CF clearly indicates that these are sensitive sites to be treated differently from the rest of the development.

The emerging GANP clearly indicates that these are very sensitive locations where development should be restricted and where Cherished Views are to be protected

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### **Concerns:**

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The area referred to as Gilston Fields (V4, opposite St Mary's Church):

- PP5 identifies the whole area as Sensitive Development Area (SDA) and indicates that half of it is allocated for residential development. PP6 indicates that the 'Maximum Height' at this location could be 20m towards Home Wood. The VDAR Illustrative Density indicates an average of 26.4 dph (the lowest across the VD, but without any differentiation across V4 – so there is no guarantee of lower density at this location).
- Appendix 5 of the DS intends to specify the limitations of development implied by the SDA designation. However, the language is vague and does not represent adequate control. For example, it states that 'height restrictions *may* help to protect the heritage setting'; or that buildings *close* to the church should be restricted – this does not give any certainty as there is no definition of 'close' or of 'near' or what commitment the applicant is making when stating that controls 'may' or 'should' be in place. What is clear is that there is no firm implication for the SDA definition, and this could open up to the application of the PP 'maximum' allowed height and development extent, which are completely inappropriate.
- The SDG for V4 indicate a building line that is well north of St Mary's and does not encroach on Gilston Fields. This, if approved, is in conflict with the PP and DS.
- Para 3.8.2, main bullet 9 of the DS refers to *A cricket club will be provided within **Gilston Fields** and this will include a minimum of two senior community grass pitches provided with **club house** and ancillary facilities*; This, if approved, is incompatible with the commitment to the protection of these sensitive areas.

Area to the west of Home Wood, identified as an Education and Mixed Use Area and located in the open landscape of the Hunsdon Plateau:

- This area has always been described as a very low-density education (Secondary School) and sport facility, where the proportion of build form over open land was limited. No controls of any kind are in place to secure this outcome.
- In PP5 it is identified as part of V5 and as an Education and Mixed Use Zone: no different from the other village centres. DS Section 4.6.3 makes no differentiation and allows retail, leisure, office space and the full range of community facilities.
- Furthermore, homes appear to be proposed on its western frontage close to the power line (Land Use Budget section of VDAR) creating a linear built frontage, a barrier and continuous development linking V4 and V5.
- PP6, if approved, would allow 15-20m tall buildings in the majority of the area.
- Para 3.8.2, 1<sup>st</sup> bullet point of the DC states:  
*A leisure centre will be provided within the Education and Mixed Use Zone of Village 5.*

This section includes 4-lane swimming pool, sports hall, etc. which will cause a **massive impact** on open green space and could generate considerable traffic. This, if approved, is incompatible with the commitment to the protection of these sensitive areas.

- Para 3.8.2, Main bullet point 5 states: *The Village 1 and Village 5 Education and*
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*Mixed Use Zones will each accommodate one floodlit artificial grass pitch* This, if approved, is incompatible with the commitment to the protection of these sensitive areas.

- It is noted that Historic England has raised concerns on heritage grounds, particularly about the road arrangement at Eastwick Hall Lane and the potential loss of non-designated heritage assets. We agree with Historic England that greater consideration should be given to the setting of the Sensitive Development Areas and recognition given that the definition on the Parameter Plans is not a hard and fast line.

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**Proposal:**

The nature of these locations requires careful study, which can only be undertaken through a masterplan proposal where actual built form, heights and views can be determined. It will be therefore necessary, prior to approval, that:

- PP5 is modified to clearly identify a different nature of development at these two locations and differentiate between the sensitive area west of Home Wood and the other village centres (all currently Education and Mixed Use Areas).
- PP6 is rejected as inadequate to provide controls (see also Addendum I) and these sensitive sites should be clearly marked as locations where stricter controls are applied. The potential loss of non-designated heritage assets should not be shown on the Parameter Plans for approval and any decision regarding their loss should be made at the masterplanning stage.
- DS Section 4.7 and Appendix 5 is modified to clarify the commitment to develop buildings that have low density, low height, and are discrete individual elements within the landscape.

**Development Heights and Built Form****Issue:**

The proposals are inadequate to provide control measures to ensure village quality and include requests for potentially inappropriate flexibility in heights, location and development quantities without justification, establishing development parameters which could undermine the role of the Strategic Landscape Master Plan and Village Master Plan processes. There is a real risk that these unjustified and generous maximum heights, density and boundaries will become the default 'built-to' parameters.

The appropriate distribution of heights needs to be tested through the masterplanning process based on a more detailed and rigorous process of landscape and visual analysis to ensure that the development sits comfortably with its landscape setting. There is an underlying assumption that a similar approach is suitable for each village but the ability of each village to accommodate heights is likely to be more varied dependent on topography and landscape character.

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**Related to Planning Documents:**

For Approval:

PP5 Land Use and PP 6 Heights  
Development Specification (Section 4.7)  
Strategic Design Guide

Supporting Documents:

Land Use Budget and Density Report (VADR) – illustrative

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**Development Aspirations:**

- District Plan Policy GA1 requires development to take the form of distinct villages of individual character. In other places, it also clearly refers to the requirement of designing in context.
  - The CF (pg. 102) establishes the principle of village character, drawing from the local character of Gilston, Eastwick and Hunsdon and other surrounding villages. It also indicates an average density of 33dph.
  - The HGGT Vision states that the characteristics of nearby villages should be used as design cues and a broad range of 25-55dph should be appropriate.
  - The emerging GANP gives a clear indication of what should be considered part of village character in Policy AG6 and in a supporting Appendix and proposes that this is defined as part of Village Masterplans.
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**Concerns:**

The Parameter Plans and supporting information do not provide adequate controls to deliver development in the form of villages (Policy GA1 of Local Plan, Policy AG6 of the emerging GANP, HGGT Vision and Design Guide):

- Parameter Plan 6 (Heights) proposes to limit heights within the visual envelope of buildings placed in the most prominent location. The rationale is shown the VDAR: if GF+3 (i.e. 4 stories) are proposed in the most prominent location (top of the hill), all the buildings on lower ground remain roughly within that envelope even if in some cases 6 floors high. This approach is predicated on the acceptance that 4 floors are acceptable on higher ground, which is not explained nor justified. It also means that from the lower ground (from Harlow) a sea of roofs extending all the way up the hill is presented. This parametric approach may secure maximum development but it has nothing to do with good placemaking or village design and should be rejected.
- The Maximum Height Zone allows a 10-15% of all buildings to reach 5 floors. This parameter is not transparent nor justified. It is not explained by development requirements (necessary to deliver the required number of units) nor is it conducive to the creation of beautifully designed villages. Taller buildings should be exceptional and justified on their merit as part of a master plan.
- The Density Note of the VDAR Land Budget Section indicates average density across the villages of 39.1 dph, and a range of 70-130dph within the village centres. This density is in contradiction with all policy and guidance and it does not correspond to the delivery of villages or to village character (Policy GA1, principles of the CF and GANP). The Illustrative Residential Density image in the same section clearly identify urban built form (Cambridge, Basildon, London). No indicative design in which high density suitable to villages has been proposed.
- The Strategic Design Guide does not define 'Village Character' for the development. It only proposes in Principle 4 building with materials and openings (fenestration) taking inspiration from East Hertfordshire and Harlow. This is a major shortcoming, which does not help understand and justify why the height, density and built form proposed is in accordance with Policy.

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**Proposal:**

The Outline Planning Application should not be approved in its current form without amendment or rejection of the Parameter Plans and Development Specification which pre-empt the study of the villages through a transparent masterplanning process.

Approving the proposed Parameter Plans and Development Specification would create a dangerous precedent and a drive towards building 'to the upper limit'.

The emerging GANP potentially offers a constructive way forward with Policy AG6, where the best possible balance between density, height and built boundaries is defined in the Village Masterplans in consultation with the local community.

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It will be therefore important to consider the following:

1. It is premature to fix height parameters at the outline planning application stage. PP 6 should not be approved, and the principles and content of Development Specification Section 4.6 should be redrafted.
2. A commitment should be included in the Development Specification to investigate options and best balance between height, density and built-up areas in collaboration with the community as part of Village Masterplans (Policy AG6 of the submission GANP)
3. The Strategic Design Guide should be modified to reflect the applicant's understanding and commitment to village character and village development taking into account Policy GA1 and the principles set out in the Concept Framework and HGGT Vision and Design Guide.
4. Height and built form should be determined as part of the village masterplanning process following further detailed assessment.

**Other Transport Issues****Issue:**

While the proposals for bus priority and bus accessibility for the existing and future communities has been improved, the community is not satisfied that adequate provision is made to ensure a 60% sustainable transport modal share.

**Related to Planning Documents:**

For Approval:

PP4, PP5

DS

SDG

Supporting Documents

TA Addendum

**Development Aspirations:**

The community supports District Plan Policy GA1's emphasis on sustainable transport, LTP4 and the HGGT Transport Strategy, which requires 60% of all movement to be made by sustainable modes. The emerging GANP (Policy TRA1) makes specific reference to sustainable and convenient access to Harlow town centre, Harlow Town station and Roydon Station. It also states (Policy TRA2) that a full network of PROW will be required, with consideration of the need for tranquillity of the Green Infrastructure network and the privacy / amenity of existing residents where PROW pass very close to existing homes.

**Concerns:**

We have been reassured by the Developers that they fully appreciate the requirements of a 60% shift to sustainable transport modes for the design of the villages and infrastructure. Many on and off site measures will be required and we are unconvinced that these are a guaranteed part of the proposal.

Off site measures not fully addressed (see also Addenda C, D, E):

- Access to Harlow Town Station by additional buses: 15 additional buses per hour are proposed to serve the development at peak. It is not clear how these will be accommodated in the station interchange and town centre bus station.
- There will be high numbers of pedestrians and cyclists commuting via the rail station. There is only commitment to a financial contribution towards upgrades at Harlow Town Stations and no firm plan for delivery of a northern entrance, increased cycle parking or pedestrian and cycle routes to the current entrance.
- There is no commitment to the upgrade of Burnt Mill Lane and to the Stort Valley routes, which are subject to flooding and are in a delicate environment, where lighting, safety and pressure of pedestrian footfall is a concern.

On site measures:

- The Sustainable Transport Corridor (STC) will be the only vehicular route

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connecting across villages and beyond; it will also provide the only bus network across the sites and prioritise cycling and pedestrian movement. This approach of concentrating all modes of transport and all movements onto a single road will probably require large carriageways and engineering-led design rather than a landscape and place-led approach. The NPG raised the issue at the time of the Concept Framework and again in our representation to the first OPA. The issue has yet to be addressed.

- There is no comprehensive plan of PROW and cycle routes integrated with the Green Infrastructure Network. No adequate proposal for lighting that protects the quiet nature of the Green Infrastructure (see also HCC landscape Report for the Planning Application).
- There is no integrated plan for essential sustainable transport networks (PP4 only refers to 'leisure routes') linked to the destinations identified in PP5 and extending to destinations in V7.
- PP4 indicates existing leisure PROW weaving through the private properties of Gilston Park. These now serve a very small and local community and do not affect the privacy and amenity of residents. It is essential that the nature of these paths is retained as existing and alternative routes are provided.

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**Proposal:**

1. Approval of PP4 and the detailed application for CSC should be made conditional to improved access to the stations (including off site) and upgrade of pedestrian and cycle links up to the two stations and the centre of Harlow.
2. The alignment and design of the STC remains indicative on PP4 and stronger commitment to pedestrian and cycle priority and suitable village character is made in DS (Section 4.5) and in the SDG (Principle 9).
3. Delivery of the north access to the station (rather than financial contribution to it) should be included. Alternatively, a clear demonstration that the north access is not required should be provided. (NOTE There is not even an indicative concept design showing how a new northern station entrance would be configured, even after all these years of work).
4. PP4 should be amended to ensure that a key network of essential pedestrian and cycle routes is identified (besides leisure routes) and that the amenity of existing private properties is protected from increased use in path use in close proximity. The DS should have a clear approach to limit lighting intrusion within the Green Infrastructure Network (see also HCC Landscape Report).

**Industrial Uses / Business Park****Issue:**

The provision of employment space within the Gilston Area is an essential component of providing sustainable and mixed communities, provided the employment uses are designed and integrated in a way that makes a contribution to the character and life of the villages. Proposed amendments suggest a poorly integrated and prominently located employment area at the edge of Village 6 which would undermine the principle of villages in the landscape. The proposed location would encourage car use contrary to the ambition of promoting sustainable transport modes and the creation of sustainable communities.

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**Related to Planning Documents:**

For Approval:  
PP5  
Development Specification

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**Development Aspirations:**

District Plan Policy GA1 V(q) states that development in the Gilston Area is expected to deliver employment areas of around 5ha within visible and accessible locations which provide opportunities to promote self-containment and sustainability. The supporting text states that this will take the form of a business park or distributed across the village centres having regard to Garden City Principles. The inclusion of reference to a business park was added as a late modification to Policy GA1 and is not reflected in the Concept Framework or HGGT Vision which anticipates provision for employment uses in village centres. Policy ED1 states that the provision of new employment uses will be supported in principle where they are in a suitable location and access can be achieved by a choice of sustainable transport and do not conflict with other policies.

The focus of the HGGT is primarily on growth and investment in the Harlow Enterprise Zones at London Road and Temple Fields. In the Gilston Area, the Garden Town Vision identifies the village centres as the locations for investment and innovation with the potential for new employment typologies. The District Plan recognises that residents will be able to access more substantial employment opportunities within Harlow, including the Enterprise Zone.

The Draft Harlow and Gilston Garden Town Employment Commission gives consideration to employment land and premises in the Gilston Area as part of a comprehensive economic and employment strategy for the Garden Town. It suggests employment development should be primarily focussed around village centres and in locations with better access to the sustainable transport network.

Submission GANP Policy BU3 encourages employment uses in village centres as part of mixed-use areas. Proposals for employment development outside village centres will be required to demonstrate compliance with a range of criteria relating to location, landscape setting, access by walking, cycling and public transport and

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consistency with the overall employment strategy for the Garden Town.

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**Concerns:**

- No justification is provided for the selection of the area to the south of Village 6 for employment use and no guidance is provided on how this will be brought forward as a mixed use development. We are concerned this would be brought forward as a large free-standing business park or distribution facilities and that this would create a virtually self-contained employment space, car dependent and adjoining but not integrated with the villages.
- We do not consider the proposed V6 employment area accords with the vision and objectives for the Gilston Area as set out in the Concept Framework and HGGT Vision. This type and scale of development would have better synergies as part of the Harlow Enterprise Zones which are a focus for regeneration and investment by the HGGT. This is evidenced in the Employment Land Review prepared by Savills in support of the outline planning application for Village 7.
- A conventional business park at the fringes of Village 6 served by the A414 will inevitably be a car-based development which would undermine the ambition to reduce the need to travel and promote sustainable travel modes. It would also present an urban fringe type of frontage to Village 6 and make limited contributions to community life. This approach is contrary to good practice set out in the TCPA publication Understanding Garden Villages (January 2018).
- The suggested allocation on a green space on the Eastwick Slopes, separating Village 6 from the A414, and an important lateral buffer between Eastwick and Village 7 also immediately overlooks, and is visible from, the Stort Valley. For these reasons it is environmentally unacceptable and contrary to other policies within the Gilston area.
- The additional signalised junction on the A414 will affect all traffic and the access road requires very extensive land cutting that seriously compromise the setting of the development and views from the Stort Valley immediately to the south. .
- Employment development should be planned as an integral part of the Village Masterplans to enrich the life of village centres and provide a range of employment spaces targeting the local community and reducing the need to travel.

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**Proposal:**

1. The VDAR (para 2.5) acknowledges that the final decision on the precise quantum and distribution of employment floorspace will be determined at a later stage following completion of a Needs Assessment. The identification of a residential/employment/residential area on the edge of Village 6 in Parameter Plan 5 is therefore considered to be premature and we are concerned that it will be treated as a fix and will constrain the masterplanning process following completion of the Needs Assessment.

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2. The employment notation should be removed from PP5. The key on Parameter Plan 5 does not include Village Centres. This should be added and should include reference to employment, retail and community uses in the Village Centres.

3. The Development Specification (para 3.3.5) should be amended to exclude reference to the zone to the south of Village 6 on PP5. The text should reflect the agreed vision and objectives for the Gilston Area and state that employment uses will be encouraged in the Village Centres or may be considered in suitable locations with good access to the sustainable transport network. Exact distribution will be determined as part of the masterplanning process following completion of the Needs Assessment and further technical analysis.

**Provision for Travellers****Issue:**

The allocation of land for gypsies and travellers is a very sensitive matter. This has been introduced at a very late stage of the outline planning application process and has not allowed for adequate consideration to be given to how this will be successfully integrated into the wider Gilston Area. It appears that the safeguarded sites have been included as an afterthought. Therefore, the identified sites do not appear to have been the subject of detailed assessment or scrutiny: one is located on the margin of the sites and the second within part of the green infrastructure network designed to be retained, in perpetuity, as green space. We are concerned that the proposals will be treated as fixed and this will reduce the possibility to address the matter sensitively and with coherence.

**Related to Planning Documents:**

For Approval:

PP5

Development Specification

**Development Aspirations:**

District Plan Policy GA1 identifies the requirement for the provision of two serviced sites to meet longer term needs beyond the plan period comprising a site which should deliver 15 plots for gypsies and travellers and a site with 8 plots for Travelling Showpeople.

This requirement should take account of Submission GANP Policy AG2 and Policy AG3 aiming at establishing a permanent green infrastructure network and providing an attractive countryside setting for the new and existing villages.

**Concerns:**

- The proposals have been added to the outline planning application in response to a request from East Herts Council. There is no evidence that an informed assessment has been undertaken. No design or location criteria are offered in the Development Specification or SDG.

An analysis of options does not appear to have been submitted, and the Landscape and Visual Impact Assessment has not been updated to address the identified sites. This analysis is required to demonstrate the relative merits of each option and ensure that they will not result in any unacceptable harm to landscape character and visual amenity

- The development of serviced sites for gypsies and travellers outside of Village boundaries is contrary to the objective of a green infrastructure network, retained in perpetuity, around villages. Development of serviced sites should be contained within the Village Developable Areas and should not be considered a suitable use within the landscape buffers or green corridors.

There is concern for the potential adverse landscape and visual effects of each site. The site to the south of V6 is located within a green corridor, which was identified to provide an important buffer between V6 and the A414, and laterally

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between Eastwick and Village 7, overlooking and visible from the Stort Valley; and the site to the north of V3 goes beyond the site boundary and the logical development limit of Golden Grove into currently open countryside.

- We are very concerned about the implications of safeguarding land without a more detailed assessment particularly given that the sites are required to meet longer-term needs beyond the plan period. Any longer-term needs should properly be assessed on a District wide basis and consider a range of site options; such an analysis has not been undertaken by EHC. Provision of this nature needs to be carefully planned and the exact location of the proposed pitches should be determined at the village masterplanning stage.
- Insufficient assessment has been undertaken to justify the safeguarding of sites at the outline planning stage.

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**Proposal:**

1. PP5 should be amended and the proposed safeguarding zones for gypsies and travellers sites should be removed.
2. The Development Specification (para 3.3.5) should be revised to reflect the changes to PP5. A statement should be included in para 3.3.6 to reiterate that the location of the sites will be identified at the masterplan stage and to include design criteria for safeguarded sites. This should include a requirement to minimise impact on the landscape character and setting of villages and the loss of green space outside Village Developable Areas.
3. The location and size of safeguarded sites should be defined as part of the masterplanning process, assuming any analysis across the District shows there to be a need post 2033.

**Biodiversity Net Gain****Issue:**

The development will impact on areas of ecological importance through the loss of vegetation and habitat as a result of construction activities and during the operational phase through recreation or urban disturbance effects such as noise or increased lighting. The Environmental Statement states that measures outlined in the Biodiversity Strategy and other planning documents will help ensure that the development delivers the applicant's commitment to deliver a minimum of 10% net biodiversity gain. However, there continues to be a lack of clarity about when / as part of which work stage proposals will be agreed and implemented.

**Related to Planning Documents:**

For Approval:

Development Specification (3.16 Biodiversity Principles and Appendix 6 Sustainability Strategy commitments)  
Strategic Design Guide (Strategic Principle 6iii)

Supporting information

Environmental Statement (Outline Ecological Management Plan)

Village Development Addendum Report (VDAR):

- Delivery Statement (Appendix 8)
- Draft Infrastructure Triggers (Appendix 11)

**Development Aspirations:**

District Plan Policy GA1 (III) states that development will be required to enhance the natural landscape providing a comprehensive green infrastructure network and net biodiversity gains.

Submission GANP Policy AG2 Creating a Connected Green Infrastructure Network seeks to ensure development retains and where possible enhances areas of ecological importance.

**Concerns:**

- It will be important to protect existing wildlife sites and biodiversity and retain wildlife connectivity across the wider area as the sites are developed. The government is to introduce a mandatory requirement for development to deliver biodiversity net gain of 10% at least and the development offers potential to achieve this in a number of ways for example, through the creation of biodiversity corridors between villages, species rich planted areas and woodland, and the restoration and enhancement of rivers and their corridors.
- Based on the information provided in support of the outline planning application, we simply do not know how the biodiversity benefits will be achieved. This is of significant concern given the extent of green belt land to be lost to development.
- There is concern that the applicant's Environmental studies are out of date, e.g. in the Stort Valley and fail to reflect current habitats and wildlife, e.g. presence of water voles and otters.

- 
- The draft infrastructure triggers give rise to concerns regarding the timing of essential landscape works. We are particularly concerned about the late delivery of the key strategic parklands Hunsdon Airfield Park and Eastwick Wood Park so late in the delivery programme. These areas are vital for the delivery of important landscape and visual mitigation measures such as offsetting the impacts of increased recreational pressure upon the character, quality, and visual amenity and biodiversity of the Stort Valley.

We would wish to see the timescale for landscape enhancement to be brought forward including a requirement for 'early wins' in the form of advance planting and woodland management. The requirement for biodiversity net gain should be stipulated in the planning obligations and appropriate planning conditions.

If specimen mature trees are to be felled to facilitate this development there needs to be a proper assessment of their qualities and ways of addressing such a loss. There is no evidence of this approach, for example, the detailed road application requires a c.100 year old oak tree to be acquired under CPO powers and felled without a proper case being made for such a loss.

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### **Proposal:**

1. The strategy commitments listed in the Development Specification Appendix 6, should be amended to include reference to habitat 'creation' in addition to habitat enhancement to mitigate adverse effects on biodiversity, landscape character and views. For example, it is proposed to create significant new woodland in Eastwick Wood Park, as confirmed within the Landscape and Visual Impact Assessment.
  2. The wording of Section 3.16 of the Development Specification should be strengthened to include a clear commitment to the delivery of net biodiversity gain and details of how this will be delivered. The requirements for the masterplanning process need to be clearly specified.
  3. The Biodiversity Principles need to be translated into a clear strategy for the delivery of net biodiversity gains and this should be reflected in the planning conditions and planning obligations.
  4. The proposed Infrastructure Triggers must be reviewed prior to finalisation of the HoTs of the s106 agreement to ensure funding and delivery is secured for the early implementation of landscaping, woodland management and habitat enhancement and creation to secure net biodiversity gains and to mitigate the impacts of development.
  5. Reference to the Biodiversity Net Gain Target in the Strategic Design Guide (Strategic Principle 6.iii Landscape and Green Infrastructure) requires amplification and should be cross referenced to the Biodiversity Principles in the Development Specification.
  6. A new approach to managing the village buffer areas and land not to be developed needs to be put in place now working with the community, as anticipated within Policy GA1, to secure biodiversity net gains. This should not be put on the 'back burner' until the majority of the housing has been built as the developers seek.
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## **LIST OF ABBREVIATIONS**

CF	Concept Framework
CSC	Central Stort Crossing
DS	Development Specification
EHC	East Herts District Council
ESC	Eastern Stort Crossing
GANP	Gilston Area Neighbourhood Plan
GI	Green Infrastructure
GT&TSP	Gypsy, Traveller & Travelling Showpeople
PP	Parameter Plan
PROW	Public Rights of Way
SDG	Strategic Design Guide
SLMP	Strategic Landscape Masterplan
STC	Sustainable Transport Corridor
V	Village
VDA	Village Developable Area
VDAR	Village Development Addendum Report
VMP	Village Masterplan

**Hunsdon, Eastwick and Gilston Neighbourhood Plan Group**  
**c/o Channoeks Farm**  
**Gilston**  
**Nr Harlow**  
**CM20 2RL**

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East Herts Council  
Wallfields,  
Pegs Lane  
Hertford SG13 8EQ

**SENT BY EMAIL**  
**FOR THE ATTENTION OF ADAM HALFORD**

1 November 2019

Dear Sir,

**Formal objection to highway proposals for Gilston Estate OPA and detailed highway applications made by Places for People - modification to original representation by the Hunsdon Eastwick and Gilston Neighbourhood Plan Group (HEGNPG)**

We refer to our letters of representations dated 9<sup>th</sup> August 2019 covering all three planning applications made by Places for People in respect of their Gilston proposals.

Since we made our representations we have commissioned independent professional highways advice. We have already recorded our strong objections to the proposal to realign the A414 through the middle of the existing Pye Corner residential neighbourhood from its existing route, one through a commercial area.

We attach our consultants summary presentation. Their work, we believe demonstrates; -

1. The realignment of the A414 through the residential areas of Pye Corner and into Harlow, via a new 'Eastern Crossing', is not merited by the Gilston scheme proposals. Both HCC and ECC, as the strategic highway authorities, have told us that this proposal is a 'developer led proposal' and that they have not made any assessments of the options or needs for a proposal diverting traffic from the A414 existing alignment. On this basis that the proposal is not being promoted by the highway authorities and is not needed by the scheme

we believe it is without merit, so should be rejected especially given the harm it causes to Pye Corner residents. HCC have consulted on the strategy for the A414 but not published the outcomes of that work; it is not for the Gilston project address any emerging needs for this road. Even if there was such a HCC led proposal that would need to be supported by a balanced option analysis and environmental assessment; we assume starting with an assessment of improvements to the A414's existing alignment? The reality is that HCC have assured us that they have done no such work so we believe the developers should be directed to manage the impacts of their proposals and not creating division of an existing residential community by driving a major road through the middle of it.

2. The design of the roads within the detailed road applications appear to be designed to cope with traffic generated on the assumption that existing levels of car usage will be maintained. The transport policy obligation we understand the developers are expected to achieve is to deliver a sustainable transport modal shift to 60% of journeys being by sustainable means of transport (so to walking/cycling/bus). In our view the roads proposed fail as they appear to favour car users and offer limited priority to sustainable modes as evidenced by: -

- The lack of a meaningful option appraisals, despite our requests over many years. The attached presentation, we commissioned demonstrates a range of options which we believe have not been considered before.
- The lack of clarity from the developers on what sustainable transport provision they will make to serve the new communities, from the outset of the development, as without the provision of sustainable transport alternatives from the start new residents will expect private cars to be the dominant means of transport.
- The proposal for a pedestrian and cyclist bridge at the Eastwick Roundabout seems only to be needed because of the unnecessary diversion of the A414 traffic to the Eastern crossing; if the existing traffic flow was maintained then a high quality at grade crossing can be achieved. This would support, and encourage, the shift of sustainable modes of transport; we do not believe a elevated cyclist and pedestrian bridge link does that.
- The lack of proposals for cycle and walkways connecting to Harlow Town Station with sufficient capacity and attractiveness to make it a desirable route to the station as a core public transport interface, including the bus interchange. These are needed by the proposals and their absence seems a fundamental flaw which must be addressed.
- The lack of any detail on the proposed new northern entrance to Harlow Town Station coupled with no developer commitment to fund it, and or, support from Network Rail, after apparently years of discussion.

- The lack of any facilities at the station to cater for the anticipated increase in the number of users, especially cyclists, alongside a better functioning public transport interchange at the station.

**In conclusion** we believe that, if the scheme, as anticipated within the East Herts Local Plan, is to progress there needs to be a proper option review of the highway proposals put forward by the developers, as a Group we will actively engage with such work. In advance of this work being done the current applications should be withdrawn.

Yours faithfully,

**Anthony Bickmore, Chairman, HEGNPG**

Cc Cllr Eric Buckmaster EHC and HCC  
HGGTB

Macintosh HD:Users:davidbickmore:Documents:2019:Gilston planning 19:2019.11.1\_modification to road planning applications as sent.docx

# Gilston Park Estate

## Traffic Intervention Options



## 60% sustainable travel mode share target

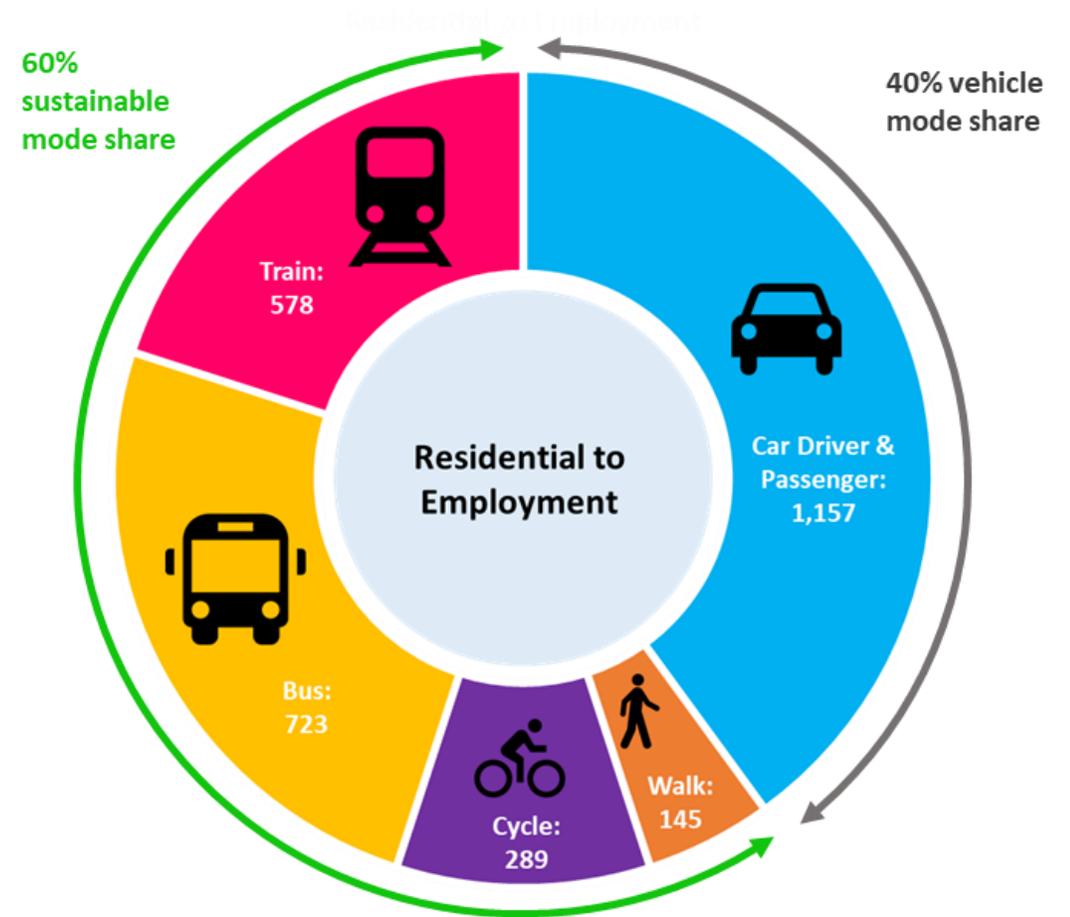
- GPE planning application is predicated on achieving a 60% sustainable travel mode share target.
- Development proposals should therefore focus as much, if not more, effort on sustainable travel as it does highways.
- This requires a switch of 1,200 car trips [based on existing Vectos forecasts base assumption] in the peak hour.

*Ambitious but not entirely unachievable.....*

*How is this done.....*

1. Prioritise sustainable travel choices (walking, cycling and public transport) both within the village and to the outside.
2. Discourage the use of the car through design and operation.
3. Agree a strategy for what happens should then 60% sustainable mode share not be achieved.

### AM Peak Hour – 60% Sustainable Travel Mode Share (based on Vectos trip generation forecasts)

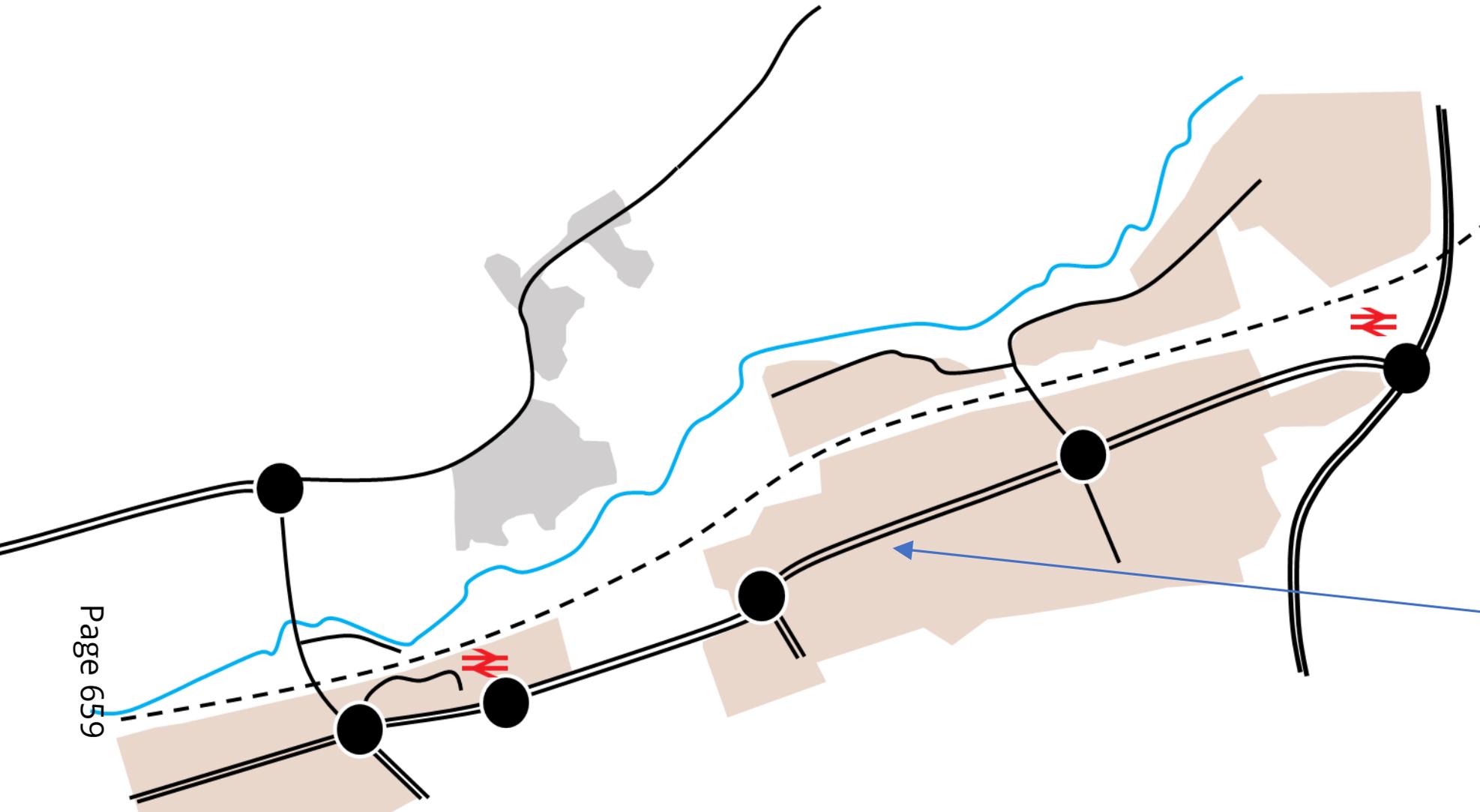


# Gilston Park Estate

## Existing Road Network

Eastwick Road currently provides a link between the A414 (Eastwick Road) to the northwest of Harlow and Sawbridgeworth via Terling's Park, Pye Corner and High Wych.

Traffic travelling through Harlow do so along Edinburgh Way which runs to the north of the town centre on a similar alignment to the railway.

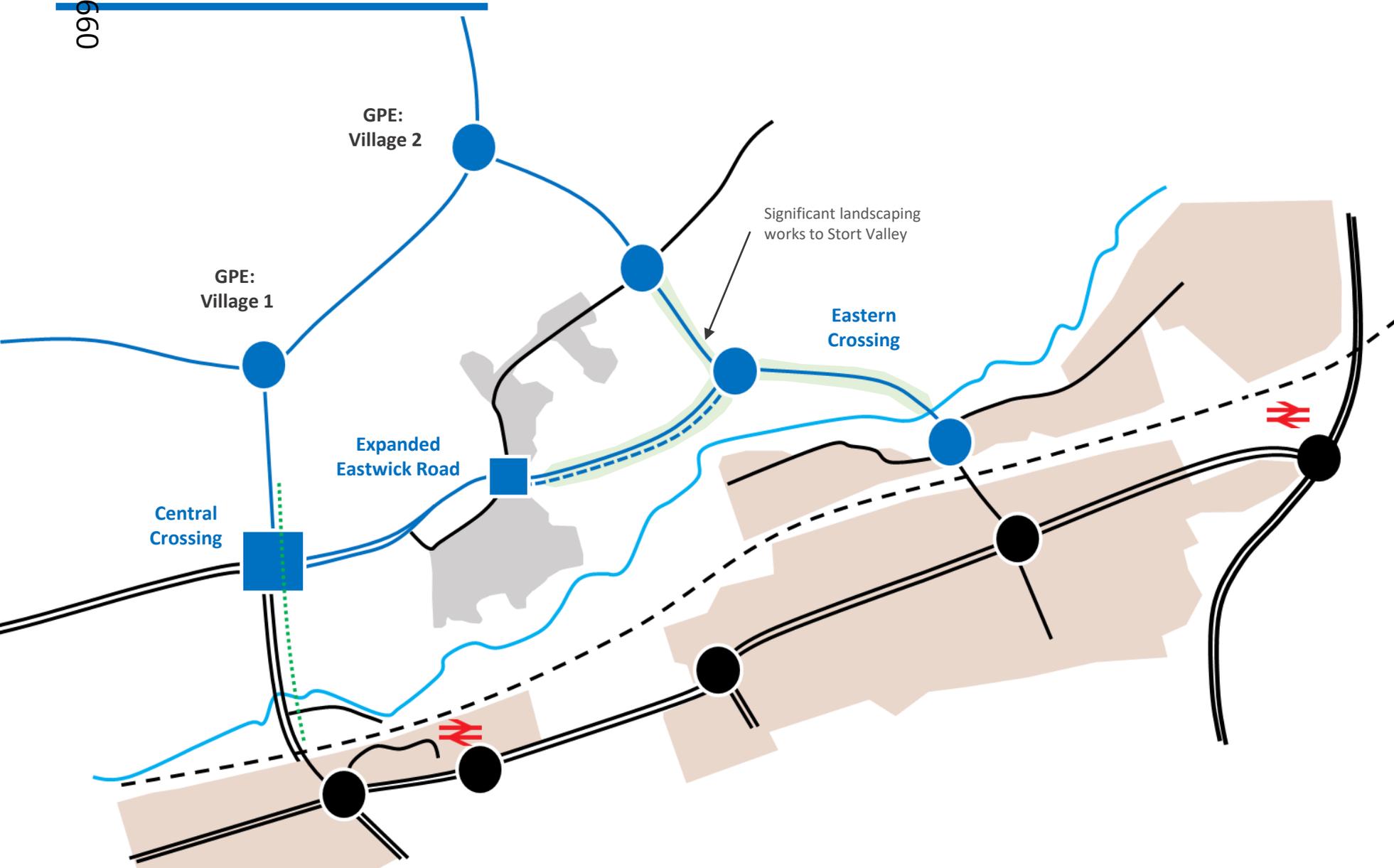


Edinburgh Way 'dualling' scheme currently under construction between Cambridge Road and River Way junctions.

[https://www.essexhighways.org/uploads/Highway-Schemes/Major-Schemes/Edinburgh-Way-Harlow/A414\\_Notice%20Board\\_June19.pdf](https://www.essexhighways.org/uploads/Highway-Schemes/Major-Schemes/Edinburgh-Way-Harlow/A414_Notice%20Board_June19.pdf)

# Gilston Park Estate

## Detailed Application Proposals (Hybrid Approach)



Detailed GPE application proposes the following highway infrastructure:

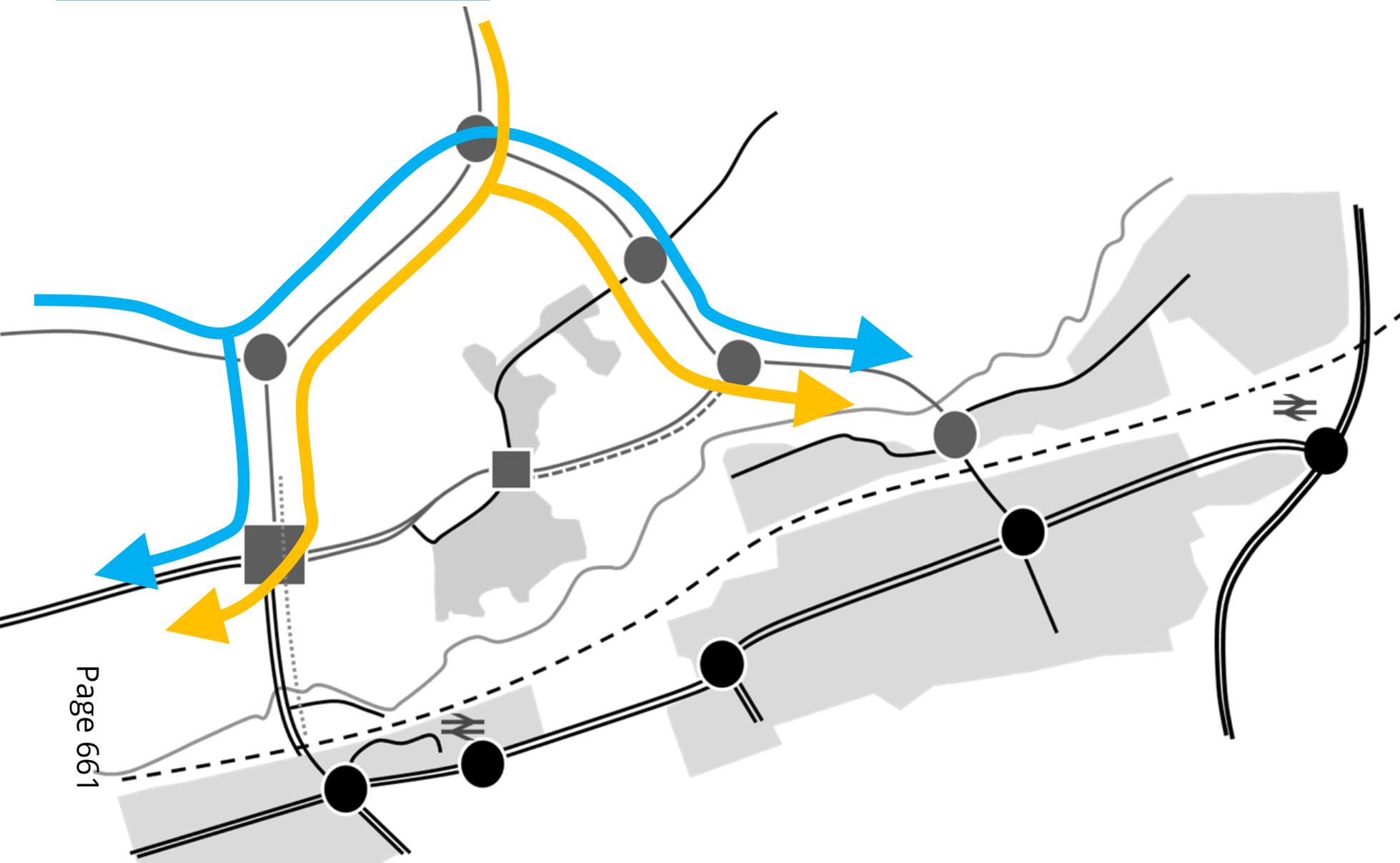
- **Central Crossing:** upgrades to Fifth Avenue with a new large signalised junction with the Eastwick Road providing access to Village 1.
- **Eastern Crossing:** a new junction on River Way providing access to Village.
- **Expanded Eastwick Road:** linking the Eastern and Central Crossing with safeguarded areas for future dualling to increase capacity further.

**Key:**

- Existing Road
- Proposed Road
- Roundabout
- Signalised Junction
- Cycle Route

# Gilston Park Estate

## Detailed Application Proposals



Expanded Eastwick Road fulfils few functions for residents of the GPE site.

Any new resident within GPA will be able to reasonably access the wider road network to either the east or west of Harlow via the road network provided within the GPE site without the use of the Expanded Eastwick Road.

### Key:

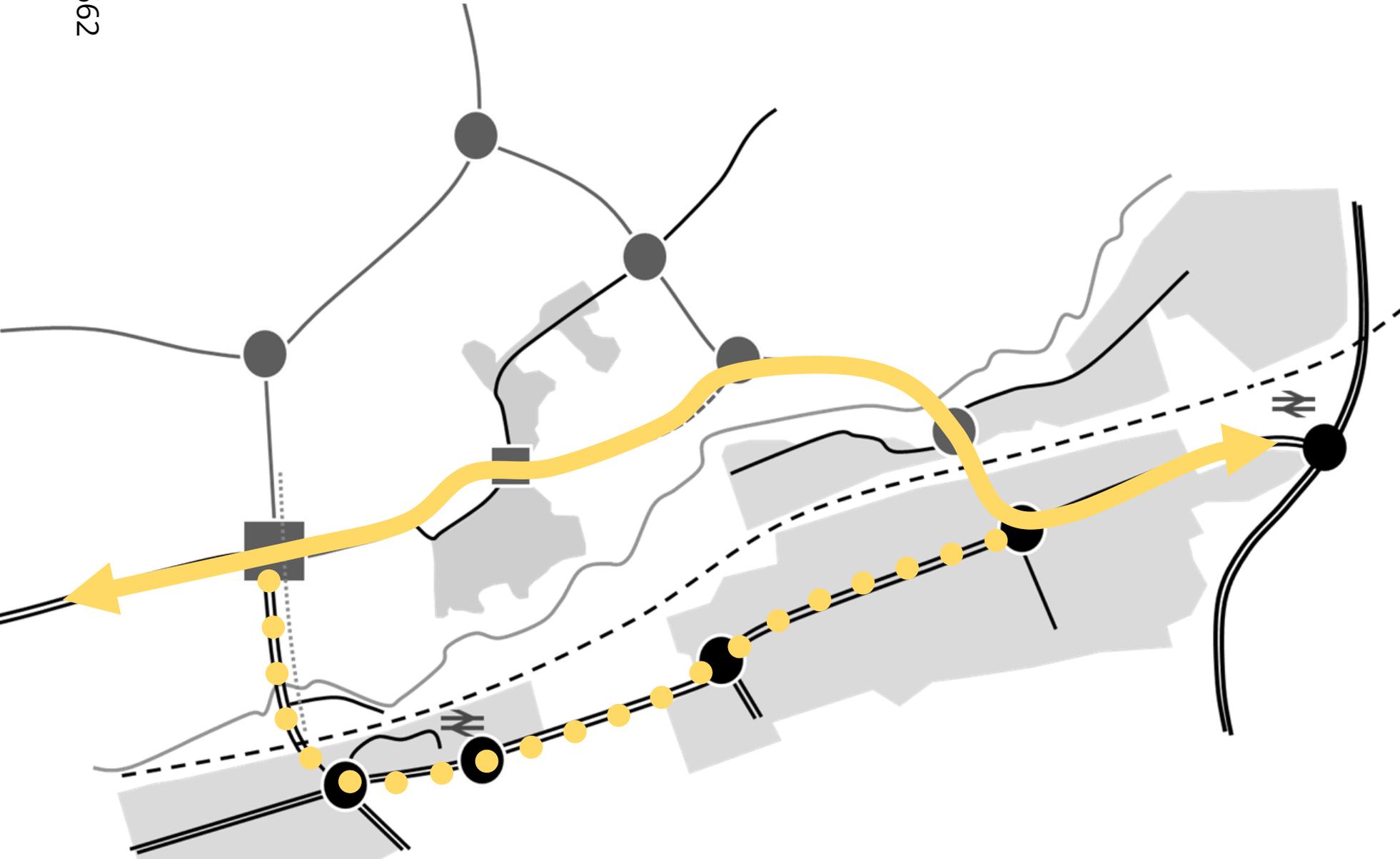
Existing Road

Proposed Road



Roundabout

Signalised Junction



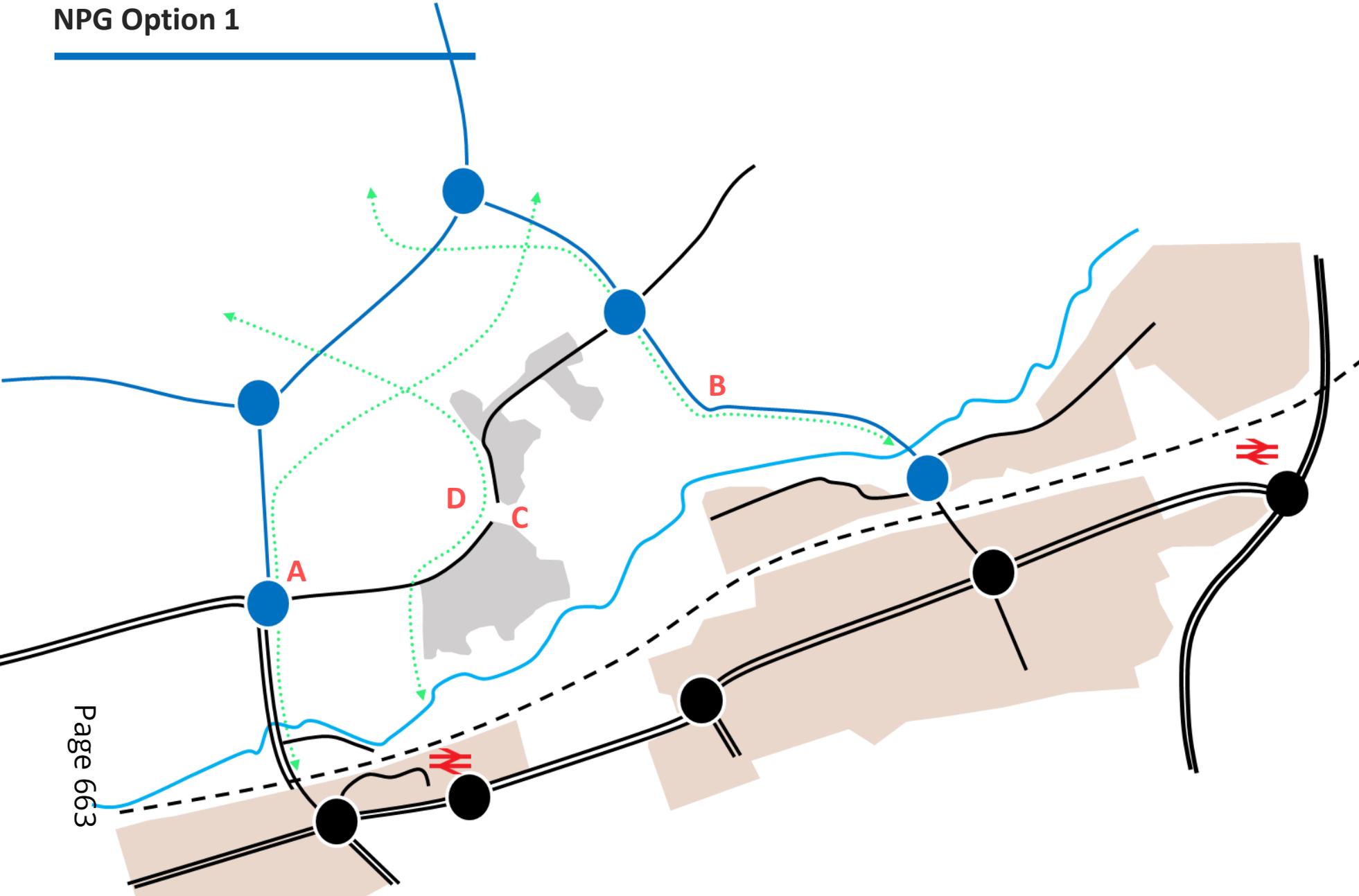
The Expanded Eastwick Road is therefore believed to primarily become a 'relief' road for existing trips travelling through Harlow with few localised functions.

The NPG therefore does not believe that the Expanded Eastwick Road is an absolute requirement of the GPE development.

We have therefore explored how the existing Eastwick Road could be treated differently to reduce the impact of the scheme on Terling's Park and Pye Corner.

# Gilston Park Estate

## NPG Option 1



Option 1 assumes that the existing Eastwick Road through Pye Corner and Terlings Park is dissected at Fiddlers Brook.

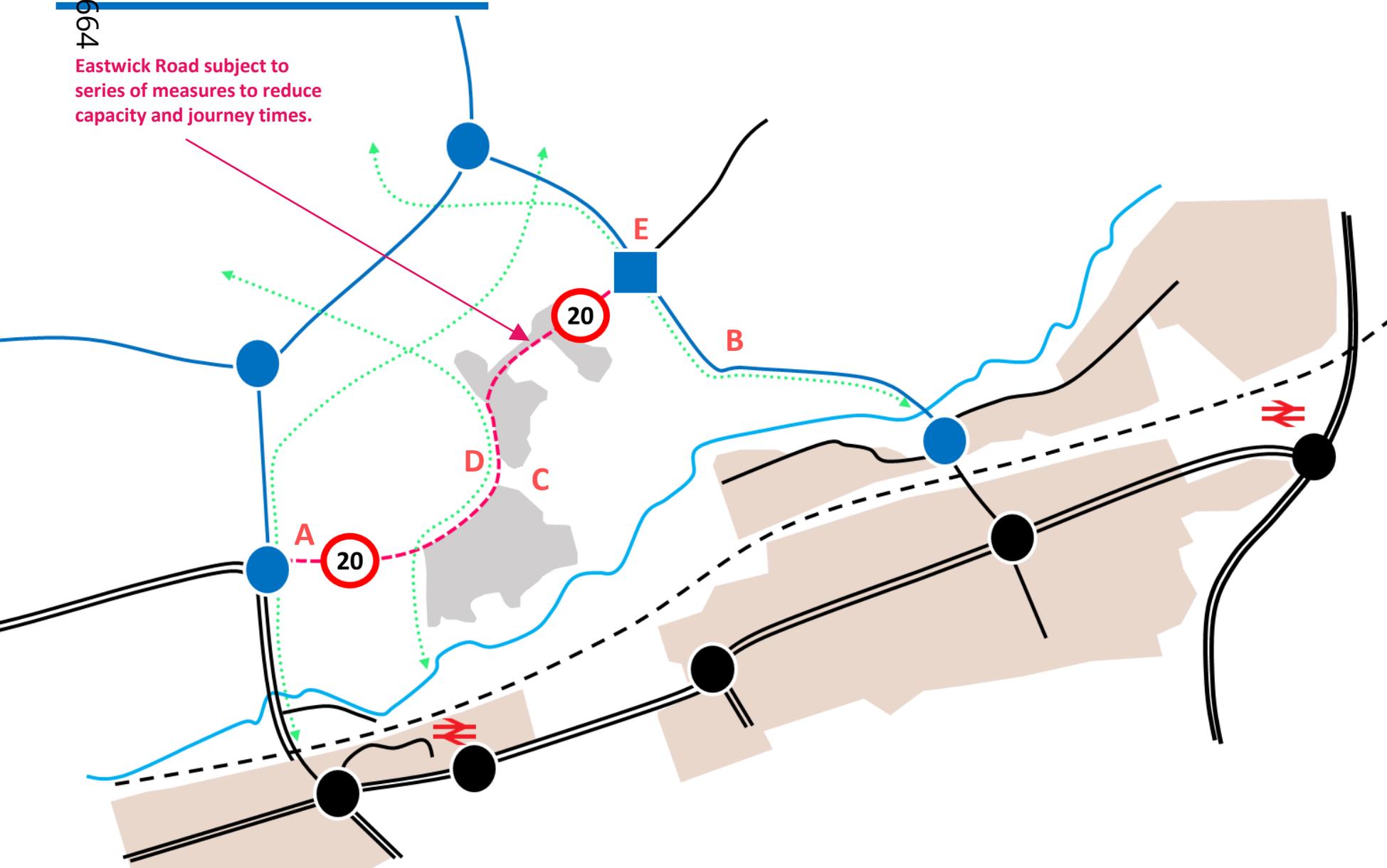
This would significantly reduce traffic on Eastwick Road re-routing existing through traffic and creating a much improved environment for pedestrians and cyclists between GPE and the Harlow Station.

- A** Reduced Eastwick Road junction enables removal of pedestrian/cycle bridge.
- B** Removal of Expanded Eastwick Road eliminates requirement for a roundabout on the Eastern Crossing.
- C** Fiddlers Brook bridge and signalised junction removed.
- D** Amendments to Eastwick Road results in lower traffic volumes creating significant opportunities for pedestrian and cycle links between GPE and Harlow.

# Gilston Park Estate

## Page 664 NPG Option 2

Eastwick Road subject to series of measures to reduce capacity and journey times.

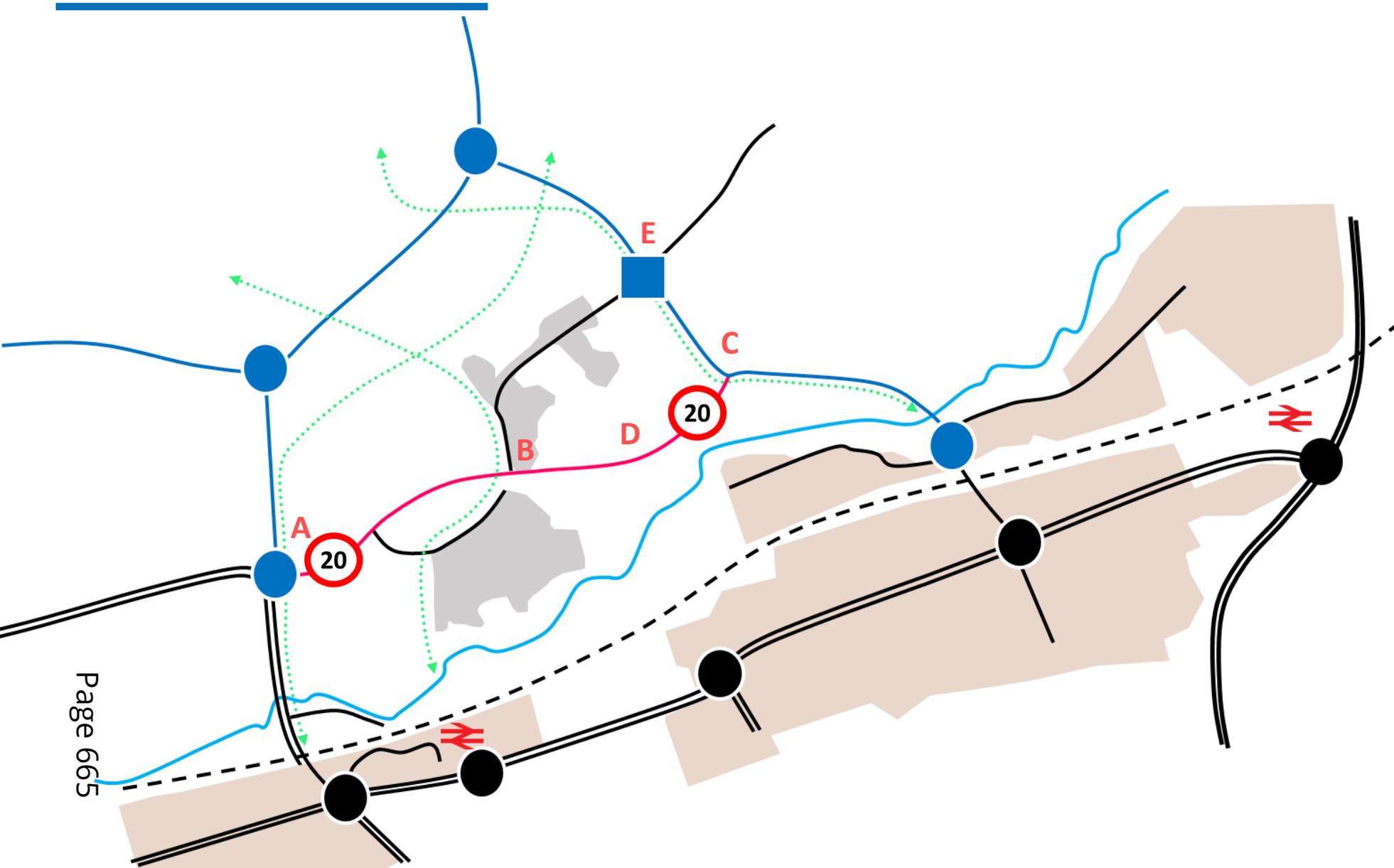


Option 2 assumes Eastwick Road exists on its current alignment but is subject to significant traffic calming to reduce traffic volume through Pye Corner and Terling's Park.

- A** Reduced Eastwick Road junction enables removal of pedestrian/cycle bridge.
- B** Removal of Expanded Eastwick Road eliminates requirement for a roundabout on the Eastern Crossing.
- C** Fiddlers Brook bridge and signalised junction removed
- D** Local traffic is still able to make through movements along Eastwick Road with traffic calming reducing the likelihood of rat-running and no requirement for a bridge.
- E** Signalised junction at to the east of Pye Corner to restrict movements into Eastwick Road.

# Gilston Park Estate

## NPG Option 3



Option 3 assumes Eastwick Road is diverted in a similar manner to the GPE proposals but with much reduced scale thereby reducing the overall impact on residents of Terlings Park and Pye Corner.

- A** Reduced Eastwick Road junction enables removal of pedestrian/cycle bridge.
- B** Priority Junctions on Eastwick Road remove the need for large signalised crossing and bridge at Fiddlers Brook.
- C** Priority 'left turn only' junction on to Eastern Crossing reduces likelihood of significant rat-running whilst maintaining local trips to High Wych.
- D** Reduced landscape impact in comparison to GPE Detailed Application.
- E** Signalised junction at to the east of Pye Corner to restrict movements into Eastwick Road.

# Summary

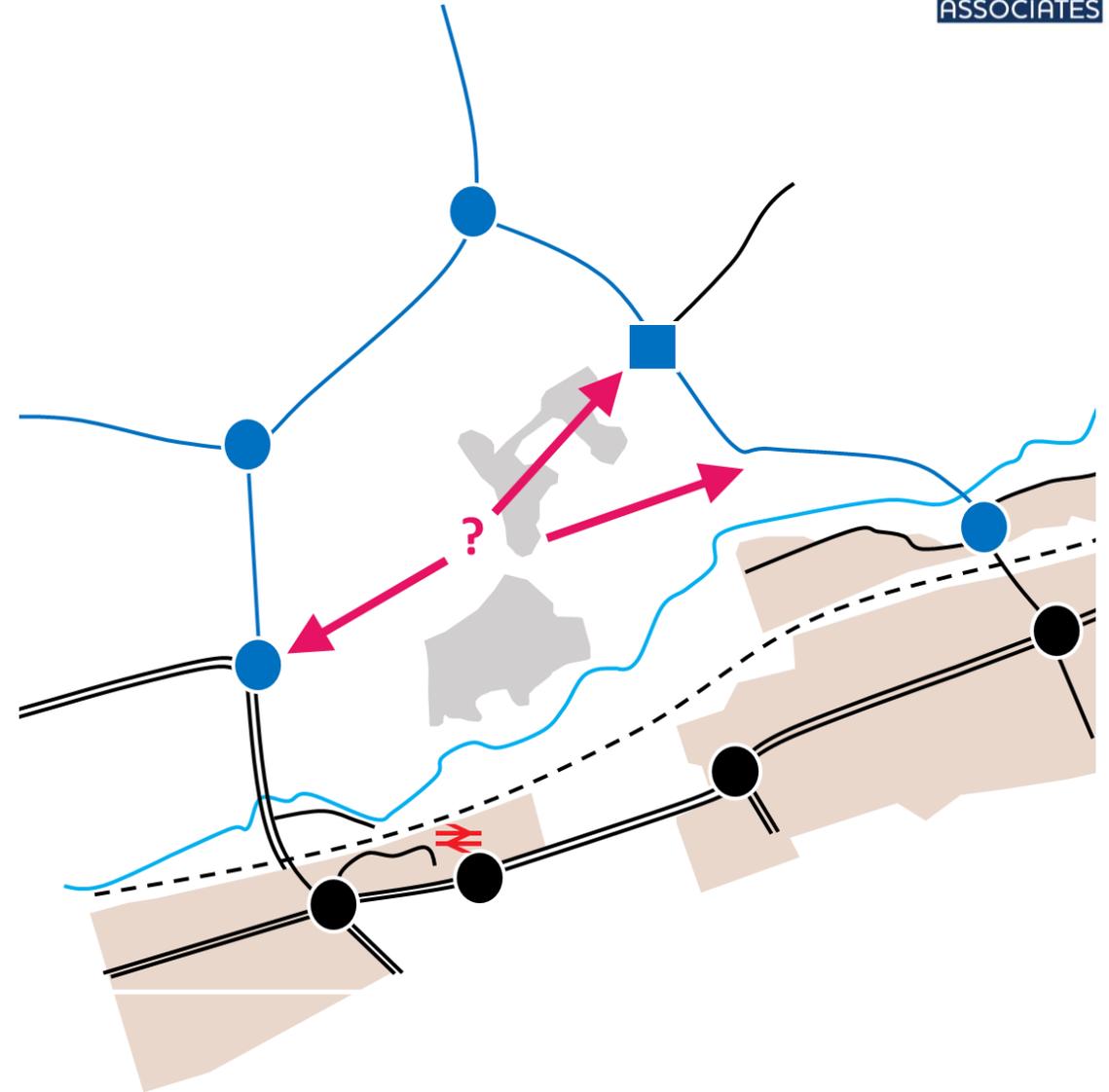
## Overview

Page 666

Access between the Eastern Crossing and Central Crossing's is not considered to be component driven by the need for the GPE development. By not providing the Expanded Eastwick Road the Eastern and Central Crossing junctions can in turn become smaller reducing the overall impact of the schemes in the Stort Valley.

In summary:

- HCC and ECC have confirmed that the GPE development option is not driven by any County wide improvements and that it is a 'developers proposal'
- The benefits of the realigned and Expanded Eastwick Road between the Central and Eastern Crossings are not demonstrated and risk undermining the sustainable travel target of 60%.
- The development should be capable of being served without the Expanded Eastwick Road.
- The impacts of the Expanded Eastwick Road are therefore unnecessary for delivery by the development and further impacting:
  - severance / pollution / landscape / environment / prejudice sustainable movement
- Options that provide adequate infrastructure to serve the development and good access to existing communities are needed to optimise the balance of sustainable transport and vehicle trips





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## Harlow District Council – 27<sup>th</sup> January 2023

In response to the initial consultation Harlow Council advised that whilst supportive of the development of the Gilston Area there were matters that needed to be addressed before they could determine whether it was supportive of the specific application.

In summary the main matters raised related to:

- Lack of adequate detail within the parameter plans, and concern regarding potential building heights in some locations
- Lack of clarity on the Development Specification, including the amount of floorspace for each use.
- inconsistencies in the Strategic Design Guide.
- More work needed on the S106, lack of information regarding Sustainable Transport Infrastructure. A comprehensive review of requirements needs to be carried out to ensure all are captured in the S106.
- Lack of clarity on to how all the strategies and commitments in the submission will be achieved
- Green Infrastructure and open spaces need to include green wedges and fingers to help achieve a cohesive identity for the Garden Town. Separation of the villages needs to be clearer.
- -Greater commitment to job creation is required to meet the Growth and regeneration objectives of the Garden Town.
- Inclusion of Social Rented housing would be beneficial and would welcome further engagement in respect of the affordable housing mix.
- More work is needed to ensure that the work required to secure 60% sustainable travel mode share from the start as there are concerns that the goal may not be met.
- In response to the 2<sup>nd</sup> consultation the HDC made the following comments;
- The Council supports the amendments on design of the site accesses and the commitments to internal circulation principles.
- The current planning obligations, as set out, fall short of the commitments required to meet policy.
- In particular;
- Lack of clear commitment to HGGT principles
- Lack of commitment to funding for, and timely delivery of, the Stort Valley Crossings and proportional contributions to the funding of the Sustainable Transport Corridor network
- how the application will support effective use of the Housing Investment Grant (HIG)
- Inadequate details of affordable housing for Harlow residents to support social mobility; provision of adequate employment land and; energy strategy measures; and future community facility stewardship arrangements.

- No Memorandum of Understanding between the applicant and the Village 7 owners to show a shared commitment.

HDC advised that they would like to remain engaged in the application process with regard to the S106 obligations and conditions.

In response to the final consultation HDC provided the following comments:

The applicant's final viability submission, and its conclusions are generally accepted, on the basis of the independent specialist scrutiny advice EHDC has received.

HDC **supports** the proposed balance of infrastructure, affordable housing provision and associated use of the Housing Infrastructure Grant (HIG) but require the delivery of infrastructure in the timely manner. HDC accept matters relating to the Legal agreement will be secured duly but attention should be paid to the uncertainty currently at play.

HDC continue to **support** the delivery of villages 1-6 of the Gilston Garden Community development.

Policy HGT1 of the Harlow Local Development Plan sets out a series of principles which Harlow seeks to secure in all new Garden Communities including Gilston. Harlow expect the proposal to be in accordance with policy HGT1, the Garden Town documents and strategies. Importantly, this includes 60% of all journeys being by sustainable modes and the provision of all infrastructure requirements identified as needed for the development.

Comments on Highway grounds;

- The trigger point for the Central Stort Crossing (CSC) should be set at 1,500 dwellings – as proposed by the applicant.
- The trigger point for completion of Eastern Stort Crossing (ESC) should be set at 3,250 units.
- capacity improvement and sustainable transport measures are required to be delivered at A414 Edinburgh Way/River Way junction. These should be delivered by the developer in line with the agreed ESC trigger
- The delivery of the Edinburgh Way / Howard Way/ OI junction should take place when the CSC is delivered at 1,500 dwellings.
- That the applicant remains committed to working collaboratively with HGGT partners through the Transport Review Group (TRG) to achieve the 60% mode share targets for Gilston
- the application must ensure a robust monitoring framework with annual monitoring is in place in accordance with GA1 of the East Herts Development Plan.
- If the monitoring identifies a failure in mode share targets (and/or any other agreed parameters), East Hertfordshire District Council should take appropriate action.

## Comments on The Planning Agreement

Concerned that there remains some uncertainty on some aspects of the planning obligations; and advise that EHDC should ensure:

- A phase related viability review mechanism and an agreement on how any future surplus payments achieved will be deployed.
- Shared HGGT wide affordable housing nomination rights and application of a formal nominations protocol and a local lettings plan
- Long term local centre land reservations and provision arrangements.
- Long term employment land reservations to meet full Development Plan requirements and provision arrangements in case of market failure.
- A robust skills and employment plan that provides benefit to the local workforce
- Community Trust led stewardship arrangements that are defined in terms of land ownership, business planning and funding sources. and provide a framework for future expansion to create a unified HGGT Community Trust.

### **Hertfordshire County Council 16<sup>th</sup> January 2023**

HCC is satisfied the service and highways infrastructure requirements pass the tests set out in Regulation 122 (2) of the Community Infrastructure Regulations 2015 (as amended by the 2011 and 2019 Regulations), and as policy tests at paragraph 57 in the NPPF (National Planning Policy Framework). HCC's support to the application is contingent on those infrastructure requirements being satisfied.

#### Highways

HCC Seeks further flexibility with regard to Transport Hubs, given mobility hubs are an emerging concept in the UK and guidance for mobility hubs being developed by both HCC and ECC is still to be finalised.

From a highways and movement perspective, HCC has previously set out the infrastructure requirements and triggers for delivery required to ensure that the application proposals (and those subject of the application in neighbouring village 7), can be accommodated without unacceptable impact on the highway network. They are also necessary to ensure that the development is successful in achieving mode share targets, facilitating active travel/public transport, the hierarchy of movement set out in LTP4 and deliver on the Garden Town principles to which the applicants, EHDC, HCC and other Garden Town Partners are committed. It remains the case that, from a Highways perspective, these mitigations are required for HCC to support the application.

## Access to Village 6:

With respect to the Village 6 access, the Highway Authority notes that all the access points are submitted for detailed planning. The Village 6 access should only come forward should the Village 7 access not be built. However, the site forms part of one comprehensive allocation in policy GA1 and it is therefore appropriate to consider the delivery of the whole and the interrelationship of the different applications. Furthermore, Policy DES1 of the adopted Local Plan states that "III. In order to ensure that sites are planned and delivered comprehensively, any application for development on part of the site will be assessed against its contribution to the Masterplan as a whole" – adopted policy supporting our view articulated here.

As such, the access (shown for Village 6) is a substantial construction, including bus priority provision and closely mirrors what is presently proposed for the Village 7 access from the A414 (*a development of some 1,500 homes plus significant community, neighbourhood and education facilities*).

It is noted that the proposed Village 6 general arrangement access is illustrated on drawing number VD17516-V6-100-GA Rev P02. The planning submission materials notes the following:

*"Access into Village 6 – A western access to Gilston Park Estate will comprise a signal controlled vehicular, pedestrian and cycle access off the A414. The design features bus priority measures and signal controlled pedestrian crossings."*

The Highway Authority also has concern with respect to the crossing opportunities for pedestrians and cyclists, as on the southern side of the A414 there is no connecting link detailed on the submitted drawing. The drawing(s) should in the first instance show a through connection to Parndon Mill. The lack of such a facility leads to doubt with respect to pedestrian/cyclist safety and sustainable travel from Village 6 to destinations towards Parndon Mill and Harlow. If approved, this would be contrary to the objectives of HCC's LTP4 which aims to support and prioritise sustainable travel (Policy 1), in addition to HGGT's Transport Strategy which sets the objective of 60% of all trips originating or ending in new communities to be made by sustainable modes.

Similarly, there is a possibility that the access would be installed and subsequently removed following installation of the Village 7 access and the associated connection of the STC between Village 7 and Village 6. There have been discussions around the situations whereby a Village 6 access could be retained to serve limited facilities such as an emergency services hub. Once it is considered the situations whereby the access might be delivered,

altered or removed, and taking into account the above policy context in addition to the fact that V6 is still due to be masterplanned, the Highway Authority has formed the view that it would not be appropriate to approve the proposed Village 6 access in detail (as per the other access points), as we have concerns regarding the form of the access, which still need to be addressed.

We suggest that it would be more appropriate to approve the Village 6 access in outline, the principle of the access being accepted in certain conditions. We consider that the detail of the appropriate access could be delayed to the point when there is greater clarity on its function. The evidence submitted to support the planning application clearly shows that a third point of access to serve the Village 1 – 6 development is only required at 3000 homes, similarly the indicative phasing does not envisage Village 6 coming forward until the end of the buildout of the site. As such we would suggest it would be far more appropriate to consider the detail of the Village 6 access as part of the masterplanning process for the village.

Given the above concerns, the Highway Authority preference is not to permit detailed permission for the Village 6 access at this point. However, should the LPA be minded to approve the access we would first require clarity on how walking and cycling provision proposed for the junction will connect to the walking and cycling network south of the A414, we need to be confident that this is deliverable to ensure policy compliance with LTP4 principles.

In summary, with respect to the Village 6 access the Highway Authority does not wish to object to the general principle of a safe and suitable access being formed at the shown point. However, in its current form (as shown in the Development Specification Part 2 document), the Highway Authority believes that there is an element of risk in approving such a substantial access which is not fit for purpose in its current form. The Highway Authority recommends that the Local Planning Authority considers the suggested condition or the removal of the access as part of the detailed planning permission. As noted, the principle of access may be acceptable, but at this present point (where there are a number of unknown variables), including with respect to Village 7 and the Village 6 Masterplanning, the Highway Authority does not presently recommend approval of the application in its current form.

The support of the Highway Authority to the application is contingent on the above matters being resolved and associated infrastructure requirements being satisfied.

## Children's Services Comment

Providing the planning permission caters for the totality of potential primary (17FE primary, with 3 FE at V7 and 20 FE secondary) then the outline planning permission will comply with the requirements of Policy GA1. The role of the Education Review Group (ERG) in its overview capacity reviewing the dynamic education strategy appears to be something that is now settled between us and the applicants.

HCC welcomes the addition of an infrastructure package towards SEND education.

## Archaeology

Recommends the following provisions be made should if planning approval is granted:

1. *A systematic programme of non-intrusive geophysical survey of the Village Development and ancillary areas of land (as appropriate), carried out by an appropriately qualified specialist, prior to any development commencing.*
2. *The archaeological field evaluation, via trial trenching, of the Village Development and ancillary areas of land (as appropriate), of the proposed development area, prior to any development taking place;*
3. *Such appropriate mitigation measures indicated as necessary by these evaluations. These may include:*
  - a) *the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development;*
  - b) *the appropriate archaeological excavation of any remains before any development commences on the site;*
  - c) *the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);*
4. *The analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;*
5. *Such other provisions as may be necessary to protect the archaeological and historic interests of the site.*

The further evaluation of the site via geophysical survey and trial trenching should be carried out prior to, and should inform, the finalisation of detailed Village Masterplans, and the submission of planning applications for Reserved Matters consent.

## Ecology

HCC makes detailed comments in the response dated 16<sup>th</sup> January 2023.

Assuming the claims for existing / future habitats, their retention, creation and enhancement can be justified and delivered in practice, I have no fundamental reason to object to the net results of the assessments. Each distinct habitat type assessed shows a significant increase as a result of BNG, considerably above the minimum of 10%. This is welcomed but given the rather bland arable fields present, not particularly surprising. However successful delivery will critically depend on the success of compensation, enhancement and land management.

To summarise the metric, there is a clear increase in BU following development, although this is predictable given the land availability and its nature within the site. Whilst this is acknowledged, the development will generate indirect impacts the consequences of which are unknown. However, I have no reason to question the BNG figures otherwise.

Nevertheless, because the Trading Rules have yet to be adequately satisfied in respect of the loss of the specialised habitat area of colonising plants, which clearly has been confirmed as supporting considerable interest. There is sufficient room to address this through compensation and special management within the Gilston Park Estate, and this will be expected to be demonstrated at Reserved Matters.

Despite the demonstrable BNG, I also remain of the opinion that the losses of farmland ecology to development are still underestimated in the impact assessments. However, with BNG the possibility for any negative impact assessments is almost redundant as all appropriate developments will generate enhancements by default – at least in the metric. This is not wholly credible where substantive existing losses are compared with only potential / future gains. However, this does place greater emphasis on delivering the proposed habitat enhancements to ensure long term BNG is successfully achieved, and the proposals and Stewardship arrangement proposals do seek to demonstrate this.

Consequently, the application can be determined accordingly.

## Fire and rescue

HCC has indicated that it would be prepared to consider a site for Fire and Rescue/ emergency services use being provided in V6, subject to the caveats regarding access and masterplanning which are set out by the Highway Authority in the Highways section 2 of this response above.

To be clear, HCC has indicated that it is prepared to forego the financial contribution set out in the IDP 2019 subject to land for the provision of fire station being made available. The reciprocal arrangements between Essex Fire and Rescue and Hertfordshire Fire and Rescue relating to small hamlets either side of the County boundary are not considered in any shape or form to be a suitable proxy for the provision of adequate service cover for a new settlement which will ultimately have a population similar to that of Hertford.

### Growth & Infrastructure Unit

From a services perspective, Appendix A to the 3<sup>rd</sup> October HCC consultation response sets out the matters that need to be delivered through the Section 106 agreement required to ensure that the Gilston application(s) deliver the infrastructure required to mitigate the impacts of the development. Matters such as education contributions at primary and secondary, for temporary provision and off site school transport, Early Years provision, Youth provision, the library contribution for Recycling Centres and for Extra Care housing are set out in that response (and in previous responses or position updates on service needs) and need to be secured through appropriately worded obligations in a Section 106 legal agreement.

Insofar as this consultation and viability update is concerned, the revised viability update provides the confidence that the applicants are offering the required proportionate SEND contribution, though further discussion is required in relation to triggers.

The issue of provision of a fire station site (or a wider Emergency Services Hub if the element of police need is still being sought by the LPA) remains to be satisfactorily resolved. For the reasons outlined in section 6 above, it is required. While a site in Village 6 would potentially be acceptable, the caveats to that location from an access perspective are set out in Section 2 – the highway Authority comments above.

From HCC's perspective, it is important that the full range of service delivery community infrastructure asks are satisfactorily provided for and secured through a Section 106 legal agreement (noting that in some cases provision within the Village 1 to 6 part of the site should also be reflected in proportionate contributions from the Village 7 proposals – the subject of a separate planning application). It is the combination of the two that will ensure the comprehensive development which Policy GA1 envisages.

We remain committed to working in collaborative partnership with the LPA, the applicants and wider HGGT partners and stakeholders in seeking to deliver a quality place at Gilston. From the collaborative, but paused, work on the SLMP and V1MP, we are aware of the importance of the stewardship arrangements for the long term in multiple areas of delivery,

long term maintenance and management. As set out at 1.1 ii above, Appendix A contains the thoughts of GIU, Education, and Highways, including Countryside and Public Rights of Way – and has been influenced by contributions and thoughts made by colleagues to various Stewardship and Masterplanning meetings over the past 2/3 years.

#### Local Lead Flood Authority

Following our review of the above documents and additional information submitted in support of the above application, we can confirm we have **no objection** in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

As the proposed scheme has yet to provide the final detail and in order to secure appropriate principles of sustainable drainage systems, recommend several planning conditions should planning permission be granted.

#### Minerals & Waste Planning Authority

A Site Waste Management Plan and Construction Environmental Management Plan should be required by condition.

A development of this scale must ensure that sufficient consideration has been given to the waste arising and where it can be disposed of. Makes detailed comments regarding the handling of waste during construction.

#### Public Health

Recommend that the Strategic Design Guide is required as a condition of planning to make explicit reference, and commits to adhere to, the HGGT Healthy Towns Framework as a guiding document.

The Health and Wellbeing Strategy also sets out a commitment for further engagement with the wider health and social care system. We fully support and encourage this as this firmly meets Principle 1 of the HGGT Healthy Towns Framework.

Recommend early, system-wide, engagement in masterplanning and that the Applicant considers achieving this through direct engagement with the Hertfordshire and West Essex STP (now known as the Herts and West Essex Integrated Care System).

Recommend that further, standalone, Health Impact Assessments are undertaken to deal with the missing detail that will emerge through masterplanning and dealing with reserved

matters – and that these are required as a condition of planning as an when individual village applications are submitted.

### Youth Services Hertfordshire

The requirement for access to floorspace to meet youth needs, somewhere in villages 1 to 6 (and 7) and a specification for that use was included in the HCC consultation response in August 2019. Additionally, a financial contribution of £416,887.06 was sought to support the delivery of the services.

The revised Development Specification Document (which is a document for Approval for as part of the planning permission), explicitly includes provision of facilities for young people.

This specification was shared with the service in August 2020 and the offer being made by the applicants is consistent with their requirements.

Therefore, subject to the S106 agreement securing;

- 1) the provision of the floorspace as set out above, and as described in the Spec accompanying the original HCC response, and
- 2) the financial contribution of £416,887.06

The impacts of the development and need of the service will be addressed through the planning permission.

### Waste Disposal Authority

The need for contributions to mitigate against the increased demand for waste disposal capacity, (specifically Recycling Centre capacity), was set out in section 13 of the original HCC consultation response in August 2019. NB Hertfordshire's HWRCs have been rebranded as simply Recycling Centres since the original response.

### Library Services

The need for contributions in order to mitigate increased demand for library services remains as expressed in section 12 of the original consultation response in August 2019. As required in the HGGT IDP, HCC is seeking a contribution of £1,913,244 towards library services.

## **Essex County Council – 27<sup>th</sup> January 2023**

- Previous comments and recommendations set out in the 2021 response should be considered when determining the application.
- Maintain that Harlow is protected from the impacts of the development given its scale and location and taken on delivery of a Sustainable Transport Corridor (STC) into Harlow and forms a key part of the wider HGGT transport strategy and will help mitigate impacts of the development.
- The HIG agreements signed by partners including the applicant, in 2021 contractually committed the developer to deliver the ESC by 2027. This is the most desirable outcome in order to maximise its benefits in relation to the new housebuilding. Due to the nature of the ESC being a large and complex project and that the planning application for housing has taken longer to bring forward, in light of this it is expected the ESC to be delivered at the latest by 2031. The developer has emphasised that they recognise the importance of the ESC in the wider interests of the development and associated traffic network.
- Expects the sustainable transport package and transport management across the development cycle to be implemented in full and support is given on this basis.
- ECC supports the amended application subject to issues being clearly addressed in decision and provided:
  - a. the trigger point for completion of Eastern Stort Crossing should be set at 3,250 units at the latest.
  - b. that the applicant remains committed to working collaboratively with HGGT partners through the Transport Review Group (TRG) to achieve the 60% mode share targets including through exemplary design and sustainable transport measures, which should be set out in the Group's Terms of Reference.
  - c. that the application will ensure a robust monitoring framework with annual monitoring is in place.
  - d. that, if the monitoring subsequently identifies that the mode share targets (and/or any other agreed parameters) are not being met, the Local Planning Authority / East Hertfordshire District Council will take appropriate action [in conjunction with other HGGT partners].
  - e. the continued participation of ECC in the Gilston planning as appropriate to the matter under discussion, including all aspects that materially impact on the delivery of highway mitigation and the achievement of the mode share such as future S106 agreements/reviews, Master Planning and reserved matters.
- Appendix 1 Sets out detail on ECC position on key issues associate with the application and include housing delivery trigger for ESC, the operation of the TRG and management of associated funding.

## **Essex County Council – 22nd January 2021**

- ECC remain supportive in principle of development within the Gilston Area, however subject to a number of fundamental and outstanding concerns relating to the applicant's commitments to achieving sustainable mode share targets and highway infrastructure provision, including funding and trigger points.
- Further commitment is required to secure funding and early delivery of key highway infrastructure needed to mitigate the impact of the proposed development.
- Need to strengthen the mitigation measures and reduce impact of the highway network including funding and delivery of high quality, high frequency public transport provision as well as the implementation of a comprehensive site wide travel plan.
- Further clarification required to put in place and establish a comprehensive monitoring and management regime aiming to achieve sustainable travel objectives including the need to achieve the 60% modal share target.
- GA1 allocation is being promoted by two different applicants through two separate outline planning applications. Fundamental that the two applications are coordinated in an orderly, holistic and comprehensive manner to deliver sustainable planning requirements set out in policy. Key elements include phasing of development, contributions to and delivery of key infrastructure and services, site wide strategies.
- A Memorandum of Understanding (MoU) will be agreed between the applicants to provide a clear mechanism in terms of how comprehensive development will be achieved. An MoU has not been submitted. A single s106 agreement should be used to cover both outline planning application within the Gilston Area.
- ECC considers the Garden Town IDP April 2019 represents the most up to date and comprehensive assessment of the Garden Town wide infrastructure needs, including specific requirements of the Gilston Area.
- The development should require early delivery of sustainable transport and key highway interventions in order to make sustainable travel the most attractive, efficient and best option from first occupation of the homes within the Gilston Area.
- EHDC should take account of risks associated with the applicant's highway and traffic modelling evidence and potential impacts on the highway network. To address the risks and potential highway impact. ECC is proposing that the applicant's proposed mitigation measures should be strengthened with greater clarity and commitments.
- Planning condition should be included to require the contract for the delivery of the Central Stort Crossing will be let before the commencement of construction of any dwellings. Details of this condition can be found in comments.
- Arrangements should be set out in Heads of Terms and S106 agreement to require the CSC scheme and to be fully funded and delivered.
- Developer to contribute to the wider Harlow STC network in accordance with GTIDP, including fully funding delivery of the 1<sup>st</sup> phase of the Harlow STC from Burnt Mill

junction to Harlow Town centre. Clear trigger points for financial contributions will need to be agreed through the S106.

- A range of comments made on the applicants Bus Strategy and Business case that will need to be addressed and set out in ECC comments. Further analysis is required, agreement through S106 to at least £25m gross cost contribution to be paid in phases at set trigger points.
- Detailed junction assessment for A4141 Howard Way/OI Junction, A414 Edinburgh Way/River Way junction, A1019 Velizy Ave/A1025 Second Ave junctions and the new river way/eastern stort crossing via condition.
- S106 obligations to improved and deliver road junctions in Harlow.
- Further information regarding sustainable transport hubs are required and indicated on parameter plan 4

#### Car parking standards

- Focus on location, level and design of parking is required to ensure 'walkable neighbourhoods'. Critical to promote modal shift and give advantage to active and sustainable travel and create quality places to live and not dominated by cars. Zonal approach should be adopted to the level of provision bases on access to service.
- Vehicle parking spaces must have electric charging facilities.
- Cycle and motorcycle parking – secure, covered and located in easy to use locations.

#### Village access arrangements

- Active and sustainable transport will not be given sufficient advantage when comparing door to door journey times with those for car journeys. Undermine achievement of sustainable modal shift.
- Vehicle access points – VIL 1, 2 and 6 do not appear to give sufficient advantage to sustainable door to door journey times.

#### Primary and Secondary Education

- Comments similar to those seen under previous response dated 2019.

#### SEND

- Comments similar to those seen under previous response dated 2019.

#### Housing Growth

- Continue to work with HCC as statutory Adult Social Care provider in progressing plans for specialist accommodation provision within village at both masterplan and reserved matter stages.

### Skills and Life Long Learning

- Agreement to an Employment and Skills Plan and Strategy outlining the ambitions around apprenticeships, pre-employment and work experience, supported employment and school and college engagement. Financial contribution to support skills and employability interventions. Commitment to work with Harlow College and other Essex based training providers.

### Energy and Low Carbon

- Welcome sustainability principles and commitment to minimising CO2 emissions, further improvements to the sustainability of the development by aiming for net zero GHCs to align with the national net zero target. Significant positive impact on emission reductions if ambitious standards are set.

### Environment and Green Infrastructure

- No objection, however advise to improve the GI and achieve net environmental gains the following should be considered: stewardship, early collaboration and engagement with relevant stakeholders, long term management and stewardship plans, sustainable buildings through the use of green walls and/or bio solar roofs or amenity green space rooftops, waste storage areas, bus stops, soil cell systems for trees, bird boxes/bricks, designs are resilient and sustainable, considers user requirements, connects to existing network.

### LLFA

- Satisfied scheme will not have a significant impact and not recommending any condition or amendment to the application at this stage.

### Public Health

- Encourage further engagement with the wider health and social care system. Recommend that a condition is added to the proposals requiring a Health Impact Assessment is undertaken.

### Library Service

- Increased/improved capacity and library provision would be sensible with the IDP.
- A total of £2,250,876 (of which £1,913,244 is apportioned to this site) is needed for the Gilston Area. This should be secured through S106.

### Waste Disposal

- Development will generate significant needs for bulky waste disposal. The Garden Town IDP states a total of £1,622,076 (of which £1,412,757 is apportioned to this site) is

required by the Gilston Area to deliver additional household waste recycling provision and should be secured through S106.

- A detailed review of the Gilston Peak Estate Transport Assessment, Trip Generation, Modelling and triggers has been provided at Appendix 1 of ECC comments raising a number of issues and concerns.

### **Essex County Council – 9<sup>th</sup> August 2019**

#### ECC Public Health

- Encourage by the significant emphasis placed on health and wellbeing by the applicant.
- ECC and HCC Public Health service will continue to work with health and care commissioners and providers, including our colleagues within the NHS and Sport England, so to ensure that this proposal considers the wider system.
- The Council's will continue to work towards identifying opportunities to optimise benefits for health are maximised for both new and existing residents as this proposal develops through the masterplanning process.
- The Councils recommend that either a condition or an informative is attached to any planning permission, to deliver on the strategy ideas set out in the Health and Wellbeing Strategy and to deliver on commitments to create a healthy place in the Strategic Design Guide and should require each individual Village Masterplan to demonstrate how village masterplanning is incorporating, planning, managing and delivering places which deliver and promote public health.
- The Councils welcome opportunities to work with the applicant using Public Health data that has been developed to support the HGGT Healthy Towns Framework to identify effectively assess health and wellbeing implications.
- The Councils assert that clarity on communities' needs will need to be included in future assessments as this will provide a greater clarity to health and care commissioners and providers for service planning.

#### ECC Highways

- ECC Highways Authority and Transportation service require further information and clarification on key matters as outlines above, including
  - The access strategy
  - The impact on the existing network
  - The relationship between different strategies and how the non-transportation strategies can influence sustainable transport
  - The difficulty at an outline planning stage to be able to consider how sustainable transport will be prioritised

- ECC will provide a more detailed response on developer contributions once the Council is satisfied it has received the required/adequate information on which to form a view.
- ECC welcomes the opportunity to work with both EHDC and HCC on ensuring that sustainable and active travel to school is enabled through the design and delivery of schools and housing, including by position family housing in close proximity to schools and providing high quality walking and cycling routes; and by prioritising public transport over car travel. ECC recommends the principles outline above to enable this.
- ECC advises that it is essential for ECC to be involved in shaping and informing the Section 106 agreement required for the development.

#### ECC Libraries

- ECC Libraries service do not raise an objection to the application, provided adequate S106 contributions and if necessary related measures are required to ensure appropriate future libraries provision to serve this development.
- ECC recommends that at this point in time, sufficient developer contributions need to be provided in line with the identified requirements set out in the HGGT IDP.
- ECC'S preferred strategy, as discussed with HCC is for new libraries provision to serve the development to be located within Harlow itself and focused on the main Harlow Town Centre library, where increased and improved provision would be made in line with the emerging Harlow Town Centre Action Area Plan and wider town centre regeneration.
- The option focussed on Harlow Town Centre Library may result in a lower level of required developer contribution, however not possible to quantify that cost with precision, since the eventual form of project to improve and expand the Harlow Town Centre library provision is still being developed. Work to conceptualise and refine the number, form and location of new community hubs is in progress.
- Future stewardship arrangements need considering for all future library provision that will serve the Gilston Area development. HGGT stewardship work is yet to reach conclusions on the scope of facilities and assets to be included under future Garden Community stewardship arrangements. Arrangements will need to reflect these decisions on scope of assets to be included but also the eventual form of those assets. It is anticipated that future library facilities will form part of wider community hubs and therefore stewardship arrangements will need to reflect the nature and form of such hubs.

#### ECC Education

- ECC Education service does not raise an objection to the current application. This is provided that a mutual agreement is reached on secondary school provision, adequate developer contributions and if necessary related measures required through conditions.

- Welcomes early provision of primary schools within the Gilston Area.
- Likely that four forms of entry will need to be accommodated prior to a new school being established. ECC will work with HCC and appropriate schools to establish where temporary secondary school accommodation could be added to meet anticipated demand.

#### ECC Special Education Needs and Disabilities (SEND)

- Further clarification on how SEND requirements would be met and the capital cost addressed over the development phase to effectively meet needs without having a detrimental impact on existing provision within West Essex which is already under significant pressure. Without such re-assurance this itself would warrant ECC withholding support for the application.
- S106 contributions need to be provided in line with identified requirements set out in the HGGT IDP and other costs such as school buildings or school transport.

#### ECC Early Years and Childcare (EYCC)

- No objection raised to the proposed early years approach, provided ECC can be satisfied that the proposed approach is the most appropriate taking into account further assessment of the need for EYCC facilities on the Essex/Hertfordshire borders and if necessary adequate developer contributions and related measure are required to ensure appropriately located EYCC provision to serve this development.
- ECC would like to work with HCC and the applicant to clarify the baseline provision and location of EYCC on the Essex/Hertfordshire borders and to work on the timing of delivery of EYCC on the Essex/Hertfordshire borders.
- Involvement in relevant planning obligations agreement

#### ECC Adult Social Care and Older Persons Housing

- Welcomes opportunity to work closely with HCC on ensuring that both main stream/general needs housing and specialist housing provision, including supported living, extra care, sheltered housing and residential/nursing care requirements are met in full across the Garden Town.

#### ECC Economic Growth and Skills

- Does not raise an objection to the proposals, however discussions are ongoing in terms of a Construction Skills Academy approach.
- Continued engagement with applicant and other key stakeholders in determining an appropriate cross-boundary approach.
- Involvement in relevant planning obligations agreement necessary.

### ECC Environment

- No objection to the current proposals. ECC broadly supports the green infrastructure proposed and set out in Parameter Plan 3 within the Development Specification.
- Further information on the development, management and maintenance of green infrastructure across the proposed development is required.
- ECC Ecology
- No objection to ecology aspects of application, recognises that a number of Priority Habitats will be impacted by these schemes and recommends that these habitats should be references within the Ecological Management Plan and proportionately compensated.
- With reference to CIEEM's Guidance on 'On the Lifespan of ECOLOGICAL reports & Surveys' (April 2019) the majority of surveys are now considered out of date and may need updating in some cases.
- Recommends conditions that are set out in Appendix 1 of consultation response should be included if approved.

### ECC -LLFA

- River Stort provides a barrier to surface water flows which means the main development will have no negative impact in relation to surface water flood risk within Essex and therefore ECC LLFA has no comments to make.

### ECC - Waste Disposal Authority (WDA)

- No objection to current application provided adequate developer contributions and if necessary, related measures are required to ensure appropriate RCHW provision to serve the development. ECC will work with HCC wherever possible to refine options to support the proposed development and other growth locations with HGGT.
- With improved accessibility resulting from the new Eastern River Crossing, it can be reasonably assumed that householders will seek to use the Harlow RCHW for disposal of bulky waster in the absence of a more convenient facility within the Gilston Area itself or elsewhere within Hertfordshire. The anticipated bulky waste arising from the development would equate to a c.14% uplift on the current throughput at Harlow RCHW.
- Mitigations necessary to address infrastructure capacity shortfall is required.
- Necessary for ECC to be involved in planning obligation agreement.

### ECC Minerals and Waste

- Very little supporting information with regards to minerals and waste implications of development the proposals and as such ECC in its capacity as the neighbouring Minerals and Waste Authority requests that the applicant submits evidence which

addresses these concerns to allow ECC to better understand the minerals and waste implications of this development.

#### ECC Culture and Heritage

- Welcomes opportunities to work with HCC, the applicant and other stakeholders to develop the concept further.
- Recommends that guidance such as the TCPA's good practice guide be referred to.

## Gilston Area Section 106 Agreement - Heads of Terms for Villages 1 to 6

Planning Application Reference: 3/19/2124/OUT<sup>1</sup>

### 1 General <sup>2</sup>

Topic	Obligation Detail (justification, assumption)	Trigger
Indexation	Contributions to be indexed from date to be identified and agreed in each case	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 with the S106. Payable in instalments	From first Commencement 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	<p>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.</p> <p>No more than 40% of the Dwellings in a Village to be affordable housing to ensure balanced and mixed community.</p> <p>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.</p>	The triggers for delivery of the affordable housing shall be set out in the Residential Reserved Matters Area Affordable Housing Scheme
Viability Reviews	<p>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.</p> <p>The Reviews will encompass the entire scheme on a village-by-village basis.</p> <p>If a viability surplus is established, 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.</p> <p>Details of review to be agreed.</p>	<p>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</p> <p>There will be only 1 review for Village 5 prior to the approval of the first Residential Reserve Matters Area for Village 5</p> <p>Final review once 85% of the Dwellings in the last Village (anticipated to be Village 4) obtain Village Masterplan Approval</p>

<sup>1</sup> This Heads of Terms includes obligations for V7 where it is thought helpful to assist with demonstrating comprehensive development. It is expected that there will be separate mirroring S106 agreement for the V7 outline application in due course

<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	
Older Persons Housing	Not less than 130 of the total number of Dwellings to be restricted to Older Person's (55+) housing with care and provided in two (2) or more facilities/locations.	
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) Older Persons' Housing with Care; (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> <p>(a) the location of the Reserved Matters Areas and total number of Dwellings for the Village and in each Reserved Matters Areas location.</p> <p>(b) the quantum of any: (i) Older Persons' Housing with Care; (ii) Build to Rent; (iii) Self/Custom Build Plots.</p> <p>(c) the minimum levels of affordable in each Reserved Matters Area.</p> <p>(d) the proposed housing mix for the Dwellings (including Affordable Housing Dwellings) within the Village.</p> <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
Safeguarding of land for G&T Pitches and for Travelling Showpeople Plots as required by GA1 and HOU9	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	
Calls for Sites	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>	
Provision of Sites	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
Stewardship and Governance arrangements	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
		<p>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</p> <p>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;</p> <p>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</p> <p>10. a requirement to pay initial endowment funding of up to £637,500 (unless agreed otherwise) to support the setting up of the CMT, on the basis of timing to be agreed with the Council</p> <p>11. a requirement for a monitoring strategy to enable assessment of the delivery of outcomes against the objectives of the CMT</p>	

## 6 Education Contributions

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.
<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 £5719676, with Village 7 to 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
Village 1 Secondary School Phase 2 (2FE)	V1-6	Proportionate to child yield as determined by review	The V1-6 Owner proportion of the additional 2FE Contribution is to be paid in instalments unless agreed otherwise  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  IT is assumed V7 will have completed its development by the time this school comes forward
Secondary School Land Costs	V1-6	85% of value of land reserved in Villages 1 and 5 (20FE)	Direct delivery. No payment required

## 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.  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 as part of V7 S106. This school is to be delivered in 1 x 6FE and 1 x 2FE phases.  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 as part of V7 S106. The V1 Secondary School is to be built in full (to 8FE) prior to this second on-site secondary school coming forward.  This school is to be delivered in 1 x 6FE phase and then 2FE phases thereafter.  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  (a) until after the Village Masterplan for the relevant Village (which is to house the School) has been approved  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)
<b>Release of Schools Site and Expansion land</b>	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. HCC to decide (after consulting with the RG) if any expansion land is needed on timing to be agreed
<b>Education Reviews &amp; ERG</b>	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). 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. 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.
<b>Transfer of Schools Sites</b>	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. School sites are to be restricted to use for educational purposes 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:  (a) how Local Businesses <sup>8</sup> will be notified and supported with tender opportunities during the Construction Phase;  (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;  (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  (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  (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.	Prior to first I Implementation

<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> <p>(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.</p> <p>(b) adopt the requirements set out in the Site Wide Local Labour, Skills and Business Action Plan or seek approval for any changes.</p> <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 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 (v) 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.</p>	<p>Prior to first Commencement</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>Minimum timeframe for marketing, which shall be no less than Occupation of 90% of Dwellings in the Village</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 and for which a needs assessment exercise undertaken through the CDERG has indicated will not be taken up and which has been subject to marketing in accordance with the agreed Marketing Plan but which the Owner has been unable to reach an agreement on for its disposal shall, 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 (Villages 1 to 7)

Works	Land Bound	Obligation Detail /Trigger for delivery (unless otherwise agreed) <sup>10</sup>
<b>General Covenants</b>	V1-6	<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>Village 1 (Interim) Sustainable Modes Access</b>  <b>And</b> <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 may require the Owners to submit evidence to justify any variation having regard to the traffic impacts arising from existing and ongoing occupations across the GA and surrounding development as well as the need to ensure housing delivery across the GA as a whole.

		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  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 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  V6 STC to be delivered up to boundary of Village 7 and Village 5  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> ).
<b>Edinburgh Way / Howard Way Junction Improvement Works, including IO junction</b>	V1-6	Delivery by the later of (a) Occupation of 1500 Dwellings in Villages 1 to 6; and (b) 15 months after completion of the CSC Works
<b>Central Stort Crossing Works include pedestrian and cycle bridge</b>	V1-6	Delivery by the later of (a) Occupation of 1,500 Dwellings in Villages 1 to 7; and Occupation of 1,275 Dwellings in Villages 1 to 6
<b>Pedestrian and Cycle Improvement Works to Burnt Mill Lane</b>	V1-6	Delivery trigger to be agreed
<b>Eastern Stort Crossing Works</b> (including Edinburgh Way/River Way Junction Improvements)	V1-6	Delivery by the later of (a) Occupation of 3,250 Dwellings in Villages 1 to 7; and Occupation of 2,762 Dwellings in Villages 1 to 6
<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 the later of (a) Occupation of 3,500 Dwellings in Villages 1 to 7; and (b) Occupation of 3,012 Dwellings in Villages 1 to 6
<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) will be prepared and implemented by the V1-6 Owner in consultation 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 outlined but included below for context where relevant to total)

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>	Lesser of 15% and £345,000	V7	Trigger to be agreed
	Lesser of 85% and £1,955,000	V1-6	Payment by the later of: (a) 40 Working Days of receiving notice from the Council confirming that there is a fully designed and costs scheme and the LHA is ready to deliver it; and (b) 2,500 Dwellings have been Occupied in Villages 1 to 6
<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 and 85% of the costed scheme	V1-6	Payment by the later of: (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; and (b) 1500 Dwellings in Village 1 to 6
	Lesser of £772,200 and 15% of the costed scheme	V7	Payment by the later of: (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; and (b) 500 Dwellings in Village 7
<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

<sup>12</sup> Unless stated otherwise, all contributions will be paid direct to HCC and shall be indexed linked (SPONs) from the date of the S106

<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>
<b>Off Road Walking and Cycling Link to Elizabeth Way/ Pinnacles via Parndon Mill Works</b>	15% of actual costs of the works	V7	Contribution to be paid to EHDC.  Contribution payable within 40 Working Days of receiving the cost information confirming the actual costs of the works which cannot be given before 100 Dwellings have been Occupied in Village 7
<b>London Road, Sawbridgeworth Improvements Contribution</b>	Lesser of 85% of the costs of the improvements or £1,000,000	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 £176,470	V7	Payment by the earlier of Occupation of [ ] Dwellings in Village 7 and 3,500 Dwellings in the Gilston Area
<b>Garden Town/Offsite STC Network Contribution of £42.1 million<sup>14</sup></b>	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  20% of the V1-6 Owner's total Contribution amount at Occupation of 5000 and 6500 Dwellings in Villages 1 to 6  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
<b>Crossing HIG Funding Repayment Contribution<sup>15</sup> (not Index Linked)</b>	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.  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 sites are expected to pay for.
	15% of the total contribution amount	V7	To be paid in instalments and at triggers to be agreed
<b>Alternative Projects HIG Funding Repayment</b>	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>14</sup> BCIS index linked

<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 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.

<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>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.  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. 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.  £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

Descriptions	Percentage or amount of contribution payable	Land Bound	Trigger for delivery (unless otherwise agreed)
<b>Athletics Contribution</b> <b>£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 Collection 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</b> <b>£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</b> <b>£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</b> <b>£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</b> <b>£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 Villages 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 to the Community Bodies.</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	Crèche Facilities in Village 1 up to 300m2 GEA	Prior to Occupation of [ ] Dwellings in Village 1
	V1-6	Crèche Facilities in Village 2 up to 300m2 GEA	Prior to Occupation of [ ] Dwellings in Village 2
	V1-6	Crèche Facilities in Village 3 up to 300m2 GEA	Prior to Occupation of [ ] Dwellings in Village 3
	V1-6	Crèche Facilities in Village 4 up to 300m2 GEA	Prior to Occupation of [ ] Dwellings in Village 4
	V1-6	Crèche Facilities in Village 5 up to 300m2 GEA	Prior to Occupation of [ ] Dwellings in Village 5
	V1-6	Crèche Facilities in Village 6 up to 300m2 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 3515m2 GEA and up to 460m2 GEA Youth Health Space/Facilities	Prior to Occupation of [ ] Dwellings within Villages 1 to 6
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	Channoeks 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 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 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 Stage 2 (which shall be defined on the Strategic Landscape Management Plan) prior to Occupation of 4,500 Dwellings within Villages 1 to 6
	V1-6	Maplecroft Wood & Great Pennys Farm	Prior to Occupation of 1,000 Dwellings within Village 4
<b>Open Space<sup>19</sup></b>	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

<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>

## **Gilston Area Draft Schedule of Conditions**

### Enabling Works, Demolition, Infrastructure and Services: - **Definitions to be worked through but draft EW below**

The following works are likely to be undertaken during the enabling works, infrastructure and services stage:

1. Ground / drainage / archaeological investigations would be undertaken as required;
2. Hoarding or safety fencing would be erected around the boundary of demolition or construction areas, with fencing to protect sensitive features (e.g. vegetation to be retained, heritage assets, watercourse buffers);
3. Enabling works to utilities would be carried out, involving capping-off or removal of redundant utilities and boreholes, new supplies, diversions and connections, as agreed with the statutory authorities;
4. Demolition – inspections for hazardous materials (e.g. asbestos) and removal where required under appropriate licence. If present, hazardous materials would be removed and disposed of by appropriately licensed contractors following prescribed health and safety procedures. Demolition of above ground building structures would then proceed.
5. Remediation of soil/ground would be undertaken in the event that contamination is identified during intrusive ground investigations, although this is considered unlikely;
6. Hardstanding (e.g. concrete/asphalt parking areas, concrete floor slabs and foundations) within the construction area would be broken up and removed;
7. Engineering groundwork activities including excavation, grading and preparation of surfaces, and the placement / compaction of fill material would be undertaken to achieve desired ground levels (to be confirmed by Village Masterplans). Aggregate material (e.g. arisings from hardstanding removal or re-grading of land) will be re-used where suitable as sub-base for construction of roads, foundations and to create suitable 'platforms' for development; and

8. Infrastructure and services required by the Development would be installed, including but not limited to electrical, telecommunications, potable water, foul water and surface water drainage infrastructure.

9. These activities will be regulated by conditions imposed on the planning permission granted to minimise environmental effects.

Condition Number	Title	Villages 1-6
<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> <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> </ul>

		<ul style="list-style-type: none"> <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>
3	Timescales for RM Submission /Implementation	<p>The development granted permission by this decision for the highway access works (Village 1, 2 and 6 Accesses) 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>
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>

		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.
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> <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> </ul>

		<ul style="list-style-type: none"> <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> <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>
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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> <p>1. Design:</p> <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> <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> </ul>
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		<ul style="list-style-type: none"> <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> <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>
9	Strategic Landscape Phasing and Delivery Plan	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

		<p>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> <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> </ul>

		<ul style="list-style-type: none"> <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>
11	Strategic Landscape and Visual Appraisal	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.

		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.
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> <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</li> </ul>

		<p>pumping of surface water drainage will be acceptable. Any discharge outfall to a watercourse should be assumed to be surcharged.</p> <ul style="list-style-type: none"><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 to 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 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. 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 protections zones, surface drinking water safeguarding zones or areas previously used for landfill.</li></ul>
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		<ul style="list-style-type: none"> <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>
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> </ul>

		<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. 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 development areas with the flood outlines overlaid will help to demonstrate that this has been achieved.</li> <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>
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		<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> <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	<p>No demolition 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</p> <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> </ul>

		<p>vii. Nomination of a competent person or person/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</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>
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 15.</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> <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>
19	Opportunistic Use of Minerals	<p>Prior to the commencement of ground works in each phase of the development, a Minerals Management Plan (MMP) for the sustainable extraction of minerals on an opportunistic basis shall be submitted to and approved in writing by the District Planning Authority. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved MMP. The MMP must include the following:</p>

		<p>a) an evaluation of the opportunities to extract minerals (sand and gravel, hoggins and other soils with engineering properties); and</p> <p>b) a proposal for maximising the extraction of minerals, providing targets and methods for the appropriate recovery and highest value of beneficial use of the minerals (where feasible without the need for processing); and</p> <p>c) a method to record and report on a quarterly/biannually/yearly basis to the Mineral Planning Authority/District Planning Authority the quantity of recovered mineral for re-use on site.</p> <p>Reason: In order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials in accordance with Policy 5 of the adopted Hertfordshire Minerals District Plan Review and the National Planning Policy Framework'.</p>
<b>STAGE 3: CONSTRUCTION</b>		
20	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 routing 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</li> </ul>

		<p>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.</p> <p>d) Hours of operation for construction, demolition, and delivery of materials</p> <p>e) Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas</p> <p>f) Details of any works to Public Rights of Way, footways, bridleways and cycle ways to enable construction to take place</p> <p>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</p> <p>h) Details of a materials management scheme</p> <p>i) An air quality and dust management plan</p> <p>j) Details of noise and vibration mitigation and monitoring scheme</p> <p>k) Mechanisms to deal with other environmental impacts including light and odour</p> <p>l) Details of community liaison, communication and consultation arrangements with local residents and businesses, including details of how complaints will be managed</p> <p>m) Measures to protect existing vegetation and landscape features, any tree works, and vegetation removal to accommodate construction activity</p> <p>n) Post construction restoration/reinstatement measures for the working areas and any temporary access arrangements</p> <p>o) Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it.</p> <p>p) A surface water management scheme to outline construction related drainage control measures to protect watercourses and sources, including the River Stort</p> <p>q) Measures for the protection of identified archaeological and built heritage assets</p>
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		<ul style="list-style-type: none"> <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> <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>
21	SWMP	<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>		
22	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> <p>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.</p>
23	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>

<p>24</p>	<p>V1 Interim Access from Eastwick Road</p>	<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>
<p>25</p>	<p>V1 Access Arrangements Tree Protection</p>	<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>
<p>26</p>	<p>V1 Access Arrangements Landscaping</p>	<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>

		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
27	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 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>
28	V2 Interim Access Tree Protection	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.

		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	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> <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 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>
31	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:</p>

		<p>Access and Movement) between that village and the Village 1 Access 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>
<b>STAGE 4: VILLAGE MASTERPLANS &amp; DESIGN CODES</b>		
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>
33	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> </ul>

		<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 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> <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>
34	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>
35	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>

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.

As a minimum the code shall include principles for the following:

1. Village design principles for:

- Block structure
- Public Realm
- Green and blue infrastructure including multifunctional SuDS plus consideration for groundwater and watercourse safeguarding zones (flooding and pollution)
- Maintenance strips for SuDS and all watercourses or water features (springs)
- Biodiversity and amenity benefits SUDS
- Response to heritage (key groupings)
- Routes and movement network, integrating with the wider movement network
- All modes parking typologies
- Street hierarchy and character types
- Sustainable Transport Hubs (and bus parking)
- Land uses
- Density
- Building heights
- Edges, nodes and gateways
- Frontage, access and servicing
- Built form
- Identity
- 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)

		<ul style="list-style-type: none"> <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> <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>
36	Management & Maintenance of Streets	<p>Prior to or at the same time as the submission of each VMP, full details of the proposed roles and responsibilities for future management and maintenance of all streets within that masterplan area, including a 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 Private Management and Maintenance Company has been established.</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.
37	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</li> </ul>

		<p>year), 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100 year) for the corresponding critical storm durations.</p> <ul style="list-style-type: none"> <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, 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.</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 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</li> </ul>
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		<p>minimum of 150mm is recommended above external ground levels that are sloping away from vulnerable areas such as doorways.</p> <ul style="list-style-type: none"> <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 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>
38	Village Landscape & Visual Appraisal	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

		Reason 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.
39	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 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 of the Gilston Area Neighbourhood Plan.</p>
40	Village Energy & Sustainability Strategy	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

		<p>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> <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 BU1, BU2 of the Gilston Area Neighbourhood Plan.</p>
41	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>

42	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> <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**

43	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>
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		<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 accordance with policies CC2, CC3 and DES4 of the East Herts District Plan Policy AG1 and BU1 of the Gilston Area Neighbourhood Plan .</p>
44	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>
45	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> <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 provide 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>
46	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 or 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>

		Reason: in accordance with Policies NE3 of the East Herts District Plan and Policy AG2 and LA1, of the Gilston Area Neighbourhood Plan .
47	Landscape Schemes	<p>With each Reserved Matters application 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>

		Reason: In accordance with Policies DES3 and NE3 of the East Herts District Plan and Policy LA1 of the Gilston Area Neighbourhood Plan.
48	Neighbourhood Open Space and Play	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).  Reason: in accordance with Policy CFLR1 of the East Herts District Plan Policy LA1 of the Gilston Area Neighbourhood Plan.
49	Heritage Design Principles	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)  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.
50	Operational Fixed Plant Noise	Noise resulting from the operation of fixed plant shall not exceed 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997 + A1:2019, at a point one metre external to the nearest noise sensitive building  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.
51	Village Noise Management	Prior to or at the same time as the submission of the Village 1 and Village 6 Masterplan and subsequent relevant reserved matters applications for residential development within those villages, a noise assessment shall be submitted to and approved in writing by the LPA, 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 (section 3.14) and British Standards BS8233 or prevailing best practice guidance as agreed with the LPA. The

		<p>development shall thereafter be carried out and maintained in accordance with the approved details.</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>
52	CLEMP	<p>Prior to the commencement of any part of the development hereby permitted other than enabling works, a Construction Landscape and Ecology Management Plan (CLEMP) for that part shall be submitted to and approved in writing by the District Planning Authority. The CLEMP shall include full details of both hard and soft landscaping and ecology management during construction, including the following (where relevant):</p> <ol style="list-style-type: none"> <li>1. Proposed finished levels and contours</li> <li>2. Means of enclosure</li> <li>3. Minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting as applicable)</li> <li>4. Proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc indicating lines, manholes and supports etc)</li> <li>5. Details of existing soft landscaping features to be retained and methods of protection,</li> <li>6. Implementation timetables, including clearance to avoid nesting periods</li> <li>7. Preparation of an annual work plan, including monitoring and enhancement actions which shall include the provision, improvement and maintenance of habitats for a period of not less than 5 years from completion of the relevant part of the development</li> <li>8. The implementation of a species-specific mitigation measures for that part as set out in the Environmental Statement and application documents</li> <li>9. Reporting plan for notifying the LPA of any unforeseen issues or damage to retained assets.</li> </ol> <p>Thereafter, the construction of the development shall not be undertaken other than in complete accordance with the approved details.</p>

		<p>Reason: To protect and provide for protected species and habitats of ecological interest in accordance with Policies NE1, NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a Reasonable standard of landscaping in accordance with Policies BISH5, DES3 and DES4 of the East Herts District Plan 2018.</p>
<p>53</p>	<p>OLEMP</p>	<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 net biodiversity units for area and linear habitats achieved on that part of the site, and contribution towards 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> </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> <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> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Medium term 5-10 years – (e.g woodland thinning etc)</li> <li>• Long term 10 years +</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. 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>
54	OLEMP Verification	<p>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 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>

<p>55</p>	<p>RMA SuDS Details</p>	<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 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.</li> </ul>
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- 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).
- 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.
- 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 protections zones, surface drinking water protection zones or areas previously used for landfill. Specific water quality assessments may be required for runoff from main roads.

		<ul style="list-style-type: none"> <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. The development shall not be carried out otherwise than in accordance with the details thus approved</li> </ul> <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</p>
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		<p>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>
56	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 59; 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> <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 Urban Drainage System in perpetuity and comply with the requirements of Policy GA1 V (y) of the adopted East Herts District Plan 2018.</p>

<p>57</p>	<p>Contamination Investigation &amp; Remediation</p>	<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 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.</p>
<p>58</p>	<p>Verification Report</p>	<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</p>

		<p>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>
59	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>
60	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>

		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).
61	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>
62	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 out 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> <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</p>

		have an adverse impact on the local amenity in accordance with policy EQ2 of the East Herts District District Plan.
63	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>
64	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> <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>
<p>65</p>	<p>Details of river crossings and underpasses</p>	<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> <p>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</p>

		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)
66	Delivery and Servicing Management Plan	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.
67	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> <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>

### Informatives

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](mailto: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. 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.

16. 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.

17. 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).

18. 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.

19. 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.