

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 21 SEPTEMBER 2017

REPORT BY THE LEADER OF THE COUNCIL

AGREEMENT FOR THE PRINCIPLE OF USING THE COUNCIL'S
COMPULSORY PURCHASE POWERS IN RESPECT OF LAND
REQUIRED TO SUPPORT DEVELOPMENT OF THE GILSTON AREA.

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report seeks agreement for the principle of using the Council's Compulsory Purchase Order power under Section 226 of the Town and Country Planning Act 1990 in respect of land required to support development of the Gilston Area.

**RECOMMENDATION FOR DISTRICT PLANNING EXECUTIVE
PANEL: That Council, via the Executive, be advised that:**

(A)	It is agreed in principle that the use of the Council's Compulsory Purchase Order powers under Section 226 of the Town and Country Planning Act 1990 in respect of the land identified in this report be authorised, subject to a further report seeking authorisation to commence the process dealing with the detailed procedural and legal requirements and relevant considerations.
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1.0 Background

1.1 The Gilston Area is one of strategic sites proposed for allocation within the emerging East Herts District Plan. The site has been identified to deliver 10,000 homes, both within the current Plan period up to 2033 and beyond. In order to support development in this location, a range of new infrastructure is also planned including new roads, schools, healthcare facilities as well as parklands and open spaces.

2.0 Report

- 2.1 Through the formation of the Co-operation for Sustainable Development Board, the Council has worked closely in recent years with Harlow and Epping Forest District Councils, and other partners, in order to consider the implications of providing significant new development in the wider Harlow area. As part of this work, Essex County Council has undertaken transport modelling to assess the impacts of proposed growth on the highway network, and to identify the measures required to mitigate this impact. The main outputs of this work were presented to District Planning Executive Panel on 9th March 2017. The full reports now form part of the evidence library for the ongoing District Plan Examination (document reference numbers TRA/016 to TRA/019).
- 2.2 One of the key aspirations of growth in this location is to provide a step change away from car use by encouraging the use of more sustainable forms of transport. Measures to help achieve this are currently being considered through work on the Harlow and Gilston Garden Town, and will also form a key aspect of future masterplanning work for the Gilston Area. However, the transport modelling demonstrates that a number of highway schemes are also required. These schemes are identified within the Council's Infrastructure Delivery Plan (evidence library reference number IDM/001). One such project is a Second Crossing of the River Stort. It is proposed that this crossing, which will be located to the east of the existing crossing, would run from Eastwick Road within East Herts, to River Way within Harlow.
- 2.3 As identified within Figure 1 below, the route of the proposed crossing lies outside of the site boundary of the Gilston Area, and is therefore not within the control of the Gilston Area landowners. There is currently no agreement in place with the owners of the land between Eastwick Road and the River Stort to facilitate the delivery of the Second Crossing.
- 2.4 The land hatched red has previously been promoted to the Council for residential development. While allocating this site for new homes could help facilitate the delivery of the Second Crossing, it is the view of Officers that residential development in this location would be inappropriate for the following reasons:
- Much of the site lies within Flood Zones 3 and 2;

- Development would have a significant impact on Gilston village which could not be mitigated through the use of landscape buffers;
- There is uncertainty with regards to potential gas emissions associated with the site's previous landfill use;
- The eastern part of the site lies within an area of particularly sensitive Green Belt that helps prevent the coalescence of High Wych, Sawbridgeworth and Harlow.

2.5 It is hoped that, following the conclusion of the District Plan Examination, an agreement can be reached with the landowners in order to facilitate the delivery of the Second Crossing.

2.6 However, should this not prove possible, it may be necessary for this Council to pursue a Compulsory Purchase Order (CPO) of the land required to deliver the Second Crossing, working with Hertfordshire County Council as the Highway Authority as necessary. Figure 1 below shows the indicative route of the Second Crossing and also identifies the area of land within which any necessary CPO would be contained.

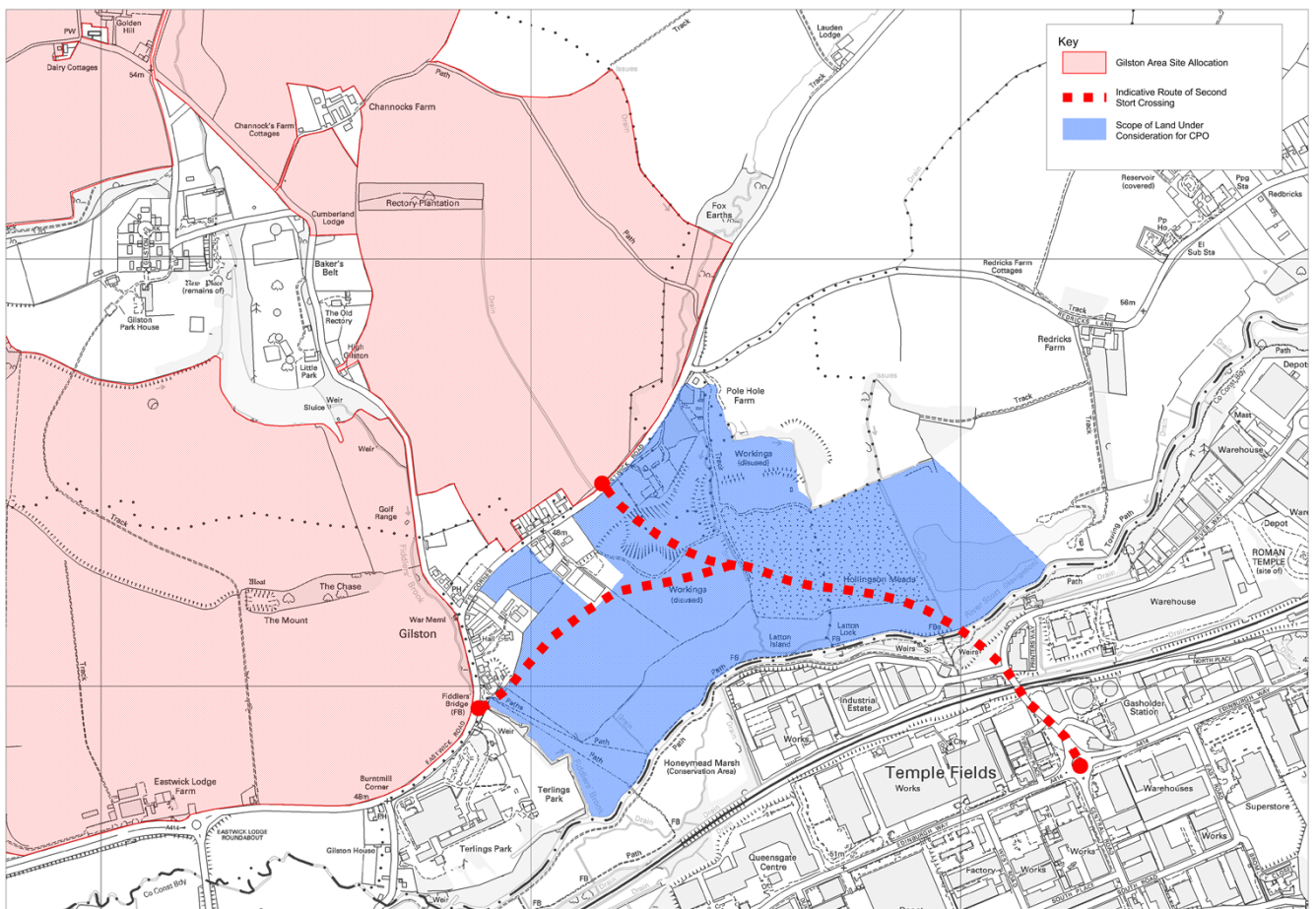


Figure 1

2.7 Any such action would be undertaken under the auspices of Section 226 of the Town and Country Planning Act 1990. Guidance issued by the DCLG in the form of the most recent Circular states that:

“this power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate”.

2.8 It should be noted that there would be an expectation that the cost of purchasing the land would be reimbursed by the landowners/developers of the Gilston Area (Places for People and City and Provincial Properties). As such, the Council would not progress any compulsory purchase of the required land until a legal agreement had been signed with Places for People and City and Provincial Properties that secured this arrangement. It is therefore not expected that the financial cost to the Council would be significant.

2.9 The detailed legal actions required to undertake a CPO would be presented to Members at the appropriate time, should this course of action prove necessary. However, at the forthcoming District Plan Examination Hearing sessions, it will be important to demonstrate to the Inspector that the Second Crossing, and the Gilston Area development, are both deliverable. Therefore this report seeks support from Members with regard to the principle only of using such powers if necessary.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

Background Papers

West Essex and East Hertfordshire Local Plan Modelling Technical Notes (TRA/016 – TRA/019): <https://www.eastherts.gov.uk/TRA>

Infrastructure Delivery Plan (IDM/001): <https://www.eastherts.gov.uk/IDM>

Contact Member: Cllr Linda Haysey – Leader of the Council
linda.haysey@eastherts.gov.uk

Contact Officer: Kevin Steptoe - Head of Planning and Building
Control
01992 531407
kevin.steptoe@eastherts.gov.uk

Report Author: Chris Butcher - Principal Planning Policy Officer
chris.butcher@eastherts.gov.uk