

East Herts Council Report

Executive

Date of Meeting: 2nd June 2020

Report by: Cllr Haysey, Leader of the Council

Report title: Gilston Area Charter Supplementary Planning Document – Final for Adoption

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

Summary

- To outline the results of the public consultation on the draft Gilston Area Charter Supplementary Planning Document (SPD) and seek Members' agreement to adopt a revised document.
- To report that the three statutory consultees have no comment on the Strategic Environmental Assessment (SEA) Screening report, so confirm that an SEA of the Gilston Area Charter Supplementary Planning Document (SPD) is not required.

RECOMMENDATIONS FOR Executive:

- a) The responses of the consultation be noted and the officer responses and proposed changes to the Gilston Area Charter Supplementary Planning Document (SPD) be supported.
- b) The Gilston Area Charter Supplementary Planning Document (SPD), as detailed in Appendix C of this report, be approved for adoption;
- c) In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, it has been determined that a Strategic Environmental Assessment of the emerging Gilston Area Charter Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects; and
- d) That the Head of planning and Building Control, in consultation with the Executive Member for Planning and Growth, be authorised to make any further minor changes to the document which may be necessary.

1.0 Proposal(s)

- 1.1 A Gilston Area Charter Supplementary Planning Document ("Charter" going forward in this report) has been produced to provide guidance to prospective applicants on the implementation of Policy DES1 Masterplanning of the East Herts District Plan in the context of delivering the policy aspirations for the Gilston Area site allocation (Policy GA1 of the East Herts District Plan).
- 1.2 It is recommended that the Charter is approved for adoption in order for it to be a material consideration in decision making.¹ In doing this, representations to the consultation, the officer

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

responses to those representations and proposed changes to the Charter are also supported.

2.0 Background

- 2.1 Following adoption of the East Herts District Plan (EHDP), the Council agreed a new Local Development Scheme which sets out its commitment to preparing a number of topic related Supplementary Planning Documents (SPDs) in order to provide further guidance on the implementation of EHDP policies.
- 2.2 A draft Charter SPD has been produced in support of EHDP policies GA1 (The Gilston Area) and DES1 (Masterplanning). Once adopted, the Charter will be a material planning consideration that must be taken into account when the Gilston Area masterplans are produced and submitted to the Council for approval.
- 2.3 Members will recall that public consultation on the draft version of the Charter was agreed by Executive on 11th February 2020. The consultation subsequently took place between 12th February 2020 and 5pm on 12th March 2020.

3.0 Considerations

- 3.1 The EHDP requires the production of Masterplans for all 'significant' developments proposed in the district (Policy DES1).
- 3.2 The role of the Charter SPD is to support the implementation of District Plan policy DES1 in the production of robust masterplans that deliver the overarching ambitions and aspirations for the Gilston Area as set out in District Plan policy GA1, as well as other relevant policy/guidance including the Garden Town Vision and Design Guide. As an SPD, the Charter will be a material consideration in planning decision making.
- 3.3 The guidance contained within the Charter will establish a consistent approach to the production of masterplans in the Gilston Area to ensure that development comes forward in a

comprehensive and cohesive manner that contributes to the creation of successful and sustainable places. This is particularly important to the Gilston Area given the strategic scale of development envisaged and the multiple parties with an interest in its delivery.

- 3.4 Importantly it will establish the principle that Masterplans will be produced for each of the Gilston Area villages, together with an overarching Strategic Landscape Masterplan that will address the strategic elements of the development and the important network of green spaces that will knit the development together and integrate it sensitively into its wider context.
- 3.5 It also seeks to embed the role of the Council, key stakeholders such as the Garden Town partner authorities and statutory bodies in the preparation of the Masterplans, as well as the local community in accordance with the emerging Gilston Area Community Engagement Strategy which is a supporting document being produced in parallel to the Charter (but not the subject of this report).
- 3.6 The Charter will also be supported by a Monitoring Framework. This will be a live web based platform that is updated on an ongoing basis to keep the public informed about the progress of development in the Gilston Area. In addition to sign posting the public to planning applications, the Monitoring Framework will also include a record of what has been delivered post construction and a means for quality checking what's been delivered.
- 3.7 In accordance with the Town and Country Planning (Local Planning (England) Regulations 2012, the draft SPD was subject to four weeks of consultation. 105 responses were received from 22 respondents. The majority of responses were seeking amendments to various elements of the Charter. There were some comments in support of the document in general, and others in support of specific elements within the document. Some objections were also received, although a large proportion related to the principle of developing the Gilston

Area and the amount of development proposed (a matter already agreed and established through the adoption on the District Plan). Other objections related to specific elements within the SPD.

- 3.8 The matters raised in these submissions are included in the Statement of Consultation, which can be found in Appendix A. This includes summaries of the main issues raised; the officer response to those issues; and proposed amendments to the SPD, where appropriate.
- 3.9 The agreed changes in the schedule have been carried forward into the final document which also includes some further minor officer changes to the text for clarity.
- 3.10 Members are therefore invited to agree the officer responses to the issues raised as part of the public consultation; the proposed changes to the draft SPD; and the adoption of the final document. A copy of the final Gilston Area Charter SPD is attached as Appendix C.

Strategic Environmental Assessment

- 3.11 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment. It is therefore a requirement that the Council undertakes a Screening Assessment to determine whether the draft Gilston Area Charter SPD should be subject to a Strategic Environmental Assessment.
- 3.12 The Regulations require that the Council consults three statutory bodies in reaching this determination. Consultation has therefore been carried out with the Environment Agency, Natural England and Historic England. All three organisations have confirmed that they have no comment on the Council's draft Screening Statement.
- 3.13 The final Screening Statement is attached in Appendix B. It concludes that the draft SPD is unlikely to have significant

environmental, social or economic effects beyond those of the District Plan policies it supplements; does not create new policies; and only serves to provide useful guidance on how to effectively and consistently implement the District Plan policies and therefore does not require a Strategic Environmental Assessment.

4.0 Options

Option 1 Not to adopt the SPD

- 4.1 EHDP policy DES1 requires masterplans to be produced for all significant development proposals. The Council could decide not to adopt the SPD and rely solely on policy DES1 to inform how the masterplans for the Gilston Area should come forward and also the criteria they should be assessed against.
- 4.2 However, given the strategic scale of development envisaged for the Gilston Area, the multiple parties involved in its delivery and the abundance of existing policy and guidance relevant to the area, it is considered that more detailed and tailored guidance in the form of an adopted SPD is required to support the production of the Gilston Area masterplans.
- 4.3 In the absence of this, the masterplans for the Gilston Area run the risk of coming forward in a piecemeal way based on different applicants' interpretation of Policy DES1. This could compromise the ability to deliver comprehensive, high quality sustainable development as envisaged by Policy GA1 and the Harlow and Gilston Garden Town.

Option 2 Adopting the SPD

The Charter will ensure that the masterplanning process is undertaken in a comprehensive manner, in collaboration with the Council, key stakeholders and the community. Importantly it will establish the principle that masterplans will be produced for each of the Gilston Area villages, together with an overarching Strategic Landscape Masterplan that will address the strategic elements of the development and the important network of green spaces that will knit the area together and

ensure it integrates successfully with the wider landscaping and existing neighbouring communities.

- 4.5 Adopting the Charter as a Supplementary Planning Document will ensure it is formally recognised as guidance that adds further detail to the policies in the East Herts District Plan and importantly has material weight in decision making.

5.0 Risks

- 5.1 If the Gilston Area Charter SPD is not adopted, developers and members of the public would not be able to benefit from the additional guidance set out in the document. This would put at risk the ability to achieve the policy aspirations for the Gilston Area, and ultimately the quality of development that is delivered.

6.0 Implications/Consultations

- 6.1 In October 2019 the Gilston Area Steering Group was briefed on the intention of the Planning Service to commence with the production of the Charter. Representatives from the main parties that attend the Steering Group (landowner and community representatives) were invited to be part of a smaller “Charter Group” to help inform its production and content.
- 6.2 The Charter Group was subsequently established and has met on several occasions to discuss and inform various elements of the Charter and its supporting documents.
- 6.3 Partner authorities and statutory bodies have also been informally and formally notified about the production of the Charter and given the opportunity to inform the process. These include Hertfordshire County Council, Essex County Council, the Environment Agency, Historic England and Natural England.
- 6.4 The Harlow and Gilston Garden Town (HGGT) Board was also notified of the production of the Charter and HGGT officers

have been party to various work streams associated with developing its content.

- 6.5 Elements of the draft Charter were also presented to HGGT Quality Review Panel (QRP) for a “Chair’s Review” in November 2019. Feedback from the QRP was generally supportive and it was recommended that a case study exercise should be undertaken to review example masterplans and Design Codes to help inform the guidance in the Charter. Officers (including HGGT officers) held two workshops in January 2020 to undertake this exercise. A summary of the workshops and associated outcomes is provided as an appendix to the draft Charter.
- 6.6 The draft Charter was subject to a statutory 4 week public consultation between the 20th February and 20th March 2020.
- 6.7 A Consultation Statement has been produced which summarises the above and can be found in attached as Appendix A.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

Hunsdon, Eastwick, Gilston and High Wych

7.0 Background papers, appendices and other relevant material

- 7.1 East Herts District Plan October 2018 – With particular reference to Policies GA1 Gilston Area (Chapter 11) and DES1 Masterplanning (Chapter 17) see;
<https://www.eastherts.gov.uk/districtplan>
- 7.2 **Appendix A:** Consultation Statement
- 7.3 **Appendix B:** Strategic Environmental Assessment Screening Statement
Appendix C: Gilston Area Charter Supplementary Planning Document.

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