

## **Officer Report Appendix B: Stort Valley Crossings – Update on Representations since November 2021**

### **Stort Valley Crossing Applications:**

- Central Stort Crossing (East Herts Council Reference: 3/19/1046/FUL, Harlow Council Reference: HW/CRB/19/00220);
- Eastern Stort Crossing (East Herts Council Reference: 3/19/1051/FUL Harlow Council Reference: HW/CRB/19/00221)

1. Members will recall that the two applications above were due to be considered and determined by the East Herts Council and Harlow Council Development Management Committees in November 2021 (16<sup>th</sup> and 17<sup>th</sup> November respectively).  
On Tuesday 16<sup>th</sup> November East Herts and Harlow Councils reached the decision to cancel at short notice the planned Committee meetings for the Stort Valley Crossings.
2. As advised at the time this followed the very late receipt of representations on the applications that included extensive points of a legal nature as well as planning matters. As members will be aware, decisions on planning applications can be subject to challenge through judicial review if, in reaching its decision, a Council is considered to have incorrectly followed procedures set out in legislation or their own constitution.
3. Whilst late representations can be addressed through supplementary reports, given the extensive nature and the lateness of the specific legal and planning comments raised, officers obtained legal advice which was to defer the Committees to allow more thorough assessment of the representations which was not possible in the time available.
4. The decision to delay the Committees has allowed officers to give due consideration to and address all points raised, where relevant, in updated versions of the two Crossings reports. In the interests of transparency and ease of reference those representations have also been summarised in this Appendix to enable members, objectors and the applicant to see how representations have been duly considered as part of the assessment of the Crossings and factored into the recommendations. Officers remain satisfied that the Crossings applications have been properly assessed and ready for determination by the Councils' respective Committees.
5. One legal process matter raised as a concern was that the Councils had not discharged their duties with regards to 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'). The full Habitats Regulations Assessment carried out pursuant to the Habitats Regulations is now presented to Members of Committee in the form of Appendix A which accompanies both the Central Stort Crossing Officer Report and the Eastern Stort Crossing Officer Report ("the HRA"). Members are invited to read the Habitats Regulations Assessment

in full as it forms an integral part of the Reports and is material to the determination of each application. It is noted that a summary of the HRA is included in the reports at paragraphs 6.1 to 6.6 and in Table 1.

6. Since the publication of the committee reports in November 2021, a number of representations were submitted to the Councils by
  - a. legal representatives acting for local land owners, which have been uploaded in full to the planning portal (planning application reference 3/19/1046/FUL and 3/19/1051/FUL) and Members are invited to read these representations. Pinsent Masons represent the Pope/Beaumont family who own land which is impacted by and in part required for the Eastern Stort Crossing route.
  - b. Momentum, a transport consultancy also acting on behalf of the Pope/Beaumont Family, have made transport related objections on behalf of their clients.
  - c. Town Legal and Donald Insall Associates representing the owners of Hunsdon House who have made a number of legal, heritage and design objections. In particular, Donald Insall, heritage consultants, have raised concerns about harm to the significance of relevant heritage assets and/or their setting.
  - d. The Hertfordshire Gardens Trust who object to determining the two Crossings in advance of the Villages 1-6 outline on grounds inadequate assessment of harm to heritage assets.
  - e. The Neighbourhood Plan Group submitted a further representation to the effect that the Neighbourhood Plan Group consider the Crossings proposal do not comply with a number of Gilston Area Neighbourhood Plan policies.
  - f. 7 additional householders (in relation to the Eastern Crossing) and 4 householders (in relation to the Central Crossing) objected on grounds already recorded and considered in the Officer Reports (at paragraphs 12.1).
7. All of the above representations have been included within the representation summary of the updated Committee Reports and any material planning points have duly been considered by Officers in the assessment of the applications and in forming the recommendations.
8. To assist Members this appendix summarises, in Table 1 below, these late representations and includes either a brief response or a signpost to the relevant section of the Officer Report where this has been taken into account. The original representations can be read in full on the planning application portal for the Eastern Stort Crossing with the references:
  - 98Z Pinsent Masons Letter 15<sup>th</sup> November Notice of Intent to JR
  - 98Z Momentum Letter of Concern
  - 98Z Town Legal Letter 15<sup>th</sup> November 2021
  - 98Z Donald Insall ESC Heritage Assessment
  - 98Z Hertfordshire Gardens Trust Jan 2022

9. In the interests of fairness and transparency, the Applicant was notified of relevant representations and concerns, and has responded in writing. The Applicant's responses can also be found on both Crossing application portals with the references:
  - 98Z Applicant Response to Heritage Assessment'
  - 98Z Applicant Response to the Town Legal and Pinsent Masons Letters
  - 98Z Applicant Response to HEGNPG Comments on CSC Report
  - 98Z Applicant Response to HEGNPG Comments on ESC Report
10. The Hunsdon, Eastwick and Gilston Neighbourhood Plan Group have also written in objection to the applications, indicating that they consider that the two Crossings applications do not comply with a number of the Gilston Area Neighbourhood Plan Policies. The Gilston Area Neighbourhood Plan (GANP) has been adopted and therefore its policies form part of the Development Plan against which the applications have been assessed.
11. To assist Members this appendix also summarises, in Table 2 below, the comments of the Gilston Area neighbourhood Plan Group alongside additional columns containing the Officer's response demonstrating how and where these policies have been taken into consideration in the Committee reports.
12. In the interests of openness and transparency the new updated reports demonstrate clearly that all matters raised have been duly considered as part of the planning balance and in reaching the recommendations made to the Councils. Given that a number of changes have been made to the reports to enable comprehensive consideration.
13. To assist Members this appendix signposts, in Table 3 below, the paragraphs that have been updated in the Central Stort Crossing Officer Report and , in Table 4 below, the paragraphs that have been updated in the Eastern Stort Crossing Officer Report. Minor amendments to the text such as to amend spelling, formatting or to provide additional references to policies or numbering changes are not signposted.
14. The content of this appendix is provided for the assistance of Members and which is published with the reports for the benefit of other interested parties, notwithstanding this, this appendix is not a comprehensive summary of or substitute for the Committee Reports themselves which set out clearly the consideration and recommendations for the Crossings and should therefore be considered in full by Members.

**Table 1: Summary of representations received following publication of Officer Reports in November 2021**

<b>Representation</b>	<b>Officer Response</b>
<p>Prematurity where developments are inherently and fundamentally interlinked</p> <p>Failure to assess the environmental, habitats and transport effects of the Applications on a free-standing basis and the three applications should be determined together rather than 'de-coupling' the Crossings from the Outline.</p>	<p>Three separate applications have been submitted for the CSC, ESC and Villages 1-6 Outline which are supplemented by a single Environmental Statement (ES) and Habitats Regulations Assessment both of which considered all three developments alone, collectively as a project and in combination with other projects. Determining the CSC and ESC Crossings earlier given that they are ready is both robust and flexible so that a delay to one application need not delay the others. The free standing effects of the Crossings and effects in combination with other projects are understood and duly assessed. Appendix 22.1 of Chapter 22 of the ES Addendum summarises the environmental effects for each of the Crossings and provides a mitigation route roadmap. The various representations do not identify any genuine deficit in the assessments which have been reviewed by officers with the support of technical specialists and found sound.</p> <p>There is no legal barrier to determining individual but related applications at different times where the environmental effects and other relevant matters have been fully assessed. Equally there is no legal reason to delay the Crossings applications. Furthermore the NPPF requires that decisions on applications should be made as quickly as possible. Thus there are policy reasons that necessitate prompt determination once applications are ready.</p>
<p>The unjustified attempted acceleration of planning determination for these two Applications for reasons which are acknowledged not to be material planning considerations yet are nonetheless referred to in the Officer Report to Committee for the Crossings Applications</p>	<p>The Housing Investment Grant (HIG) award is a matter of public record of which Members are aware. The Committee reports state clearly that in the view of officers its existence should not be considered a material consideration when assessing the planning merits of the Crossings applications. This is explained in Section 2 of the Officer's Reports. The reports are being presented to members now because they are ready for determination and, as required by the NPPF decisions on applications should be made as quickly as possible. Furthermore, in order to ensure that the Crossings are delivered as early as possible to serve the occupants of the first new homes, and to enable and encourage active and sustainable modes of travel which is</p>

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	<p>a significant policy objective, work needs to commence as soon as possible on the technical approval process and pre-construction phases. There is therefore an impetus to ensure that progress can be made in relation to the Crossings and associated outline housing developments within the timescales planned for (explained in paragraph 2.12 of both Crossing reports).</p>
<p>Inadequacy of the Grampian planning conditions proposed in connection with the CSC and ESC (which purport to try and link the CSC and ESC developments to the Gilston Scheme) and the inadequacy of the reasons given for imposing these conditions.</p>	<p>It is suggested that Condition 4 recommended in relation to CSC and ESC Crossings is inadequate and would not give confidence about delivery of benefits connected with the Outline Villages 1-6 housing application. Condition 4 requires that the Outline permission should be granted before commencement of the Crossings (except for limited enabling works). Its aim is to ensure there is reasonable confidence that the associated Outline will come forward; it does not and cannot seek to secure benefits associated with the Outline. The condition strikes a proportionate balance in relation to relative progress of allocated development and is a matter of planning judgement. Notwithstanding the benefits of the Crossings to the overall growth and transport strategy objectives within the HGGT area which are set out clearly within the adopted Development Plans and assessed within the Reports, it is considered prudent that in the planning balance (e.g. in considering Green Belt policies) the greatest weight be given to the benefits arising from the applications to which the Crossings are linked in Environmental Impact Assessment (EIA) and Habitat Regulations Assessment (HRA) terms and the benefits that will arise as a result of this Outline residential development are sufficient very special circumstances that justify the development of the Crossings in the Green Belt in accordance with the policies of the Development Plans which are consistent with the NPPF. It is considered appropriate to use a condition to prevent the part of the Crossings development that falls within the Green Belt from commencing unless permission has also been granted for the Villages 1-6 outline application.</p>
<p>Pre-commencement conditions permit a wide range of 'Enabling Works' to take place before 'commencement' of the CSC and ESC developments, which means that significant ecological, landscape and other environmental harm can take place before the Gilston Area Scheme is</p>	<p>Paragraphs 13.6.38 to 13.6.40 of the CSC report and paragraphs 13.6.47 – 13.6.49 of the ESC report explain the reasoned justification for permitting and managing the impacts of Enabling Works.</p> <p>The potential for impact or harm by reason of any 'Enabling Works' has been</p>

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<p>permitted (and without any certainty that the Gilston Area Scheme will ever be permitted or come forward to justify such harm); and the harm caused by the Enabling Works is not quantified or mitigated in any way, making these works, essentially, 'unregulated' works in connection with the CSC and ESC.</p>	<p>considered by Officers in the context of each condition and its purpose. Officers consider that the appropriate balance has been struck between enabling progress and necessary surveys and ensuring that harmful works will not take place. The nature of the Enabling Works is limited in nature and scale and their effects are temporary, reversible and capable of being rectified or restored in the unlikely event that the Applicant decided not to complete the Crossings having already begun Enabling Works. However, officers consider that on balance a new condition 40 relating to restoration of land would be acceptable and is now recommended.</p>
<p>There is methodological inadequacy of the approach to environmental impact assessment (EIA), Habitats Regulation Assessment (HRA) and transport assessment (TA) carried out to support the Crossing Applications – specifically, inadequate assessment of the environmental, habitats and transport effects of the Crossing Applications on a free-standing basis. This means these effects of these developments have not been properly assessed prior to grant of permission, which is unlawful and incapable of being 'cured' after grant of permission.</p>	<p>The land owner refused access to part of the ESC land to enable site surveys. However, appropriate methodologies have been used and a worst-case scenario has been assumed in the ES for those land areas where direct access has not been possible and the information provided by the Applicant has been verified by the Council's officers and officers / advisors consider the ES and HRA information sufficient to determine the application. The purpose of conditions relating to any additional surveys is to verify any assumptions (which are already conservative) and the situation on the ground through future investigations and assessments carried out under these conditions to acknowledge the fact that habitats and species can change between survey and commencement of works. These assessments will ensure that any change since the baseline assessment is captured and appropriately addressed.</p> <p>Section 6 of the Officer Report describes the HRA process and summarises the conclusions of the HRA, which is included in full at Appendix A of the two Crossings Officer Reports. The representee's land is not a National Network Site and suitable ecological mitigation measures are proposed and will be secured through each Crossings application.</p> <p>Section 13.3 of each Officer Report demonstrates that the Transport Modelling carried out is comprehensive and sufficient to be able to assess the impacts of the Crossings. The Crossings have not been modelled on a freestanding basis. They do not need to be modelled separately and to do so would not be useful in judging their</p>

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effectiveness given the purpose for which they are required – the in-combination assessment provides what is clearly a realistic worst case basis. The other issues raised in relation to the TA rest on differing or disputed professional judgements and Officers are confident that there are no impediments to decision making. In that context, HCC and ECC as Highway Authorities and National Highways (formerly Highways England) have confirmed that they are satisfied with the modelling and have no objections to the Crossing Applications. The two Highway Authorities have also responded to the letter of objection from Momentum, confirming they are satisfied that the impact of the Crossings are understood, and that the Crossings have been designed to maximise the opportunity for active and sustainable travel in a way that is compliant with policy.

National Highways do not object to the Crossings applications, nor have they requested conditions on them; recommendations were made in relation to monitoring the impacts of the Villages 1-6 outline application. All representations from National Highways are available on the application portals. The omission of their letter dated June 2021 was in error and is now available.

Assessments pursuant to the EIA and HRA Regulations must be carried out taking into account free-standing, cumulative and in-combination effects of development. Information in the ES, Transport Modelling and HRA is considered sufficient upon which to understand the impacts of each Crossing, each Crossing in combination with the Villages 1-6 outline application, and in combination with other HGGT developments including Village 7.

Following review of the Committee reports, in light of representations, Officers have taken advice on the adequacy of their assessment of impacts upon protected wildlife sites under the HRA regulations. A HRA assessment has been undertaken by the Councils which has informed the Committee Reports and is published in full in Appendix A to the Committee Reports.

There is no inadequacy in assessing the environmental, habitats and

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	<p>transport effects of the Crossings Applications on a free-standing basis, together with the Villages 1-6 Outline, and in combination / cumulatively with other projects. Therefore, no impediment to taking the decisions on the Crossings applications.</p>
<p>As harm is not properly identified it is not possible to make a proper determination on required mitigation. There is a reliance on unidentified mitigation secured in connection with the Villages 1-6 Outline application, this is unlawful without certainty as to the nature or deliverability of such mitigation. Reference is made to Burnt Mill Lane improvements to be secured through the Villages 1-6 Outline application. Reference is also made to paragraph 12.3.23 on the ESC Report taking account of wider mitigation measures.</p>	<p>As above. Furthermore, the ES comprises a Mitigation Route Map which identifies all the mitigations which are necessary and have been assessed for their impacts through the ES. See Appendix 22.1 of Chapter 22 of the ES Addendum. In the view of officers all necessary mitigations associated with the Crossings are being appropriately secured by conditions thus enabling the grant of permissions.</p> <p>Paragraphs 13.2.25 – 13.2.26 explains that Burnt Mill Lane (BML) improvements will comprise two parts. The part of BML from Fifth Avenue Crossing is within the CSC application area and will comprise public realm improvements to improve the lane for pedestrians and cyclists and may comprise road surface treatment, signage and other street scene improvements. This is in line with policy objectives of prioritising pedestrians and cyclists given the direct connection with the new pedestrian and cycle route across the Crossing. This will be secured via a condition on the CSC application.</p> <p>The northern section of Burnt Mill Lane between the Dusty Miller public house and Burnt Mill Close is outside the CSC application area. Enhancements are proposed to this route to improve its use for walking and cycling, the need for which is related to expected increased use associated with the proposed Village 1-6 Outline application and will therefore be secured through that permission. As both sections of Burnt Mill Lane are on Highway owned land S278 Agreements will be entered in to with the Highway Authority under the Highways Act 1980.</p> <p>Reference to paragraph 12.3.23 in relation to the ESC is a misunderstanding of the point being made. The paragraph has been updated to provide clarity (new paragraph number 13.3.36).</p>
<p>In the absence of any contemporaneous grant of</p>	<p>The Crossings are identified as strategic infrastructure within the East Herts and</p>



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<p>permission for the wider Gilston Area Scheme, there is a manifest failure to satisfy the “very special circumstances test” (VSC) required to justify development in the Green Belt (the Officer Report to Committee attaches weight to the wider Gilston Area Scheme as justifying VSC, but that is clearly in error as there can be no such VSC where the wider Gilston Area Scheme is as yet undetermined)</p>	<p>Harlow Development Plans required to enable the delivery of wider development. Given their Green Belt location officers consider that VSC are nevertheless required for the Crossings Applications under planning policy to justify development in the Green Belt. The rationale and need for the Crossings at the plan-making stage is set out in the supporting text to the East Herts District Plan (section 11.4, The River Stort Crossings). This includes using the acknowledged Green Belt location to "<i>provide capacity to meet the wider needs of the existing residents and businesses, and future growth</i>". The Crossing are also supported in Harlow Local Development Plan (Policy HGT1 and Policy SIR1). Supporting text in 11.9 states that "<i>in order to deliver long-term sustainable growth in the district, further enhancements to the transport network will be required</i>", and lists the CSC and ESC amongst other Infrastructure Delivery Plan projects designed to enable sustainable movement.</p> <p>The Crossings will contribute to facilitating development plan growth including but not limited to - the 8,500 homes proposed within Villages 1-6 of the Gilston Area as submitted by the same applicant. The scheme benefits of the CSC and ESC forming part of the VSC are as expected consistent with the principal reasons for which the infrastructure has been identified in the Development Plans. Nevertheless a full consideration of this has been set out in Section 13.8 of the Officer’s Reports. As the delivery of the Crossings will lead to identified harms to the Green Belt officers consider it appropriate and reasonable to include a condition 4 requiring the planning approval of the Villages 1-6 Gilston Area development prior to commencement (subject to limited enabling works) in order to establish appropriate certainty that the benefits that outweigh the harms will be realised by ensuring that grant of permission for the Outline (together with an associated Section 106 agreement securing the benefits it is delivering) will materialise.</p>
<p>Unsound reliance on planning conditions to secure offsite mitigation when the applicant has no land control over the land required, in contravention of the national Planning Practice Guidance (“PPG”);</p>	<p>All relevant mitigation referred or alluded to in objections can be secured via negatively worded conditions and it is not a prerequisite for the purpose of determining planning applications that land within the application site is owned or controlled by the applicant. However, where off-site mitigation is proposed, there must be prospects of the condition being discharged and any works deliverable. All</p>

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	<p>such off-site mitigation is effectively secured by conditions (which meet all the tests and are enforceable) and any works will be delivered either on land owned by/in control of the Applicant, within the red line or adjoining. This is entirely consistent with legislative provisions in the Town and Country Planning Act 1990 (as amended) and relevant Planning Practice Guidance. For example, the Ecological Mitigation Land is a combination of on-site (within the red line) or off-site mitigation, on and within land boundaries owned by the Applicant. Highways works proposed are within the Highway boundary and will, where necessary be subject to appropriate highways agreements. Officers are confident that any necessary mitigation is adequately secured, capable of being delivered and enforceable, i.e. the conditions are capable of being discharged within the life of the permissions. Where land is to be acquired through private treaty or through compulsory purchase where necessary, the conditions provide sufficient controls to avoid harm arising and the Applicant will be able to comply with the conditions at the point of securing the land and delivering the infrastructure.</p>
<p>The wholesale lack of clarity around developer financial contributions required in connection with the CSC and ESC.</p>	<p>There are no requirements for financial contributions arising in connection with the CSC and ESC schemes in themselves; the need for such contributions and mitigation arises in connection with the current outline housing applications (for Villages 1-6 and Village 7) as well as other relevant development that may come forward in future. But for completeness and context the information below is provided.</p> <p>In considering the planning applications, the Councils are principally concerned with whether the Crossings are acceptable in land use planning terms rather than the funding or future financial contributions towards the Crossings. The Garden Town Infrastructure Delivery Plan outlines the level of developer contributions that the Councils consider appropriate in connection with the two Crossings to be contributed by relevant developments that come forward and will require mitigation via the Crossings infrastructure (noting for completeness that these are estimated costs at the date of the current iteration of the IDP)) . However, it is acknowledged that the IDP is an iterative document which is being updated and the contributions will be secured through the S106 agreements connected with the present outline</p>

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	<p>housing applications (for Villages 1-6 and Village 7) as well as other relevant development that comes forward. PfP will be responsible for the delivery of the Crossings, including the full upfront costs of the Crossings infrastructure which (for completeness) is in part supported by the Housing Infrastructure Grant but the latter is not treated by officers as a material consideration.</p> <p>In addition, the Outline planning permissions will be subject to negative conditions preventing a certain amount of dwellings from being occupied until the relevant Crossing infrastructure has been delivered to ensure there are no infrastructure mitigation gaps.</p>
<p>Information vacuum on land assembly required to make Crossings deliverable</p>	<p>As noted above, it is not a requirement for the purpose of determining planning applications that the application land is owned or controlled by the applicant. The Crossings applications are to be determined on their own merits as required of the Councils in legal and policy terms. Land assembly is a matter between the Applicant and landowners (e.g. by private treaty) and, if necessary, for the Councils through entirely separate decision making processes relating to the exercise of compulsory purchase powers.</p>
<p>Freedom of Information Requests have not been responded to adequately.</p>	<p>FOIA requests are responded to separately in accordance with relevant Regulatory requirements. Any person who has made a request and is dissatisfied would have been entitled to raise a complaint and ultimately appeal to the Information Commissioner should they consider they have grounds. That FOI requests have previously been made does not prevent the Councils from determining these applications. Officers have had regard to all representations received in connection with the planning applications and have diligently scrutinised and reported them including in this Appendix and the Officer Reports to Committees.</p>
<p>Inadequate and Asymmetric Engagement (i.e. with one-on-one engagement with landowners).</p>	<p>Consultation has been undertaken on the applications. All planning issues raised through representations received have been considered by officers and are summarised and taken into account in the Officer Reports. Site visits have been undertaken to ensure officers adequately understand the context of the applications</p>

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	<p>and comments raised in relation to these. Officers do not accept that there are any shortcomings in statutory consultation or engagement. Where objectors have raised matters connected with the any compulsory purchase powers they have directed to the appropriate channels.</p>
<p>The impact of the ESC on heritage assets have not been adequately assessed and great weight should be given to the harm to assets. Consideration should also be given to the heritage interests of the Stort Valley landscape, the Stort Navigation and Harlow New Town.</p>	<p>Section 13.7 of both Officer Reports has been expanded to provide additional clarification of the assessment undertaken. The harm to the significance of listed buildings (including their setting) by reason of impacts of the ESC application has been and is being given 'great weight' in accordance with planning legislation, policy and guidance and the public benefits derived from the ESC proposal and other substantial public benefits are clearly identified in the report and weighed against the harm. Direct benefits from the ESC include repairs to the Fiddler's Brook listed Footbridge, public realm improvements in Pye Corner to the benefit of the setting of the multiple listed buildings within the village and through new pedestrian connectivity to Pole Hill listed building.</p> <p>The heritage value of the Stort Valley and Navigation are considered in the Officer Report. A comprehensive Heritage Statement has been submitted comprising an assessment of the impacts of the development. Policy GA2 was approved in the context of a Heritage Impact Assessment undertaken through the plan-making process. The HIA assessed the impacts of the development and Policy GA2 requiring the infrastructure was approved by the Inspector.</p>
<p>Considering the Crossing independently of the outline application means that if changes are made to the outline then it may render the Crossing infrastructure not necessary or significant changes will be required.</p>	<p>The design of the Crossings follows extensive engagement with a range of stakeholders and takes account of existing approved documents including the Gilston Area Concept Framework. Condition 4 on the Crossings applications restricts works (except limited enabling works) in respect of the Crossings until grant of approval of Villages 1-6 application. Planning law allows for variations and new applications to manage changes in future were any to be deemed necessary.</p>

**Table 2: Eastern and Central Crossings - Assessment of the proposals in light of the Gilston Area Neighbourhood Plan by HEGNPG**

Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
<b>1. Accommodating Growth</b>	(Standalone application)		(Standalone application)	
<p><b>AG1</b> Promoting Sustainable Development</p> <p>A general policy which supplements Policy GA1 to ensure future development is comprehensively planned as a single allocation, landscape-led and informed by local character and distinctiveness.</p>	<p><b>Non-conformity.</b> Determining the Central Stort Crossing as an independent and stand-alone application undermines the principle of comprehensive planning, unless it can be demonstrated that the proposal has fully considered the overall context of the development (AG1.1.i), is landscape-led and sensitive to the transition between countryside and villages (AG1.1.iii) and retains the visual and physical separation from Harlow by the natural greenspace of the Stort Valley (AG1.1.iv). No assessment and justification of the requirements of this policy accompany the detailed application for the CSC: it is therefore impossible to affirm that the proposal are compliant.</p> <p>It must also be acknowledged that the shape and content of V1-6 are currently being reconsidered and could</p>	<p>There is no legal basis to suggest that there is any restriction to determining the crossings independently of the outline housing applications, in fact as submitted as standalone applications they must each be assessed on their own merits. They have been assessed using appropriate methods which allow Officers to understand the impacts of the CSC alone and in combination with other projects whilst benefitting from an understanding of the impacts arising from the development as a whole, including the 10,000 home allocation and other growth within the HGGT.</p> <p>In considering the application, the policies of the GANP have been taken into account as forming part of the Development Plan. In respect to impact on the natural environment see section 13.6 of Officer Report.</p>	<p><b>Non-conformity.</b> Determining the Eastern Stort Crossing as an independent and stand-alone application undermines the principle of comprehensive planning, unless it can be demonstrated that the proposal has fully considered the overall context of the development (AG1.1.i), is landscape-led and sensitive to the transition between countryside and villages (AG1.1.iii) and retains the visual and physical separation from Harlow by the natural greenspace of the Stort Valley (AG1.1.iv). The aggressive engineering of the embankment and culverts and the need for a double road along the current C161 (to serve Terlings and Village 1) are clearly not landscape led and do not preserve the natural greenspace environment of the Stort Valley. The proposals are not considered in line with the</p>	<p>There is no legal basis to suggest that there is any restriction to determining the crossings independently of the outline housing application/s, in fact as submitted as standalone applications they must each be assessed on their own merits. They have been assessed using appropriate methods which allow Officers to understand the impacts of the ESC alone and in combination with other projects whilst benefitting from an understanding of the impacts arising from the development as a whole, including the 10,000 home allocation and other growth within the HGGT. The culverted section of road has been designed to enable planting on the edge and surface of the embankment to soften its appearance. The realignment of Eastwick Road north of Terlings Park allows for a betterment to Terlings Park properties (noise and traffic immediately adjacent to the estate significantly reduced) providing new</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
	<p>significantly change as a result: it is therefore impossible at this stage to ensure that this road is comprehensively planned as part of the wider scheme. Consideration of the CSC in advance would pre-empt due consideration of the OPAs.</p>	<p>Whilst the application does include for accesses into the Gilston Area allocation Condition 4 on CSC restricts commencement of CSC until grant of approval of Villages 1-6 application. Planning law allows for variations and new apps to manage changes in future should this be necessary.</p> <p>The design of Village 1 is not a matter for this application. Officers consider that the proposals accord with and do not contravene Policy AG1.</p>	<p>requirements of this policy.</p> <p>AG1.4i requires an integrated approach which considers the phased delivery of necessary physical infrastructure to meet the comprehensive infrastructure needs of the area- no consideration has been given to phasing. No consideration has been given to potential impact of early delivery of CSC on requirement for ESC. It must also be acknowledged that the shape and content of the overall development are being reconsidered and could significantly change as a result: it is therefore impossible at this stage to ensure that this road is comprehensively planned as part of the wider scheme.</p>	<p>pedestrian and cycle access between the estate and the proposed new communities, along with the provision of 10,800sqm of landscaped green space to act as a buffer and continuation of east-west green corridor with landscaping along either side of the proposed carriageway which is designed as a single carriageway along its whole length. The foundations of the Fiddlers' Brook Bridge are designed with long term safeguards to enable easier change to the bridge in the future if additional capacity is required through the junction for public transport priority. See Section 13.2 and 13.6 of Officer Report</p> <p>Phasing plans are provided and transport modelling undertaken demonstrates need for a second crossing after approximately 3,500 additional new homes in the area (not just from Gilston). Modelling accounts for changes in background growth using TEMPRO a national forecasting model. Different scenarios test the impact of delivery in phases with and without development and with development at different scales and time periods. The full impacts of the Crossings and</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
				<p>10,000 home allocation are understood and the Highway Authorities do not object to the grant of permission for the applications. See section 13.3 of Officer Report</p> <p>Condition 4 on ESC restricts commencement of ESC until grant of approval of Villages 1-6 application. Planning law allows for variations and new apps to manage changes in future should this be necessary. Officers consider that the proposals accord with and do not contravene Policy AG1.</p>
<p><b>AG2</b> Creating a Connected Green Infrastructure Network</p> <p>Seeks to promote the creation of a continuous network of natural greenspaces and to protect the water environment in the Gilston Area.</p>	<p><b>More details required.</b> The proposals for the CSC do not make a specific assessment of their contribution or impact on the establishment of a comprehensive Green Infrastructure Network (AG2.2), interconnected green corridors retaining suitable wildlife corridors (AG2.2.ii), and facilitation of walking and cycling access to the countryside (AG2.2.v). They cannot therefore be considered to be in line with this policy in their current form. Further details required of detailed design, landscape and</p>	<p>Assessment has been undertaken of landscape and visual impacts. Sections 13 and 14 of ES/ES Addendum and supporting appendices include an assessment of impacts on landscape, trees, habitats and species. Proposed mitigation in form of landscape strategy and proposed planting schedules which will be refined alongside detailed technical engineering design stage.</p> <p>CSC contains direct access into the valley, improvement on existing set of steps to west of bridge. Also creates new footpath in valley west</p>	<p><b>Non-conformity</b> . The proposals for the ESC with a major embankment and culvert will have a significant impact on Stort Valley and do not make a specific assessment of their contribution or impact on local Wildlife Sites (AG2.1), on the establishment of a comprehensive Green Infrastructure Network (AG2.2), the impact on access and enjoyment of the River Stort and Navigation (AG2.2.i), the potential for interconnected green corridors with suitable wildlife corridors (AG2.2.ii), and</p>	<p>Assessment has been undertaken landscape and visual impacts. Sections 13 and 14 of ES/ES Addendum and supporting appendices include an assessment of impacts on landscape, trees, habitats and species. Proposed mitigation in form of landscape strategy and proposed planting schedules which will be refined alongside detailed technical engineering design stage. Worst case scenario assessed.</p> <p>The valley is an established GI network. New planting either side of the road and beyond will retain the integrity of the valley corridor.</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
	<p>mitigation prior to determination- without these it is unclear what is being consented</p>	<p>of new carriageway and connections from western pedestrian/cycle bridge down to the towpath. Balance between enabling more movements in the valley and directing this to locations which avoid impacts on species and habitats.</p> <p>Net gain in planting of trees and scrub lost continuous across the valley with net gain in biodiversity units. Note that the valley operates primarily as an east west ecological corridor not north south, but planting is proposed along whole route of crossing. See sections 13.2 and 13.6 in Officer Report.</p> <p>Officers consider that the proposals accord with and do not contravene Policy AG2.</p>	<p>facilitation of walking and cycling access to the countryside (AG2.2.v). They cannot therefore be considered to be in line with the policy.</p>	<p>Ecological mitigation plans include making improvements to the valley ecology by removing unsuitable planting and replacing it with species more in keeping with wet woodland ecology with a net gain in tree planting and biodiversity units. Ecological mitigation proposed on land within application area and Applicant ownership.</p> <p>Existing PRoW will be retained providing connections from existing homes to the routes most suitable for recreational use. Balance between enabling more movements in the valley and directing this to locations which avoid impacts on species and habitats. See sections 13.2 and 13.6 in Officer Report.</p> <p>Officers consider that the proposals accord with and do not contravene Policy AG2.</p>
<p><b>AG3</b> Protecting and Enhancing the Countryside Setting of New and Existing Villages  Identifies the</p>	<p><b>Non-conformity.</b> The land take required by the road infrastructure of the CSC (mostly built on greenfield land and doubling up Eastwick Road/ C161) and the proposed pedestrian and cycle overbridge will have a very significant</p>	<p>Policy AG3 1 and 2 not strictly relevant to crossings infrastructure. Part 3 has been considered. The existing Fifth Avenue Crossing already provides an urban environment in this location. The need for the crossing is identified in the local plans and</p>	<p><b>Non-conformity.</b> The heavily engineered design of the ESC, with embankments, culverts, large roundabouts and concrete bridges will have a very significant urbanising effect on the approach to the Gilston Area, Gilston and Village 2. While</p>	<p>Construction of route as a bridge would have been less sustainable than the construction of the culverts. They will naturalise over time and new planting along whole length of route will aid screening. Scale/height is due to needing to tie in with the man-made mound of the former</p>



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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
<p>measures required to mitigate the urbanising effect of development and protect the countryside setting of villages (existing and new) in order to retain the character of the area.</p>	<p>urbanising effect on the approach to Village 1 and to the existing settlements of Gilston. While contextual planting is proposed, there are no details of measures taken to contain and mitigate the visual impacts on the landscape setting on the area (AG3.1.i) or how the rural landscape and open views of the Stort Valley are protected from encroachment (AG3.3).</p>	<p>the scale is designed to enable prioritisation of sustainable transport. It is acknowledged that this will create new built infrastructure but the 10,000 homes allocation requires access and the new settlement will fundamentally alter the open character of the Gilston area. The design of the approach into Village 1 is subject to ongoing masterplanning and views of the valley from the existing fields will change with the development of the village, but this is a matter for the outline application.</p> <p>The width of the route to Terlings will be reduced and re-profiled to change carriageway to pedestrian and cycle route, then fully landscaped to the north of this route. This was a preferred solution to the need for a very large junction at the entrance to Terlings Park.</p> <p>The CSC is designed to take as little land as possible while providing a safe transport environment. Ecological impacts are mitigated for with more than 10% net gain. Lighting strategy will replace</p>	<p>contextual planting is proposed, there is no evidence that all options have been explored to contain and mitigate the visual impacts on the landscape setting on the area (AG3.1.i). The rural landscape and open views of the Stort Valley are massively encroached (contrary to AG3.3), with no apparent study of any more suitable and sensitive alternative.</p>	<p>landfill but has been designed to be the minimum required for a single carriageway with pedestrian/cycle routes.</p> <p>Alternatives have been considered and reported in the ES, ES Addendum which includes an ESC Options Report. Options were the subject of community engagement prior to and following the submission of the applications. Use of existing roads would not provide the capacity needed, would be physically constrained due to historic environment through Pye Corner. Would not provide the time and efficiency savings required to perform the function necessary – which is to connect GA villages to Harlow, employment areas and other key destinations as well as to enable the diversion of some east-west trips through Harlow to enable the conversion of existing routes to STC corridors. The STC network as a whole is vital to the achievement of the modal shift towards active and sustainable travel within the whole HGGT.</p> <p>The harms are acknowledged. With intervening landscape views of the</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
		<p>existing lighting with more suitable LED lighting. No new impacts in terms of noise apart from during construction because it does not provide more vehicle capacity over the bridge. Changes to the junctions at north and south can be done on existing highway land without permission. New planting once mature will mitigate visual impacts of existing and new crossing, with planting along whole length of crossing. Officers consider that the proposals accord with and do not contravene Policy AG3.</p>		<p>Stort Valley will be limited to only a few locations and at a sufficient distance that while elevated sections may be visible 'harm' does not occur. Officers consider that the proposals accord with and do not contravene Policy AG2.</p>
<p><b>AG5</b> Respecting Areas of Local Significance</p> <p>Seeks to respect the integrity of the setting of existing settlements, heritage assets and landscape features of the area by identifying Local Green Spaces, community identity and locally cherished views.</p>	<p>n/a</p>		<p><b>More details required.</b> The ESC affects designated Local Green Spaces m. (Terlings) and n. (Fiddlers Brook). It also changes Cherished View N (from Terlings to the open countryside). It also cuts across the defined Community Boundary of Gilston. While this is for the purpose of strategic infrastructure (AG5.2), justification and an assessment of options seeking to contain encroachment and compensate residual impacts has not been provided. The protection of the integrity of the community of</p>	<p>The Local Green Space area in GANP is the same as the LWS designated in EHDP. The open space of Terlings Park is a EHDP designation. Approximately 1,300 sqm will be lost due to ESC, replaced by 10,800sqm in new landscaped area north of the estate. See section 13.2 of Officer Report. Cherished View of open landscape will change with the development of Village 1 which will comprise a landscape buffer between new homes in south east corner of village and existing settlement of Pye Corner; ESC proposal encloses entrance to</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
			<p>Gilston has not been secured as, according to the proposals, different parts of the same community will have completely different access routes which are not easily interconnected. These impacts have not been adequately assessed.</p>	<p>Terlings Park with new landscaping to screen homes from new road – on balance this is considered preferable. Policy AG5 competing requirements acknowledge need for strategic infrastructure in line with EHDP Policy GA2, section 13.2 of Officer Report.</p> <p>Routes and connections are provided between Terlings and Gilston. There is no reason for a vehicular link between Terlings Park and Pye Corner and slight inconvenience of the amended Terlings Park access to Eastwick Road balanced against the alternative need for a junction double the size in front of Terlings Park entrance and this was found to be considerably more harmful.</p> <p>Residual impacts regarding noise are acknowledged and managed through non-planning regulations.</p>
<p><b>AG8</b> Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities</p>	<p><b>Non-conformity.</b> The proposed design of the CSC does not demonstrate that every effort has been taken to minimise impacts on the existing communities and that severance has been mitigated (AG8.1). Pedestrian and cycle access</p>	<p>The existing Fifth Avenue Crossing already provides an urban environment in this location and is designed to take as little land as possible while providing a safe transport environment. The need for the crossing is identified in the local plans and the scale is</p>	<p><b>Non-conformity.</b> The proposed ESC fails to demonstrate that every effort has been taken to minimise impacts on the existing communities and that severance has been mitigated (AG8.1). The intrusive design of the link (with overscale roundabout and</p>	<p>Routes and connections are provided between Terlings and Gilston. There is no reason for a direct vehicular link between Terlings Park and Pye Corner and slight inconvenience of the amended Terlings Park access to Eastwick Road balanced against the alternative need for a junction</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
<p>Seeks to ensure that new transport infrastructure is planned and delivered in a way which minimises adverse impacts on existing communities in terms of safety, noise, pollution and local character. The interrelationship with the A414 and with east-west strategic movement will also need to carefully address any severance issue and be considered in the context of the Garden Town's sustainable mobility strategy.</p>	<p>relies on a long (potentially unsafe at night) segregated bridge and vehicular access to the various groups of buildings that make up the Gilston Community (identified in AG5) is disconnected and circuitous, while vehicular access to the new community is encouraged and facilitated. Too much has been left to conditions in respect of detailed design, landscape and mitigation and further design development required to demonstrate how impacts are to be mitigated.</p>	<p>designed to enable prioritisation of sustainable transport. It is acknowledged that this will create new built infrastructure but the 10,000 homes allocation requires access. It is unclear what severance is being caused by the CSC proposal.</p> <p>Design of pedestrian/cycle route will be designed to provide a safe environment for all and vulnerable users. Alternative at grade route provided for direct routes across the road bridges. Village 1 main access is deliberately designed to be for sustainable and active modes only, with general vehicle traffic diverted. Sufficient information has been provided to make a reasoned judgement of visual and environmental impacts. The conditions are necessary and are standard practice as they allow for refinement and greater detail at the detailed technical engineering design stage, acknowledging that there is a need for technical approval of the highway infrastructure for construction purposes through the Highway regulations. Officers consider that the</p>	<p>out of scale culverts) across the Stort Valley fails to minimise impacts on the character and river environment and provide good connections for walking and cycling in the valley (AG8.1.v). The new vehicular access arrangements are not designed to minimise any increase in traffic and to retain convenient access to existing communities (AG8.1.vi). Segregation within the Gilston Community (identified in AG5) is introduced as a new major road cuts off Terlings Park from the rest of Gilston and removes entirely vehicular connection between Terlings and the rest of Gilston, including access to future village facilities.</p>	<p>double the size in front of the Terlings Park entrance and this was found to be considerably more harmful. Access is retained to existing communities; this has dominated the design rationale for the ESC. Community cited a preference for access to Pye Corner from the south to be retained, thereby requiring a junction. Without this junction the impacts of the ESC between Pye Corner and Terlings Park would be reduced. Relocated access to Terlings Park is onto a cross-road junction with the Village 1 all-modes access providing a direct vehicular route into the heart of Village 1.</p> <p>The Central Roundabout meets required standards but will be refined at the technical engineering design stage to tighten the radii of the roundabout. See paragraph 13.2.35 of the Officer Report.</p> <p>The visual harms of the elevated section of the ESC are acknowledged. The scale and height of culverted embankment and bridge is due to needing to tie in with the man-made mound of the former landfill but has been designed to be the minimum</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
		proposals accord with and do not contravene Policy AG8.		required for a single carriageway with pedestrian/cycle routes. Existing PRowS will be retained providing connections from existing homes to the routes most suitable for recreational use. Balance needed between enabling more movements in the valley where it could affect species and habitats. See sections 13.2 and 13.6 in Officer Report. Officers consider that the proposals accord with and do not contravene Policy AG8.
<p><b>AG9</b> Phasing of Infrastructure Delivery</p> <p>Places great importance on making sure that infrastructure provision is phased to provide adequate capacity to meet the comprehensive needs of new and existing communities.</p>	<p><b>More details required.</b> The timing of delivery of the CSC, including convenient cycling and pedestrian facilities, needs to meet the cumulative needs of the new and existing communities. No details of phasing related to needs provided,</p>	<p>Indicative phasing plans have been provided and interim design stages proposed which show continual access for pedestrians and cyclists across the bridge during construction. Condition 5 requires the submission of detailed phasing plans for each element of the crossing delivery construction for approval by the LPA and Highway Authority. Conditions 13 and 14 will enable the management of the operational stages of construction. The S106 related to the outline application will confirm details of triggers and phasing of the delivery of infrastructure related to the needs of the new development.</p>	<p><b>More details required.</b> The timing of delivery of the ESC, including convenient cycling and pedestrian facilities, needs to meet the cumulative needs of the new and existing communities as they arise. No details of phasing provided. It is understood that the delivery of the ESC is not necessary to support the development in its early stage and could be delayed until later in the development programme, when the sustainable travel patterns of the development and of the CSC are known.</p>	<p>Indicative phasing plans have been provided and interim design stages proposed which show continual access for pedestrians and cyclists across junctions during construction. Condition 5 requires the submission of detailed phasing plans for each element of the crossing delivery construction for approval by the LPA and Highway Authority. Conditions 13 and 14 will enable the management of the operational stages of construction. The S106 related to the outline application will confirm details of triggers and phasing of the delivery of infrastructure related to the needs of the new development. The modelling demonstrates the need for the ESC, being required to work</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
				alongside the CSC in enabling the delivery of the STC network to enable growth within the Gilston Area and wider HGGT.
<b>2. Delivering Quality Places</b>				
<p><b>H1</b> Celebrating Existing Heritage Assets</p> <p>Requires that heritage assets, an irreplaceable resource intrinsic to the character of the Gilston Area, should be protected and, where possible, enhanced to retain significance in the life of the future communities and guide the design of the new villages.</p>	<p><b>More details required.</b> The proposals for the CSC do not make a specific assessment of their impact on the heritage of the area or contributions to the celebration of their setting. <u>This is a requirement also of Policy GA2</u></p>	<p>Heritage impacts have been considered through section 13.7 of the CSC report. A comprehensive Heritage Statement has been submitted comprising an assessment of the impacts of the development. Policy GA2 was approved in the context of a Heritage Impact Assessment undertaken through the plan-making process. The HIA assessed the impacts of the development and Policy GA2 requiring the infrastructure was approved by the Inspector.</p>	<p><b>Non-conformity.</b> The proposals for the ESC do not make a specific assessment of their impact on the heritage of the area or identify potential contributions to the celebration of their setting. They fail to acknowledge the heritage value of the Stort Valley and Navigation (despite identifying the valley as having 'medium heritage value' in the EIA) and fails to minimise or mitigate impacts on Fiddler's Bridge and Fiddler's Cottage, both Listed Grade II. <u>This is a requirement also of Policy GA2</u></p>	<p>Heritage impacts have been considered through section 13.7 of the ESC report and great weight is afforded to the harms acknowledged on the listed buildings of Fiddlers Cottage and Fiddlers' Brook Footbridge. The heritage value of the Stort Valley and Navigation are considered in the Officer Report. A comprehensive Heritage Statement has been submitted comprising an assessment of the impacts of the development. Policy GA2 was approved in the context of a Heritage Impact Assessment undertaken through the plan-making process. The HIA assessed the impacts of the development and Policy GA2 requiring the infrastructure was approved by the Inspector. Officers consider that the proposals accord with and do not contravene Policy H1 of the GANP.</p>
<p><b>EX1</b> Existing Settlements Aims to ensure the impacts on existing</p>	<p><b>More details required.</b> Further details required of mitigation and long-term maintenance and protection of the character of</p>	<p>This is not applicable to the CSC proposal, but rather the Villages 1-6 outline application</p>	<p><b>Non-conformity.</b> The ESC will have very significant impacts and makes no provision for mitigation and long-term</p>	<p>Section 13.7 of the Officer Report considers the impact of the development on the existing settlement of Pye Corner and</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
settlements created by the scale of the proposed development are mitigated and existing settlements may benefit in terms of access to improved infrastructure and facilities	the existing lanes, such as Eastwick Lane (EX1.1)		maintenance and protection of the character of the existing streets and lanes such as Pye Corner and Gilston Lane, which will dramatically change character as a result of the proposals.	explains how enhancements are proposed to the public realm of Pye Corner, secured by condition on the ESC. The closure of Pye Corner to through traffic will considerably improve the character of the road and Gilston Lane, reducing traffic, noise and disturbance thereby enhancing the setting of heritage assets within the village. Beyond these in-kind enhancements, the maintenance of adopted roads remains the remit of the Highway Authority. Officers consider that the proposals accord with and do not contravene Policy EX1.
<p><b>TRA1</b> Sustainable Mobility</p> <p>Requires development in the Gilston Area to make an essential contribution to sustainable transport choices advocated for the Harlow and Gilston Garden Town through provision of a comprehensive</p>	<p><b>Non-conformity.</b> The application for the CSC makes no assessment of how it will, as a standalone development, seek to achieve the sustainable mobility targets of the Gilston and Harlow Garden Town (TRA1.1). It also does not give a clear order of priority to walking and cycling over public transport and vehicular access. (TRA1.3.i). It also does not include convenient and separated access to Harlow Town Station (TRA1.3.v).</p>	<p>Section 13.3 of the Officer Report discusses transport modelling and the assessment of the crossing. The CSC is designed specifically with the intent and purpose of creating a Sustainable Transport Corridor connecting the STC network in Harlow with the new Gilston Area communities which will enable the achievement of the sustainable mobility targets established in the HGGT Transport Strategy.</p> <p>The CSC is designed with dedicated</p>	<p><b>Non-conformity.</b> The application for the ESC makes no assessment of how it will, as a standalone development, seek to achieve the sustainable mobility targets of the Gilston and Harlow Garden Town (TRA1.1) and reduce overall need to travel. It also does not give a clear order of priority to walking and cycling over vehicular access. (TRA1.3.i). It does not include convenient and separated access to Harlow Mill and Harlow Town Stations</p>	<p>Section 13.3 of the Officer Report discusses transport modelling and the assessment of the crossing. The ESC is designed specifically with the intent and purpose of enabling direct pedestrian, cycle, bus and vehicular access between the Gilston Area allocation and key employment destinations within Harlow, and to enable the delivery of a Sustainable Transport network in Harlow which will enable the achievement of the sustainable mobility targets established in the HGGT Transport Strategy.</p>



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<p>sustainable mobility strategy and design choices for the new villages and the existing communities.</p>		<p>pedestrian and cycle routes, both in the form of a bridge and at grade alongside the carriageway. The CSC includes Burnt Mill Lane within the application area and public realm improvements will be provided on the route. The CSC application provides the infrastructure that will ensure direct connections to a future northern access to Harlow Town Station, but the necessity of a new station access arises from the allocation of 10,000 homes in the Gilston Area, and as such will be considered through the Villages 1-6 and Village 7 outline applications. Officers consider that the proposals accord with and do not contravene Policy TRA1.</p>	<p>(TRA1.3.v).</p>	<p>The ESC provides a continuous pedestrian and cycling connections along its length, providing connections along existing routes towards both stations. Enhancements to the walking and cycling routes within River Way will improve the public realm of the road, but it is beyond the remit of this application to make access improvements through the existing employment area to Harlow Mill Station. Public realm improvements to Pye Corner will enable a safe, convenient and pleasant route for pedestrians and cyclists due to a lower traffic and lower speed environment and the Village 2 access is designed to provide bus priority at the junction. Officers consider that the proposals accord with and do not contravene Policy TRA1.</p>
<p><b>TRA2</b> Access to the Countryside</p> <p>Seeks to ensure that new development delivers an extended network of footpaths, rights</p>	<p><b>More details required.</b> The application for the CSC, as a standalone development, does not include a comprehensive plan for a safe network of footpaths, cycleways and bridleways.</p>	<p>CSC contains direct access into the valley, improvement on existing set of steps to west of bridge. Also creates new footpath in valley west of new carriageway and connections from western pedestrian/cycle bridge down to the towpath. Balance between enabling more movements in the</p>	<p><b>More detailed required.</b> The application for the ESC, as a standalone development, does not include a comprehensive plan for a safe network of footpaths, cycleways and bridleways.</p>	<p>The ESC proposal provides new connections from existing communities into the valley. A new bridge and footpath is proposed from Terlings Park to connect to PRoWs 29 and 30, which provide direct access to the Navigation towpath. Paragraphs 13.2.28 and 13.2.29 of the Officer Report discuss</p>



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<p>of way, cycleways and bridleways which will link existing and new villages to each other and the wider countryside.</p>		<p>valley and directing this to locations which avoid impacts on species and habitats. Existing PRoW will be retained providing connections from existing homes to the routes most suitable for recreational use. Balance needed between enabling more movements in the valley where it could affect species and habitats. See sections 13.2 and 13.6 in Officer Report.</p>		<p>PRoW 31 which will be affected by the ESC near the Central Roundabout. Balance between enabling more movements in the valley and directing this to locations which avoid impacts on species and habitats. Proposal includes replacement of two bridge decks across the navigation for pedestrians and cyclists walking their bike over the bridge. This in kind benefit will improve the connection between the Navigation environment and the urban area of Harlow. See sections 13.2 and 13.6 in Officer Report.</p>
<p><b>3. Implementation and Delivery</b></p>				
<p><b>D1</b> Establishing a Partnership with the Community  Aims to put community engagement at the heart of delivering growth in the Gilston Area in accordance with Garden City Principles. Accordingly, the community must be fully engaged at</p>	<p><b>Non-conformity.</b> While interaction with the developers has taken place at various stages, the community has not been engaged in the planning and development of the designs for the CSC. Various requests for additional information and concept designs (for example of the critical pedestrian and cycle bridge) have been ignored.</p>	<p>The Highway Authority is the statutory body with the responsibility to respond to transport infrastructure proposals. Concept images have been provided in order to enable understanding of where the pedestrian and cycle bridge will be located. It has been agreed that the design of the pedestrian and cycle bridge will be established through a design competition process during which there will be community engagement.  Consultation has been carried out on the application and all</p>	<p><b>Non-conformity.</b> While interaction with the developers has taken place at various stages, the community's repeated requests for exploration of alternative arrangements and scaled-back infrastructure have been ignored. No meaningful engagement on the proposed solutions for the ESC has taken place.</p>	<p>The Highway Authority is the statutory body with the responsibility to respond to transport infrastructure proposals. There has been engagement on the different options for the ESC dating back many years with community events and opportunities for engagement. Consultation has been carried out on the application and all representations have been duly considered by Officers and the Applicant. Following representations made to the originally submitted applications amendments have been made to reduce the scale and width of each aspect of the ESC, in</p>

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Policy Objective	HEGNPG view upon the Central Stort Crossing	Officer Response	HEGNPG view upon the Eastern Stort Crossing	Officer Response
<p>each stage of the planning and development and in future governance arrangements.</p>		<p>representations have been duly considered by Officers and the Applicant. The Parish Councils and Neighbourhood Plan Group have had unprecedented levels of engagement with the Applicant and Officers of the Councils through regular Community Working Group and Steering Group meetings and this level of engagement has been welcomed by all parties.</p>		<p>particular in relation to the design of the Pye Corner and Terlings Park junctions.</p> <p>The Parish Councils and Neighbourhood Plan Group have had unprecedented levels of engagement with the Applicant and Officers of the Councils through regular Community Working Group and Steering Group meetings and this level of engagement has been welcomed by all parties.</p>

**Table 3: Summary of amendments to Central Stort Crossing Officer Report**

<b>Report 3/19/1046/FUL</b>	<b>Summary of Amendment</b>
2.12	Additional text regarding the determination of the crossings infrastructure in advance of the Villages 1-6 outline application
5.10 – 5.11	Additional text explaining the precautionary principle in Environmental Impact Assessment terms which means it is possible to assess the impacts arising from the CSC proposal with the benefit of understanding the impacts in context with the two other components of the development and as a whole.
Section 6	Section now entitled Habitats Regulations Assessment explains the process undertaken in fulfilling the Councils' duty as competent authorities in relation to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) (the 'Habitats Regulations. The section also summarises the screening assessment and appropriate assessment conclusions.
7.6	Additional commentary on how the public sector duty of considering equalities has been incorporated into the assessment of the CSC application.
9.6	Additional explanation of how policies and planning issues are considered.
Table 4	Additional description of the HGGT Transport Strategy objectives
11.7	Additional representations made by the Hunsdon, Eastwick and Gilston Neighbourhood Plan group described in headline form.
Section 12	Number of consultee representations updated. Details of petition received added. Information provided as to the nature of representations received following the publication of the Officer Report in November and responses made by the Applicant.
13.1.3	Summary of Gilston Area Neighbourhood Plan policies added to clarify how policies have been considered in relation to the principle of development
13.1.10	Explanation of how the outline application and Gilston Area allocation in the East Herts District Plan are necessary to understand the full impacts of the development proposed.
13.2.26	Clarity provided regarding Burnt Mill Lane improvements
13.2.34	Additional explanation of how the safety of vulnerable users of the bridges has been taken into account.
13.3.8	Information provided on the origin of the need for the crossing infrastructure and why it is important to consider the impacts arising from the development as a whole including the outline application and cumulatively taking account of the strategic growth planned within the Harlow and Gilston Garden Town area.
13.3.9	Consideration of responses relating to the infrastructure in the

	context of the outline application and any possible changes to the design of the future villages.
13.3.10	Describes how the application was amended to respond to the HGGT Transport Strategy objectives.
13.3.13 – 13.3.16	New text that describes the transport modelling scenarios in greater detail and how the modelling is considered comprehensive and sufficient upon which to make a reasoned appraisal of the impacts of development.
13.3.23	Additional explanation of how the safety of vulnerable users of the bridges has been taken into account.
13.4.25	Cross reference provided to the Habitats Regulations Assessment in relation to water quality considerations.
13.5.21	Describes the proposed mitigation to be provided in the form of low noise road surfacing to be secured by way of condition 42.
13.5.30	Cross reference provided to the Habitats Regulations Assessment in relation to air quality considerations.
13.5.35	Additional explanation of how the safety of vulnerable users of the bridges will be taken into account during the detailed design stages.
13.6.7 – 13.6.8	Description of the Habitats Regulations Assessment and consideration of impacts on the natural environment of National Network Sites.
13.6.9	List of sites of nature conservation interest provided in bullet form for clarity and text explaining the Habitats Regulations Assessment now removed as this is provided in Appendix A.
13.6.38 – 13.6.40	Describes what is meant by 'Enabling Works' in response to representations. Report explains the safeguards in place to prevent and minimise impacts of conditions that may have a physical environmental impact.
13.6.45	Updated information relating to the use of the DEFRA Metric version 3 as a biodiversity impact calculator and the Biodiversity Net Gain achieved from the CSC project.
Section 13.7	Section revised to provide additional information provided on the tests set out in planning regulations relating to heritage assets. In response to representations additional considerations have been given to the heritage interest of Harlow as a New Town and to the heritage interest of the Stort Navigation and its landscape as a setting to the New Town.
13.8.22	Further to considerations of the New Town heritage interest of Harlow, the assessment of the purpose of the Green Belt in preserving the setting and special character of historic towns has been updated.
15.12	Refinements made to the description of the very special circumstances required for development within the Green Belt.
Condition 40	New condition relating to restoring the land in the event of

	development not commencing.
Condition 41	New condition relating to supporting local employment
Condition 42	New condition relating to low noise road surfacing

**Table 4: Summary of amendments to Eastern Stort Crossing Officer Report**

<b>Report 3/19/1051/FUL</b>	<b>Summary of Amendment</b>
2.12	Additional text regarding the determination of the crossings infrastructure in advance of the Villages 1-6 outline application
5.10 – 5.11	Additional text explaining the precautionary principle in Environmental Impact Assessment terms which means it is possible to assess the impacts arising from the ESC proposal with the benefit of understanding the impacts in context with the two other components of the development and as a whole.
Section 6	Section now entitled Habitats Regulations Assessment explains the process undertaken in fulfilling the Councils' duty as competent authorities in relation to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) (the 'Habitats Regulations. The section also summarises the screening assessment and appropriate assessment conclusions.
7.6	Additional commentary on how the public sector duty of considering equalities has been incorporated into the assessment of the ESC application.
9.6	Additional explanation of how policies and planning issues are considered.
Table 4	Additional description of the HGGT Transport Strategy objectives
11.7	Additional representations made by the Hunsdon, Eastwick and Gilston Neighbourhood Plan group described in headline form.
Section 12	Number of consultee representations updated. Details of petition received added. Information provided as to the nature of representations received following the publication of the Officer Report in November and responses made by the Applicant.
13.1.3	Summary of Gilston Area Neighbourhood Plan policies added to clarify how policies have been considered in relation to the principle of development
13.1.10	Explanation of how the outline application and Gilston Area allocation in the East Herts District Plan are necessary to understand the full impacts of the development proposed.
13.1.5	Additional reference to Heritage Impact Assessment undertaken during plan-making process in support of Policy GA2 of EHDP.
13.1.5	Additional description of Examination in Public process and Inspector's Report on the GA1 and GA2 policy allocations.
13.1.12	Explanation of how the outline application and Gilston Area

	allocation in the East Herts District Plan are necessary to understand the full impacts of the development proposed.
13.2.9	Additional discussion about the Terlings Park access arrangements.
13.2.17	Reference to Pye Corner public realm improvements being secured via a condition on the ESC application rather than the Villages 1-6 outline application.
13.2.19	Additional explanation of how the safety of vulnerable users of the bridges has been taken into account.
13.2.20	Additional discussion about the Fiddlers' Brook road bridge foundation design.
13.2.21	Additional discussion about the Community Boundary designation in Policy AG5 of the GANP.
13.2.23	Additional discussion about the balance of considerations needed relating to the ESC at Terlings Park and Pye Corner.
13.2.24	Additional description of replacement open space for area lost in the northern section of Terlings Park.
Figure 18	Revised images to better illustrate above point.
13.2.43	Additional description and consideration of the culverted embankment.
13.2.55	Additional explanation of how the safety of vulnerable users of the bridges has been taken into account.
13.2.61	Further description of public transport infrastructure at River Way.
13.2.63	Further description of public realm infrastructure at River Way/ Edinburgh Way junction.
13.3.8	Information provided on the origin of the need for the crossing infrastructure and why it is important to consider the impacts arising from the development as a whole including the outline application and cumulatively taking account of the strategic growth planned within the Harlow and Gilston Garden Town area.
13.3.9	Consideration of responses relating to the infrastructure in the context of the outline application and any possible changes to the design of the future villages.
13.3.10 – 13.3.11	Describes how the application of the ESC relates to the Concept Framework and the Villages 1-6 outline application, and how it is important that the full impacts of the ESC are assessed cumulatively with the outline applications and other planned growth.
13.3.12 – 13.3.17	New text that describes the transport modelling scenarios in greater detail and how the modelling is considered comprehensive and sufficient upon which to make a reasoned appraisal of the impacts of development.
13.3.23	Additional explanation of how the safety of vulnerable users of the bridges has been taken into account.
13.3.32 – 13.3.34	Additional description of technical design process, including speed management and maintenance.

13.4.26	Cross reference provided to the Habitats Regulations Assessment in relation to water quality considerations.
13.5.43	Cross reference provided to the Habitats Regulations Assessment in relation to air quality considerations.
13.6.7 – 13.6.8	Description of the Habitats Regulations Assessment and consideration of impacts on the natural environment of National Network Sites.
13.6.9	List of sites of nature conservation interest provided in bullet form for clarity and text explaining the Habitats Regulations Assessment now removed as this is provided in Appendix A.
13.6.19	Additional text referring to Pole Hole Brook watercourse for clarity.
13.6.20 – 13.6.21	Description of how a worst case scenario approach was taken in relation to habitat and species survey on land to which access was denied.
13.6.47 – 13.6.49	Describes what is meant by ‘Enabling Works’ in response to representations. Report explains the safeguards in place to prevent and minimise impacts of conditions that may have a physical environmental impact.
13.6.52 – 13.6.53	Updated information relating to the use of the DEFRA Metric version 3 as a biodiversity impact calculator and the Biodiversity Net Gain achieved from the ESC project.
Section 13.7	Section revised to provide additional information provided on the tests set out in planning regulations relating to heritage assets. Full descriptions of the relevant listed assets impacts by the ESC are provided. Additional detail provided on the assessment carried out regarding the impact of the ESC on the listed buildings. In response to representations additional considerations have been given to the heritage interest of Harlow as a New Town and to the heritage interest of the Stort Navigation and its landscape as a setting to the New Town.
Figures 37, 38, 39, 40, 41, 42, 43, 44 and 45	New images inserted relating to the listed buildings considered in the Officer Report.
13.8.33	Further description of the harm to heritage assets and on the Local Wildlife Site and open space designations provided in Green Belt assessment context.
13.8.39 – 13.8.40	Refinements made to the description of the very special circumstances required for development within the Green Belt.
15.14	Refinements made to the description of the very special circumstances required for development within the Green Belt.
Condition 40	New condition relating to restoring the land in the event of development not commencing.
Condition 41	New condition relating to the detail of improvements at River Way/

Appendix B: Amendments Following Postponement of Committee in November 2021

	Edinburgh Way junction.
Condition 42	New condition relating to supporting local employment.
Condition 43	New condition relating to low noise road surfacing.
Condition 44	New condition relating to the detail of improvements to Stort Navigation footbridge decks.