

Development Management Committee: 28th February 2023
Additional Representations Summary A

East Herts Council: Development Management Committee

Date: 28th February 2023

Summary of additional representations and updates received after completion of reports submitted to the committee, but received by 9am on 27th February 2023

Agenda No 5a

3/19/1045/OUT

Summary of representations/amendments

1. Additional representations received: **Hertfordshire and West Essex Integrated Care Board (ICB)**
 - 1.1 The Integrated Care Board considers there is an unresolved healthcare contribution. The 2019 Harlow and Gilston Garden Town (HGGT) Infrastructure Delivery Plan (IDP) covers S.106 contributions expected from HGGT developments towards healthcare provision to serve residents. The emerging HGGT IDP update has been informed by a Health Impact Assessment using the Healthy Urban Development Unit (HUDU) commissioned by Princess Alexandra Hospital. The Council has adopted the HGGT IDP as guidance and should be taken into account.
 - 1.2 For primary health care, community and mental health, the ICB is content with the provision of a Health Centre of up to 3,515m² floorspace. However, the ICB feels that the commercial arrangement related to lease or rent is unacceptable to the ICB, and while the ICB recognise that commercial arrangements sit outside planning they require greater reassurance on those terms and have requested that instead of the previously agreed arrangement whereby the applicant deliver the Health Centre, the ICB now request that sufficient, suitable, serviced land be provided at nil value and the applicant provide £14.9m to the ICB who will deliver the Health Centre itself.
 - 1.3 For ambulance services, the ICB proposed two options for the delivery of an enhanced ambulance service that would serve the catchment within which the development falls. While the ICB recognises that the detail of the two projects were not defined, they consider that S.106 contributions are collected to meet increased housing growth.
 - 1.4 For acute care, the ICB consider that the Officer Report incorrectly states that the request is not compliant with the CIL regulations; that Princess Alexandra

Development Management Committee: 28th February 2023

Additional Representations Summary A

Hospital (PAH) is seeking contributions towards meeting local health impacts (in particular acute health needs) arising as a consequence of the development. The ICB considers that the application is not supported by a Health Impact Assessment, whereas the PAH work is. The hospital has little or no capacity and a funding shortfall is also likely, therefore an agreed contribution should be included in the S.106 and the specific acute facility(s) to be funded would be identified and specified accordingly.

Officer response

- 1.5 In relation to primary care, Officers agree that the commercial arrangements relating to lease of rent of a building sits outside Planning and is not a matter that can be considered by this committee. Officers consider that the principle route of delivery is for the applicant to deliver the Health Care Centre on site to the specification and triggers agreed. This process can be controlled through the S.106 and enforced where necessary. This route gives assurance that the facility will be delivered in a timely and cost-effective manner, avoiding conflicts with other construction activities that will be ongoing at the same time in the village centre. The particular commercial arrangement as to how the Health Centre is made available to service providers is a matter primarily between the landowner and the provider. However, the S.106 Agreement is likely to set out that the owner needs to offer it on reasonable commercial terms at a reasonable rent having regard to the use proposed. The Application has also proposed an early years subsidised rent which is likely to involve an independent valuer. The detail of this will be addressed within the S.106 itself. The requirement within the s.106 planning obligation is sufficient to assure delivery of the Health Centre at the point in time at which it is required. It is not considered necessary therefore or appropriate to require the terms on which service providers take up the space to be defined in the obligation. However, the proposed Draft Heads of Terms have been amended to enable the option of delivery by the ICB to be explored provided that suitable controls can be secured that ensures delivery by the same triggers.
- 1.6 In relation to ambulance provision, the Applicant has agreed that space will be provided for an ambulance bay as part of the specification to be agreed for the primary Health Care Centre. It is not considered necessary for an further provision to be required with regard to the operation of the ambulance service.
- 1.7 In terms of acute care, the ICB is incorrect in its assertion that the application has not carried out a Health Impact Assessment. The HUDU Health Impact Assessment is contained in the 2019 ES document pack at Appendix 8.2. The application is also supported by a Health and Wellbeing Strategy, the principles and objectives of which are embedded in the Development Specification which

Development Management Committee: 28th February 2023

Additional Representations Summary A

will inform the masterplanning and Reserved Matters Application stages of the development. Principles such as Sport England's Active By Design are also incorporated into the Development Specification, the ethos of which is to provide healthy homes and design of development where active movement and recreation is given priority, with access to parks, open spaces and recreational opportunities within walking distance of homes.

- 1.8 While Officers are sympathetic to the matter of acute care and the difficulties faced in the NHS in providing services, Officers remain of the view that insufficient evidence has been provided to justify contributions towards the hospital and acute healthcare provision, regardless of whether the Hospital is relocated or remains in its current location. The Gilston Area allocation has been identified in response to household projections, which are the same projections used by the NHS to prepare and plan for service delivery. The information presented doesn't provide sufficient or robust information for Officers to be satisfied that the development will generate impact on the acute sector such that the the funds requested are necessary to make the development acceptable in planning terms; are directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 1.9 The position put to Officers is that the development results in additional floorspace necessary to provide beds for elective, emergency and maternity beds, but does not demonstrate whether or how this requires the actual provision of new floorspace, or demonstrate where/how this floorspace will be provided. Several varied calculations have been presented; one based on a HUDU model resulting in a cost of between £9.5m and £18.5m depending upon assumed levels of in-migration and whether funds are directed to refurbishment, redevelopment or relocation of the Princess Alexandra Hospital. The second calculation provided is that included in the 2019 HGGT IDP which takes the total cost of providing a new hospital, divides that by the cost per square metre then multiplies that cost by the number of new homes coming forward in the HGGT area, including the Gilston Area factoring in a population increase over a 15 year period. This does not reflect that the hospital relocation plan is not intended to serve only the new homes arising from development but serves a significantly greater catchment, including a significant current population. Nor does this reflect previous advice given to the Council in August 2021 in which it is suggested that additional demand for healthcare services may not be met solely through new floorspace, but through other solutions, including making better use of existing premises, investing in IT or the workforce.
- 1.10 Taking the IDP calculations first, it is noted that the 2019 HGGT IDP has been approved for use as guidance in considering planning applications in the Gilston

Development Management Committee: 28th February 2023

Additional Representations Summary A

Area. However, while the IDP is material, the East Herts District Plan Infrastructure Delivery Plan that was taken through a full examination process did not identify that contributions would be required for acute care services, nor was such a request made by the NHS during the examination process. Taking the HUDU model point, the model fails to acknowledge that even where backfill occurs the population moving into the Trust catchment will already have been accounted for in the NHS budget and that in time changes to population in a catchment are captured by budgetary reviews through the National Tariff and Block Contract process.

- 1.11 Notwithstanding the calculations provided, the NHS have stated that “there is a significant shortfall between the cost of providing acute healthcare and the available funding, regardless of where the service is delivered from”¹ and that this gap is an existing situation borne from the capital allowance provided to the hospital through the National Tariff being insufficient to provide for new infrastructure, including buildings, equipment and technology. The Trust state that “there is no routine eligibility for capital allocations from either the Department for Health or local commissioners to provide new capital capacity to meet additional healthcare demands”². However, Officers understand that “Monitor” was established by the Health and Social Care (Community Health and Standards) Act 2003, the main duty of Monitor is to have regard to the likely future demand for health care services and the NHS use ONS projections to plan for service requirements. Officers consider that there has been, and will continue to be, sufficient time available for the NHS to plan for the identified growth, particularly as each local plan in the HGGT area has based their housing numbers on meeting the needs identified through ONS projections.
- 1.12 Indeed, the Trust states that the rationale for the new hospital is based on the need to modernise facilities and provide additional capacity to help meet current and future needs, but identifies that “there remains a significant funding gap in either hospital development scenario i.e., whether it is redeveloped in situ or relocates to a new site, and that this funding gap is directly and proportionally increased by the ‘new’ residents of the Gilston Area development.”³ Officers have not been provided with the evidence to justify this statement. The business case for the hospital development options recognised the planned growth in the area, including all sites, not just those in the Gilston Area. It is not clear how it is the responsibility of development to plug a funding gap in a business plan which has taken into account the planned growth which has been allocated in an adopted plan since 2018.

¹ LPP Letter to Council 05.08.2021 (para. 6.3)

² LPP Letter to Council 05.08.2021 (para. 5.3)

³ LPP Letter to Council 05.08.2021 (para. 5.5)

Development Management Committee: 28th February 2023

Additional Representations Summary A

- 1.13 This statement also suggests there is both a shortfall in the delivery of the acute health service (i.e. revenue) and the infrastructure to provide the service (i.e. capital). However, the NHS's request (05/08/2021) states that revenue costs have not been modelled due to the lead-in time until the first new homes are occupied and only capital costs are considered in their request. In referring to the capacity of the hospital service, which is identified as running at 89.8% capacity (2019/20), the Trust identifies that high occupancy levels have a correlation to delays to elective services and emergency department non-elective services; that there is no spare service and estate capacity for the Gilston Area to draw down; and that new development "will inevitably add to the demand experienced by the hospital and put the Trust at increased risk of financial penalties associated with failure to achieve national waiting time standards." It is therefore considered difficult to disaggregate service and capacity in this context.
- 1.14 Officers acknowledge that hospital services are under pressure and that development will result in demands for acute healthcare services, but do not consider that sufficient or robust evidence has been provided to demonstrate how funding requested will or is necessary to mitigate the impacts of development to make the development acceptable in planning terms. The Trust has not been able to identify how funds would be spent, or how other measures other than new floorspace would provide the same mitigation, and this therefore fails the necessity test in the CIL Regulations. An existing capacity issue has been identified but no evidence is provided to explain how the funding sought will address 'new' impacts arising from development. Nor is it evidenced that the planned growth in adopted Plans allocated to meet ONS projections are not or cannot be accounted for in normal business planning for acute services. Finally, Officers have not been provided sufficient evidence to justify why the funding gap identified in the hospital relocation development option is fairly and reasonably related in scale and kind to the 'new' development rather than across the hospital catchment as a whole, and no evidence is provided to justify how shortfalls in service and existing capacity is related to the development.
- 1.15 The Trust acknowledges that the provision of health care services are changing under the new Integrated Care model, where more focus is on the prevention of negative health impacts and redirecting health care services closer to home by moving hospital-based services to primary and community care settings. The Trust have therefore requested an unspecified "off-site provision or an equivalent financial contribution" towards acute community healthcare floorspace within existing and new health centres. Officers consider that the proposed delivery of a health centre on site that provides floorspace for mental health and community health care will address this approach by providing

Development Management Committee: 28th February 2023

Additional Representations Summary A

integrated care services in the heart of the development and no further contribution should therefore be required. Finally, the Council must also consider other material considerations in relation to the request for contributions, particularly when the viability of a scheme is already a known issue. The Officer Report describes how multiple scenarios were considered to understand the effects on the viability of the scheme through increasing or decreasing contributions towards infrastructure on and off-site. It is the view of Officers that in the context of contributions towards acute care not being compliant with the CIL Regulations, to worsen the viability of the scheme through insisting on this contribution would result in negative impacts in other aspects, such as not being able to fully mitigate transport impacts or provide affordable housing.

2. Two additional representations received: **Maria Michael, local resident**
- 2.1 Concern is raised about the impact of heavy duty vehicles using Pye Corner during the period of construction until the Eastern Stort Crossing is completed. Has been told the Council will remove the weight restrictions to enable large heavy goods vehicles to access the site. No control to stop goods drivers using Pye Corner. Concern that damage will be done to listed buildings through vibration and residential amenity will be harmed by noise and air pollution as a result. Resident feels she has been misled as they understood that Pye Corner would not be used for construction vehicles. The by-pass to Pye Corner should be built, Government funds should be sought to secure infrastructure. Consultations are meaningless.
- 2.2 Representation considers it wrong to build on Green Belt land, citing Mr Gove MP who has recently stated that greater protection for the Green Belt will be made through changes to the NPPF, that there will be a greater emphasis on brownfield development, greater involvement of local communities, more control to the inspectorate to stop appeals when there is local opposition, and strengthening neighbourhood plans. Representation cites benefits of green belt land for biodiversity and heritage, and encourages more affordable housing in villages for local people and improvement to public transport links to encourage economic growth where housing is relatively cheap and plentiful.

Officer Response:

- 2.3 The applicant will be required to submit a Construction Traffic and Environment Plan that will set restrictions on the routes that large vehicles are to follow to access the site. It is envisaged that the A414 will be the primary route with access via the Village 1 all-modes junction. The Village 2 Interim Access is designed to prevent vehicles turning left from Pye Corner into the site during the

Development Management Committee: 28th February 2023

Additional Representations Summary A

interim phase of development until the final junction is completed through the Eastern Stort Crossing, when Pye Corner will be closed at the north-eastern end. The Council can enforce against breaches of the agreed plan. There is no proposal to remove any weight restrictions. The Council will be working with the Applicant to monitor all stages of the development construction, and to provide information relating to key construction stages, including providing contact details for the purpose of reporting concerns.

2.4 In terms of Green Belt, the District Plan was prepared in accordance with the National Planning Policy Framework and land was allocated to enable the delivery of new homes to accommodate identified housing needs in line with Government policy and through the adoption of the District Plan land was removed from the Green Belt to facilitate the delivery of the approved development strategy. Mr Gove MP has made a number of statements in December, and while regard has been had to those statements they have not yet been transposed in to legislation or changes to the NPPF. The District Plan was adopted in 2018 and the statements by Mr Gove cannot be retrospectively applied to adopted Plans. The Gilston Area Neighbourhood Plan is also an adopted plan and the application has been assessed against the policies contained therein.

3. Additional representations received: **Town Legal for Hunsdon House** – Letter to all Members

3.1 The representation calls on members to defer the consideration of the Village 1-6 application until such time as it can be considered alongside the Village 7 proposal. The representation indicates the joint assessments that have been undertaken that consider the impacts of the two applications as a whole, that there is a single allocation and are both the subject of the Gilston Area Neighbourhood Plan, and that the two applications are cross-reliant on infrastructure provision. The representation highlights that there is a shared single Stewardship and Governance Strategy and strategic Design Guide and are proposed to be bound by a shared framework of planning obligations and conditions with mirroring S.106 Agreements.

3.2 The representation considers that deferment is required because Villages 1-6 is reliant upon sports pitches and Gypsy and Traveller provision in Village 7.

Officer Response:

3.3 As members will see in the proposed Draft Heads of Terms, there is a clear approach taken to the provision of core or shared infrastructure requirements.

Development Management Committee: 28th February 2023

Additional Representations Summary A

For example, the understanding is that Village 7 will contribute commensurate sums to the provision of facilities provided on Villages 1-6 and vice versa where necessary. Whilst a coordinated approach to infrastructure has been adopted to facilitate comprehensive delivery, V1-6 is not considered by officers to be reliant on v7 coming forward and will be acceptable in planning terms if there is delay to v7. The Heads of Terms document accompanying the Officer Report primarily relates to the V1-6 application and the obligations required in respect of V1-6 in determining that planning application. However, following engagement with the V7 applicant, the document also includes the expected obligations for V7 for information purposes where it is thought helpful to assist with demonstrating comprehensive development. It is the preference of the LPA that there will be a single section 106 agreement (in the event that both applications receive a resolution to grant in a timely manner). However, it is acknowledged that it is technically possible to have separate agreements with mirror provisions (for example, in the event of delay in respect of the V7 application). The detail of this will be addressed as part of the section 106 agreement.

- 3.4 Officers have been considering the merits of each application in parallel since first submitted. As is pointed out by the representee, there was a joint scoping exercise, and many chapters of the Environmental Statement assessed the site as a whole before the two applicants decided to proceed with two applications. Despite there being two applications, the approach taken to matters of comprehensive development, such as the strategic design guide, commitment to the Strategic Landscape Masterplan process and a shared Stewardship Strategy, demonstrate that site-wide considerations have been fully considered and there is sufficient information before members to understand the impact of the two applications as a whole. Furthermore, members have received briefings on each application and have toured both application areas in one visit enabling a comprehensive view of the allocated area.
- 3.5 The Officers Report for Villages 1-6 also describes the situation in relation to sports pitches, acknowledging that in a scenario in which Village 7 did not come forward, there would be an under-provision of two football pitches against the number identified by Sport England. However, Officers consider that this minor shortfall has been adequately countered by the wide range of other built sports facilities and pitches proposed across the Villages 1-6 development that would far exceed the requirements if developed in the absence of Village 7. An alternative location for sports pitches in Villages 1-6 is therefore not required. Notwithstanding this, there is a longer term potential for the large open space at the Hunsdon Airfield Community Agriculture Park to accommodate grass pitches in a suitable location compatible with its proposed use as a community park

Development Management Committee: 28th February 2023

Additional Representations Summary A

asset. There is therefore no proposal in the Villages 1-6 scheme that prematurely fixes any aspect of the Village 7 scheme.

- 3.6 In terms of Gypsy and Traveller provision, there is an agreement between the applicants for the distribution of the requirement as explained in the Officer Report and the proposed Draft Heads of Terms. In the scenario where Village 7 did not come forward the Village 4 site has the ability to accommodate a greater number of pitches if required, and the S.106 Agreement will secure the safeguarding of land as appropriate to provide for the needs proportionate to the Village 1-6 site if delivered in the absence of Village 7.
4. Additional representations received: **Town Legal for Hunsdon House** – Letter 1
- 4.1 The representation considers that the finalisation of the S.106 legal agreement and conditions is too complex to be delegated to officers and should be referred back to committee for approval when in their final form. The respondent refers to a Freedom of Information request they made which asked for draft copies of the Heads of Terms and S.106 Agreement schedules. The respondent has asked members to defer consideration of the Village 1-6 application until it can be considered alongside Village 7. They request that the owner of Hunsdon House be consulted on a monthly basis in a meaningful fashion on the S.106 obligations and conditions insofar as they affect their interest in the application.
- Officer Response
- 4.2 Officers consider it is not appropriate to consult an individual homeowner on a legal agreement that is specific to a planning application to which they will not be signatory. The legal agreement is designed to address the application and while Officers recognise that the S.106 Agreement is unavoidably detailed and technical, it is normal practice that legal drafting is undertaken by those qualified to do so, working with officers. If however, there are fundamental changes that occur in the interim period between a committee resolution and the completion of a S.106 Agreement Officers have an obligation to report changes back to the committee.
5. Additional representations received: **Town Legal for Hunsdon House** – Letter 2
- 5.1 Representation considers that the Officer Report does not accurately reflect the exchange between officers and the representee in relation to their proposed alternative design put forward as a counter to the application being considered.

Development Management Committee: 28th February 2023

Additional Representations Summary A

The representation considers that their well-considered alternative proposal has been dismissed by Officers.

Officer Response:

- 5.2 It is noted that Officers have had multiple exchanges by email and telephone with the representee, and have sought to understand the nature of the alternative proposal put forward. The representee has made it clear that they did not wish to make a formal application proposal so Officers did not consider it appropriate to meet the client to discuss the matter further. It is Council protocol to charge for pre-application advice and such a scheme as a proposal for 10,000 homes on a substantial area of land would need to be supported by a Planning Performance Agreement to ensure there is sufficient resource dedicated to the discussion as various areas of expertise are required, drawing on multiple Officer's time and resource. Without a commitment to this process being made Officers felt it inappropriate to pursue further engagement.
- 5.3 However, Officers have fully considered the heritage assessment and alternative images put forward, including seeking the advice of the Conservation and Urban Design Officer who has visited Hunsdon House in person. The application before the Council has been the subject of many years of discussion and a full Environmental Impact Assessment process; the proposal put forward by the representee, while laudable in its intention did not provide any information about infrastructure or demonstrate the deliverability of the alternative. The images put forward illustrated 53% less land used for development but include no information about what community infrastructure would be provided, what the visual impact of higher density development would be in order to deliver the same number of homes in half the space. The images gave no indication of how smaller villages would be connected or accessed, where schools or space for recreation would be provided. There would still be development situated in locations with the same proximity to the key heritage assets identified, which would result in the same level of less than substantial harm, but without the supporting infrastructure required to serve a development of 10,000 homes and no evidence to suggest it is deliverable, these cannot be considered benefits that outweigh the less than substantial harm, resulting in a conclusion that there is likely to be a greater level of harm to heritage assets overall.
6. Additional representations received: **Places for People** – Briefing to all Members
- 6.1 The Applicant has produced a leaflet for members outlining the key proposals and benefits of the application and the principles of healthy growth followed in the structure of the proposal.

Development Management Committee: 28th February 2023
Additional Representations Summary A

7. Additional representation received: **Nigel Clark of Stop Harlow North** – Letter to all members
- 7.1 Representation refers to a Harlow Development Corporation report of 1974, which considered development north of the town would lead to coalescence between Harlow and Bishop's Stortford, would result in loss of beautiful landscape, would need to retain the Stort Valley as a flood valley which would lead to a separated form of development. Representation refers to East Herts Council's response to the East of England Plan in 2006 in which the Council considered that development north of Harlow would impede regeneration of Harlow and to a decision of the Local Development framework Panel in 2010 related to a response to the 2009 East of England Regional Plan Review Consultation, where opposition was cited against the implied growth of Harlow into East Herts as set out in the Review. The representation asks what changed in planning terms since then.
- 7.2 The representation stated that the development required the largest Green Belt removal in Hertfordshire and one of the largest in the country; that the development does not reflect Garden City Principles set out in Policy GA1; that infrastructure burdens are too great and was known about yet the Plan was still found sound and approved; that the Stop Harlow North Campaign objected to evidence in the Plan that the Gilston site was deemed viable with 35-40% affordable housing, asking what has changed to now propose only 23% affordable housing. Representation considers that by approving the application the District Plan will be in tatters, that the shortfall of affordable housing will not be made up by other sites and will set a precedent.

Officer Response:

- 7.3 The evidence base supporting the adopted East Herts District Plan provided the rationale behind the allocation, which is provided in detail on the Council's website. Approximately 6% of the district's Green Belt was removed to accommodate the planned growth set out in the Plan's housing strategy. The Applicant's viability submission describes in detail what has changed since the District Plan's viability work, namely a considerable increase in not only the cost associated with the delivery of infrastructure, but also the extent of the infrastructure required that was not originally planned for which has arisen through consultation and engagement on the application. The Officer Report describes the viability process, how Officers have considered in detail the viability submission, have tested all options in relation to a focus on infrastructure versus affordable housing and vice versa. Officers acknowledge that the level of

Development Management Committee: 28th February 2023

Additional Representations Summary A

affordable housing proposed is lower than originally proposed, but that this is still within the remit of the District Plan Policy HOU3, which provides for circumstances where viability issues arise.

8. Additional representation received: **Paul Chiesa, Anthea Bickmore** and **Sara Barker**, local residents

8.1 Representations complain that members have had a briefing with the applicants, but the same opportunity has not been given to the Neighbourhood Planning Group. States that members have not supported the democratic right of the public to be heard and that Neighbourhood Plans should be treated meaningfully.

Officer Response

8.2 The Council's constitution allows for the organisation of information-gathering sessions to which all members of the Council are invited to attend to hear information about planning applications. The sessions are intended to provide members the opportunity to ask questions of the applicant. Separate sessions are held where members can ask questions of Officers without the applicant present. These are important opportunities for members to learn more about the application material in greater depth than can be covered in the Officer report or introductory presentation provided at the committee itself. It is also an opportunity for Officers to understand what information is helpful to members so they can provide technical advice where required. The sessions are controlled sessions and ensure that the members who are determining the application have all the information they need to make an informed decision.

8.3 The Council duly considered the extension of time for public speaking. A reasonable amount of time has been granted, taking into account that multiple opportunities have been provided through the formal consultation exercises undertaken since the application has been submitted.

8.4 The Neighbourhood Plan Group have been afforded the same opportunity to receive the same briefing from the applicants directly. Officers understand that the Applicant has reached out to the group in the last couple of weeks to offer to run through the briefing presentation but the offer was not taken up. Notwithstanding this, the NPG has regular sessions with the applicant in the form of a Community Forum. The Council also facilitates a session every six weeks between the NPG, the Applicant, EHDC and the HGGT in the form of a Gilston Area Development Forum, which was formally known as a Steering Group (which has been active for over three years). At this forum information is

Development Management Committee: 28th February 2023

Additional Representations Summary A

shared and debated where information is available. Furthermore, a sub-forum comprising the NPG, EHDC and HGGT is scheduled to take place every three weeks between each main forum, where required. The Gilston Area Neighbourhood Plan is a statutory part of the Development Plan and as such has been given due consideration through the preparation of the Officer Report.

9. Additional representation received: **Natural England** and **The National Trust**

9.1 The two consultees repeat their request for financial contributions towards the maintenance of Hatfield Forest. The representation considers that the development falls within the zone of influence of the forest and therefore development of this scale will result in recreational demands on the forest. As funding has not been identified for the forest both parties now object to the application.

Officer response:

9.2 Officers considered the request by the two bodies. This additional representation and previous representations do not specify the amount of funding sought and Officers understand that there is yet to be an established tariff agreed between the Trust and Natural England plus affected local authorities parties which would provide the ability to mitigate recreational impacts arising from development within the extensive zone of influence of the forest, which extends some 10.4km. It is noted that the Zol of Hatfield Forest extends over most of the application area. Officers understand that a Strategic Access Management Measures package has been costed, however, this document has not been provided to Officers nor is it available on the internet.

9.3 East Herts Council (with Harlow, Epping Forest and Uttlesford District Councils) has been invited to fund and work with Natural England and the National Trust to identify and agree mitigation measures in March 2022 and a brief was prepared for this engagement by Place Services, but Officers are not in receipt of the outputs of this engagement. The brief states that Natural England and the National Trust have identified a range of measures they consider would mitigate the impact of recreational demand on the forest. These include:

- Provision of Suitable Alternative/Accessible Natural Greenspace (SANG) within new large scale residential developments;
- Access to suitable natural green spaces for all residential developments;
- As well as “offsite” measures:
- Visitor management measures (SAMMS) at Hatfield Forest SSSI NNR; and
- Monitoring the impact of recreational pressure on vegetation in Hatfield Forest SSSI NNR.

Development Management Committee: 28th February 2023
Additional Representations Summary A

9.4 Officers consider that the application makes suitable on-site provision through the extensive strategic scale Suitable Alternative Accessible Natural Green Space provided in the form of the proposed Hunsdon Airfield Community Agriculture Park and Eastwick Woods country park which comprises a woodland creation, enhancement and management plan to enable recreational enjoyment of the onsite areas of woodland whilst protecting its ecological interests. In addition, the wide range of open spaces to be retained and provided on the site will ensure all residents have access to natural green spaces within a few minutes' walk, without resorting to driving out of the development some 10km past Bishop's Stortford to visit the forest. In the absence of a defined and evidenced request Officers do not consider the request meets the requirements of the CIL Regulations.

10. Additional representation received: **Sandra McAdam**, local resident

10.1 Representation objects to the proposed development, in particular the location of the proposed Gypsy and Traveller site adjacent to Village 4, due to constrained road access.

Officer Response:

10.2 These comments have been previously raised and have been considered in the report.

11. Report Corrections

11.1 A number of minor typographical errors have been identified in the report. Where clarification may be considered useful the table below provides the correct wording. A track change version of the report is also available.

Table A: Report Corrections

Paragraph	Issue	Original Text	Replacement Text
1.9	Typo	Section 13.3 describes the content and purpose of documents a. to i. below. Section xx also describes plans j. to l.	Section 13.3 describes the content and purpose of documents a. to i. below. Section 13.8 describes plans j. to l
5.2	Clarification	The PfP Scoping Update indicated that following the principles set out in Planning Inspectorate Note 9, the ES would be based on worst case scenario assumptions	The PfP Scoping Update indicated that following the principles set out in Planning Inspectorate Note 9, the ES would be based on reasonable worst case scenario assumptions
5.3	Correction	Where necessary, the effects and associated mitigation that has particular relevance to the CSC proposal are highlighted.	Where necessary, the effects and associated mitigation that has particular relevance to the outline proposal are highlighted.
6.3	Clarification	The Habitats Regulations Assessment (HRA) comprises a screening assessment and appropriate assessment on the potential impacts of the three applications comprising the Development	The Habitats Regulations Assessment (HRA) comprises a screening assessment and appropriate assessment of the likely significant effects of the three applications comprising the Development
6.4	Clarification	Table 1: Screening Conclusion Summary	Table 1: Screening and Appropriate Assessment Conclusion Summary
6.5	Clarification	Villages 1-6 application on its own and when considered in-combination with the Crossings applications as well as in combination with other schemes.	Villages 1-6 application on its own and when considered in-combination with the Crossings applications as well as in combination with other relevant plans and programmes.

Table 2	Missing Policy		<ul style="list-style-type: none"> AG7: Creating New Countryside Parks at Hunsdon Airfield and Eastwick Woodlands
10.20	Numbering awry.	CPRE made representations to the original application only.	CPRE made representations to the original application and to the 2020 amendments.
10.33	Correction	HGGT responded to the original application,	HGGT responded to the original application and to the 2020 Amendments,
10.47	Addition	National Grid representation to Original application was omitted	National Grid place a holding objection to the proposal on the basis of proximity to the overhead electricity line. However, representation sets out design requirements for designing development in proximity power lines to promote successful relationship between sites and power lines.
10.49	Correction	Network Rail representation to Original application was omitted.	Network Rail consider that insufficient information has been provided in relation to uplifts in passenger numbers.
11.11	Addition	Much Hadham Parish Council representation to 2020 Amendments	<p>Much Hadham Parish Council object to the proposed Gypsy and Traveller site at Village 4 due to constrained access roads and lack of integration with village development, thereby being removed from services including sustainable transport options.</p> <p>Officer note – these comments have been considered within the report</p>
13.3.8	Clarification	for veteran trees the buffer is to be 15 times larger than the diameter of the tree or 5m from the edge	for veteran trees the buffer is to be 15 times larger than the diameter of the tree stem or 5m from the edge

13.3.56	Correction	will create new opportunities for connections to services such as gas mains and fibre optic networks enabling the provision of high-speed broad band to existing isolated properties and existing villages where necessary	will create new opportunities for connections to services such as mains water and fibre optic networks enabling the provision of high-speed broad band to existing isolated properties and existing villages where necessary
13.3.58	Clarification	Pye Corner will enable the delivery of public realm improvements within the settlement and as described in paragraph x above, there may be opportunities in the future to introduce a road closure in Gilston Lane	Pye Corner will enable the delivery of public realm improvements within the settlement and as described in paragraph 13.3.21 above, there may be opportunities in the future to introduce a road closure in Gilston Lane
13.3.1-13.3.3	Addition		<p>Policies DES2 (Landscape Character), DES3 (Landscaping) and DES4 (Design of Development) of the East Herts District Plan 2018 seek to ensure that all developments throughout the District follow high-quality design and layout principles, while conserving, enhancing or strengthening the character and distinctive features of the District's landscape. Policy CFLR9 (Health and Wellbeing) requires development to provide necessary infrastructure to encourage physical exercise and health, including through safe, well promoted walking and cycling routes.</p> <p>GANP Policies AG1 (Promoting Sustainable Development in the Gilston Area), AG2 (Creating a Connected Green Infrastructure Network), AG3 (Protecting and Enhancing the Countryside Setting of New and Existing Villages), AG5 (Respecting</p>

			<p>Areas of Local Significance) and AG8 (Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities) all have some relevance to the issue of design, primarily in relation to impacts on views and setting, landscape and ecology and the Stort Valley environment. Policies TRA1 (Sustainable Mobility) and Policy TRA2 (Access to the Countryside) require developments to provide opportunities for active travel, providing routes that are well connected to the existing Public Rights of Way network.</p> <p>Paragraphs 130 to 135 (section 12) of the NPPF relate to the consideration of development proposals in the context of achieving well designed places. Key principles include ensuring that developments function well and add to the overall quality of the area, are visually attractive, incorporating effective landscaping, support local facilities and transport networks and create safe inclusive and accessible places that promote health and wellbeing. The NPPF includes a recent addition in paragraph 131 which requires streets to be tree-lined and advises that local planning authorities should work with highways and tree officers to ensure the right trees are planted in the right places and that solutions are found that are compatible with highways standards and needs of</p>
--	--	--	--

			<p>different users. Furthermore, the use of design review panel arrangements is encouraged. Paragraph 134 states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.</p>
<p>13.4.1- 13.4.3</p>	<p>Omission</p>		<p>Policy GA1 (The Gilston Area) of the EHDP requires employment areas within visible and accessible locations; opportunities should be created for local employment and training; and new neighbourhood centre should be created in accessible location, providing local retail, community and healthcare facilities. Policy RTC5 (District Centres, Neighbourhood Centres, Local Parades and Individual Shops) supports the principle of main town centre uses within neighbourhood centres and Policy ED1 (Employment) supports new employment uses where access can be achieved by sustainable transport, and should be designed to be flexible, energy efficient and have full communications technology.</p> <p>Policies BU2 (Village Cores/Centre) and BU3 (Employment Areas) of the GANP support proposals for village centres which provide a clear</p>

			<p>identify, are located along active pedestrian-friendly streets, and provide a mix of uses to support community needs. Masterplans should consider the location of public transport hubs and parking arrangements. Employment uses will be encouraged to locate in the village centre, be well integrated and connected and provide a range of floorspace needs. Employment development outside of village centres must meet certain design criteria.</p> <p>Section 6 of the NPPF 2021 relate to building a strong, competitive economy, focusing on the creation of policies that seek to be flexible to accommodate changing economic needs. Decisions should recognise and address specific locational requirements of different sectors.</p>
13.5.22	Correction	contribution of £5,719,680 for the Gilston Area as a whole, of which 85% amount to £4,680,028 (index linked).	contribution of £5,719,680 for the Gilston Area as a whole, of which 85% amount to £4,861,728 (index linked).
13.6.39	Clarification	As discussed in section x Home Wood is an important woodland block which requires a buffer around its edges which will need to inform the location of the STC.	As discussed in 13.6.20 Home Wood is an important woodland block which requires a buffer around its edges which will need to inform the location of the STC.
13.6.60	Clarification	in addition to those in paragraph xx above,	in addition to those in paragraph 13.6.59 above,
13.7.9	Clarification	These strategies describe how surface water and foul water will be managed to ensure water quality is maintained, that no flood risk occurs,	These strategies describe how surface water and foul water will be managed to ensure water quality is maintained, that that flood risk is managed in

		and that sewerage infrastructure capacity is not compromised.	accordance with policy, and that sewerage infrastructure can be provided to support the development.
13.7.16	Clarification	As such, this risk is considered to below.	As such, this risk is considered to be mitigated appropriately.
13.8.68	Clarification	but instead would be redesigned to only serve the employment area (including Travelling Showperson and Emergency Service uses), and only be used for HDVs (service and delivery vehicles) plus emergency service vehicles once the internal connection is delivered between Village 7 and Village 6.	but instead would be redesigned to only serve the employment area (including Travelling Showperson and Emergency Service uses), and only be used for HDVs (show equipment, service and delivery vehicles) plus emergency service vehicles once the internal connection is delivered between Village 7 and Village 6.
13.9.24	Clarification	<ul style="list-style-type: none"> the heritage assets within the site (within the application red line boundary): the Eastwick Moated Sites Scheduled Monument and The Mount Scheduled Monument, the heritage assets technically outside the red line boundary but within the wider site: Gilston Park House, Gilston Church, the Johnstone Monument and Church Cottages, Eastwick Village, Keeper’s Cottage, Channoeks Farm, High Trees heritage assets outside the red line boundary within vicinity of the site: Hunsdon House, assets inside Village 7, assets in Harlow – Parndon Mill, Hunsdon Conservation Area and other Conservation Areas. 	<ul style="list-style-type: none"> the heritage assets within the site (within the application red line boundary): the Eastwick Moated Sites Scheduled Monument and The Mount Scheduled Monument, Hunsdon Airfield Scheduled Monuments, Hunsdon Lodge Farm Buildings including Big Black Barn, Fiddlers’ Bridge, Eastwick Lodge Farm (un-designated), Eastwick Hall Farm (un-designated), Overhall Farm (un-designated), Dairy Cottages (un-designated), Cock Robin Lane Moated Site (un-designated) the heritage assets technically outside the red line boundary but within the wider site: Gilston Park House, Gilston Church, the Johnstone Monument and Church Cottages, Eastwick Village, Keeper’s Cottage, Channoeks Farm, High

			<p>Trees Cottage, Granary at Great Pennys Farm, Old Rectory and Former School in Gilston and Gilston Village</p> <ul style="list-style-type: none"> • heritage assets outside the red line boundary within vicinity of the site: including Hunsdon House, assets inside Village 7, assets in Harlow – Parndon Mill, Hunsdon Conservation Area and other Conservation Areas.
13.9.38	Clarification	The limit of deviation associated with the STC is removed entirely so the route is defined to minimise harm to the setting through proximity to the monuments.	The limit of deviation associated with the STC is removed entirely to the north, so the route is defined to minimise harm to the setting through proximity to the monuments.
13.9.123	Clarification	While the immediate setting of Hunsdon House will remain unchanged, it is acknowledged that the Gilston Area development as a whole (Villages 1-7) will result in a change to the wider setting of these assets, resulting in only minor adverse changes to its setting and significance which is outweighed by public benefits.	While the immediate setting of Hunsdon House will remain unchanged, it is acknowledged that the Gilston Area development as a whole (Villages 1-7) will result in a change to the wider setting of these assets, resulting in only minor adverse changes to its setting and significance. This harm should be given substantial weight and importance and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal. Officers consider that the less than substantial harm is clearly outweighed by the proposed benefits that will arise from this application which is submitted in response to a District Plan allocation for the delivery of 10,000 homes in the Gilston Area, with the allocation being essential to meeting the housing and

			development need of the district within and beyond the plan period to 2033.
13.10.7	Correction	While a number of agricultural tenancies will be permanently lost through the development, approximately 523ha of land will remain undeveloped comprising BMV agricultural land (Grade 2 and Subgrade 3a) which could remain in agricultural use.	While a number of agricultural tenancies will be permanently lost through the development, approximately 443.7ha of land will remain undeveloped comprising BMV agricultural land (Grade 2 and Subgrade 3a) which could remain in agricultural use.
16.20	Clarification	Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the plan unless material consideration indicate otherwise". Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to the development plan (and other material considerations). The development plan includes the East Herts District Plan 2018 and the Gilston Area Neighbourhood Plan 2021. The National Planning Policy Framework (updated 2021), is one of the other material considerations to which regard must be had.	Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the plan unless material consideration indicate otherwise". Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to the development plan (and other material considerations). The development plan includes the East Herts District Plan 2018 and the Gilston Area Neighbourhood Plan 2021. The National Planning Policy Framework (updated 2021), is one of the other material considerations to which regard must be had. Officers consider that the application accords with the development plan and other material considerations.

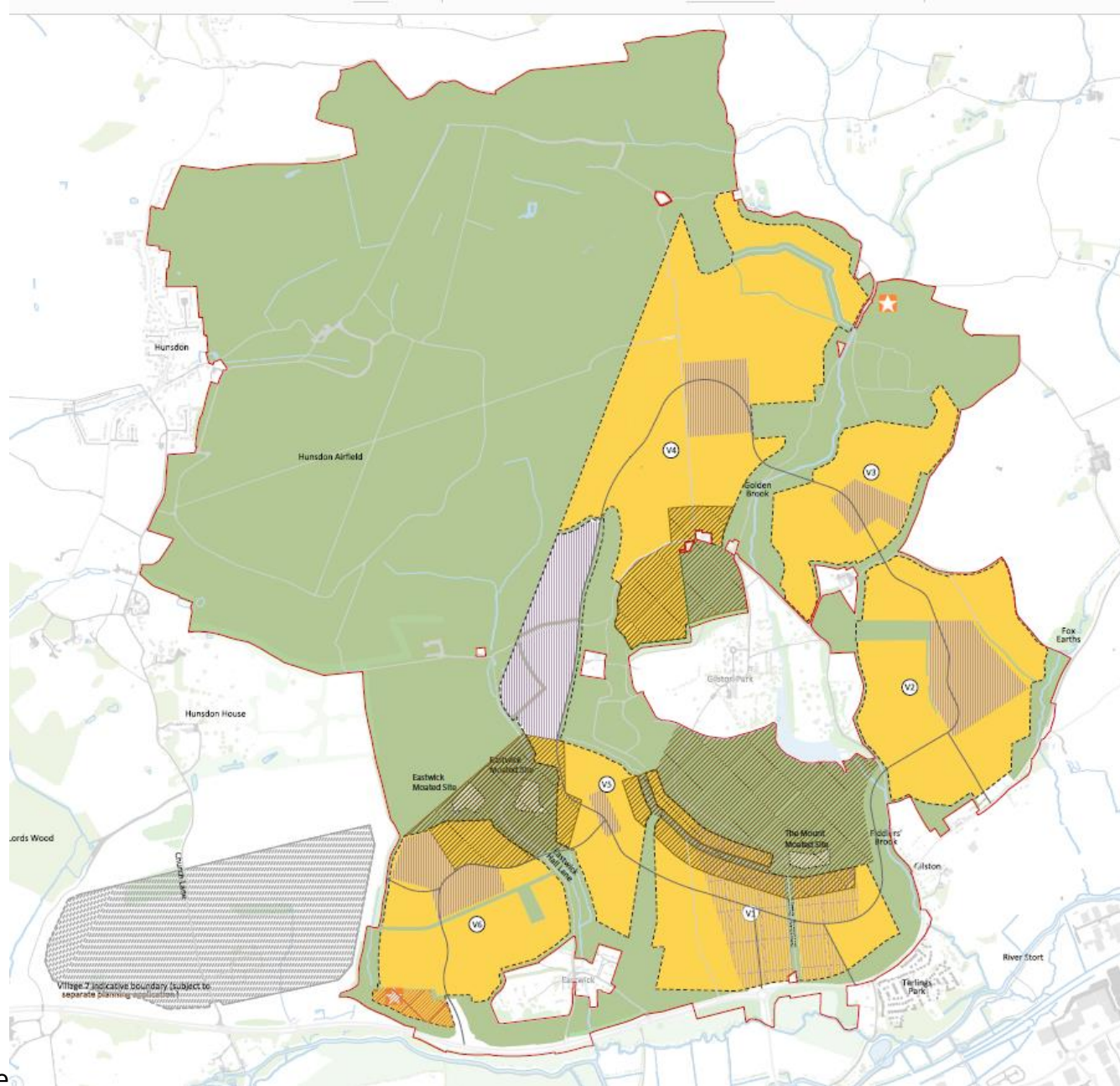


Figure 3: Replacement image