

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

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 5pm on 27th February 2023

This paper also includes a proposed schedule of amendments to the draft conditions

Agenda No 5a

3/19/1045/OUT

Summary of representations/amendments

1. Additional representations received: **Pinsent Masons on behalf of Mrs Pope and Mr Beaumont**
 - 1.1 These additional representations were received on Monday 27th February at 12.29pm. No reason has been given by Pinsent Mason for the late submission of these representations. Officers have however sought, in the time available, to address the points raised, to the extent relevant to the Committee's consideration and determination of the application. Members are referred to the letter of representation, which has been emailed to members at 16:25 on 27th February.
 - 1.2 Representation seeks the deferment of the determination of the application. Considers previous representations have not been reported fully or considered in the report. HIG cannot be disregarded as material as it has relevance to viability and timing of delivery and to policy non-compliance.
 - 1.3 Representations considers the Villages 1-7 applications, the STC that links them, the CSC and ESC and North to Centre STC in Harlow are one single project for the purpose of EIA. Changes to the Village 7 application are not captured in the Villages 1-6 application Environmental Statement. This is considered as flawed. The Harlow North to Centre STC proposal is under challenge and is not considered in the Villages 1-6 EIA. This is considered as flawed.
 - 1.4 The representation considers it premature to determine the Villages 1-6 application in advance of the Village 7 determination. Representation considers the two applications have not been comprehensively assessed in terms of their impact. Considers the report does not deal with each representation made by

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the representee. Considers the report does not assess impacts on trees or landscape and visual impact sufficiently. Considers that heritage harms have not been assessed against current conditions. These flaws contaminate the Council's appropriate assessment.

- 1.5 Representation considers that the report does not assess whether the application accords with the development plan or is a departure, therefore considers the planning balance to be flawed. Considers that there is no assessment of what planning policies are out of date. Representation considers the report is clear whether there will be direct delivery or land safeguarded for the delivery of infrastructure or what the risks are of the non-deliverability of the unviable commitments. The representation considers that the reduction in affordable housing is a serious non-compliance issue and changes are not reflected in the ES.
- 1.6 Representation considers it a poor time to be determining the application due to inflation issues as it prevents the best outcome in planning benefits and is deliberate on the part of the Applicants. Considers that the upwards only review mechanism only considers affordable housing so other policy-required benefits are not captured. There is decreasing economic pressure on construction so viability will improve. Deferment will allow resolution of the legal challenges and provide an opportunity to be determined alongside the Village 7 application.

Officer response

- 1.7 All representations, including the late representations submitted yesterday have been considered and addressed, in substance, in the report. The party is not a statutory consultee so comments are not summarised in the same way as those statutory consultees, however all representations are recorded, considered and are publicly available. Full regard has been had of previous representations in so far as they are relevant to the consideration of planning matters relevant to this application. Main issues stated in previous representations made in August 2019, July 2020 and December 2020 include:
 - Concerns about the viability and deliverability of the scheme having regard to funding gaps identified in the 2019 HGGT IDP
 - No Statement of Delivery provided
 - Lack of detail relating to land assembly costs
 - Inadequacy of proposed Heads of Terms (enforceability, infrastructure cost recovery mechanisms, environmental mitigation)
 - Concern with EIA
 - Concern with Transport Assessment
 - Impacts on ecology, land contamination, heritage, archaeology and landscape character.

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- 1.8 At the time these comments were made there was no issue with viability and there was therefore no need for full disclosure of applicant costs. The Viability Submission made some two years after these representations were received were fully transparent and undertaken in line with relevant guidance. Indeed, all submissions made by the Applicant concerning viability have been made available to the public, including to Pinsent Mason and their client.
- 1.9 The Environmental Statement for Villages 1-6 takes account of Village 7 by way of assessments of cumulative impacts, properly and in accordance with the EIA Regulations. It is not considered that Villages 1-6 and Village 7 form a single project for the purposes of EIA and therefore they are not legally be required to be considered as such. However, paragraph 5.3 of the Officer Report explains that the Villages 1-6 application and the two Crossings are considered as a single project for EIA purposes. Officers have ensured during the application processes that an appropriate level of information has been made available in order to ensure that the effects of the Village 1-6 (including the Crossings) and Village 7 are considered as part of a cumulative assessment in the ESs. A number of initial studies in the ESs for both applications were undertaken on a joint (Village 1-7 wide) basis. Section 5 of the Officer Report details the joint scoping exercises undertaken and the approach to be taken to ensure cumulative effects were considered. Subsequent ES addendums have continued to assess cumulative impacts. It is therefore incorrect to assert that the ES is flawed, including because the two applications have been derived from one policy allocation or that they have not been considered in the ES as one single project. The ES is considered to be legally sound and fit for purpose.
- 1.10 Recent amendments to the Village 7 application comprise a reduction in the percentage of affordable housing and a correction to open space quantum contained in the Village 7 development specification. The ES for Village 7 had accurately tested the correct open space quantum. No changes made to the Village 7 scheme are considered such as to necessitate updates to conclusions in reached in the ES for Villages 1-6. No amendments were considered necessary to socio-economic assessment in the ES for Villages 1-6 as a result of changes to the level of affordable housing, not least since the benefits associated with the delivery of a significant quantum, range, tenure and mix of new homes remain beneficial in ES terms.
- 1.11 The North to Centre STC scheme within Harlow proposed by Essex County Council and has been confirmed to be permitted development by Harlow Council is not, nor is it required to be, included in a single EIA with the Village 16 and village 7 applications. It is an entirely separate scheme for highway works on

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highway land and is part of a wider strategy for the delivery of STCs throughout the HGGT. The application will make a proportionate financial contribution to the delivery of this STC and to wider strategic proposed STCs to be delivered by Essex County Council, but there is no associated delivery trigger or limit on development as a result of the delivery or otherwise of the North to Centre STC proposal. As such, officers are satisfied that it is not necessary or indeed appropriate to consider the North to Centre STC, for the purposes of EIA, as a single project with the Villages development and/or with the ESC and/or CSC.

- 1.12 Currently Mr. Beaumont has sought permission for a Judicial Review of the decision made by Harlow Council to grant a Lawful Development Certificate for the application for highway works by ECC. It is understood that this application is to be opposed by Harlow Council and Essex County Council, including on the basis that no error in the EIA process has occurred and that the North to Centre STC is not part of any wider project. Additionally, the claim for judicial review has been brought significantly out of time. Permission for judicial review has not yet been granted nor is there certainty that *if* permission to challenge were granted that the challenge would be upheld.
- 1.13 Reference is also made to the claim for judicial review brought by Mr. Beaumont to challenge the grants of planning permission for the ESC and CSC. As explained in the Officer Report, that claim has been refused permission twice on the basis that it is unarguable. Mr. Beaumont is seeking permission now from the Court of Appeal. Be that as it may, Officers are entirely satisfied that the ES lawfully and adequately considers the ESC and CSC as well as the Villages development. The ES is not considered to be inadequate as suggested by Mr. Beaumont.
- 1.14 Where there is common infrastructure between the two application areas the Officer Report makes that clear. As is reported in Additional representation Summary A, 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. 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

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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. Officers are satisfied that appropriate mechanisms can and will be provided in the S.106 obligation or obligations to ensure that all necessary infrastructure for villages 1 -6 and village 7 are delivered at the point in time in which it is required.

1.15 Section 13.6 of the Officer Report undertakes an assessment of the impact of the development on priority habitats, ancient woodland and veteran trees in line with the requirements of the NPPF. This is considered to be correct, proportionate and sufficient for the purposes of the determination of the application. Paragraph 180(a) of the NPPF requires authorities to determine applications following a hierarchy approach of avoiding impacts, mitigating them or as a last resort to compensate for impacts. The Officer Report demonstrates that this approach has been followed where harms are identified to ecological assets. The effect on designated nature conservation sites (including internationally significance sites (SPA, SAC, Ramsar) and SSSIs) has been considered and found acceptable having regard to NPPF para,180(b). Section 13.6 of the Officer Report describes the proposed approaches to minimise and mitigate harm to areas of ancient woodland as a result of recreational demands and describes the proposed measures to enhance areas of ancient woodland on the site through an ecological management strategy. No loss of irreplaceable habitats are considered to occur and the ecological management strategy is designed to avoid deterioration and bolster the resilience of woodland areas in line with paragraph 180(c) of the NPPF. Officers are satisfied that this will be the case. Through the proposed ecological management strategy proposals and objectives the development will conserve and enhance biodiversity, providing net gains to biodiversity overall in line with paragraph 180(d) of the NPPF. However, where the development results in the loss of farmland habitat and identified sections of hedgerow, these impacts are acknowledged and acceptably mitigated or compensated.

1.16 Section 13.9 of the Officer Report considers the impact of development in terms of heritage based on current conditions, having regard to the statutory duties as described in the report. The approach taken in the report is considered to be correct. Heritage impacts have been given considerable importance and weight, but are considered to be clearly outweighed by the public benefits of the scheme.

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- 1.17 In terms of landscape and visual impacts the nature of outline applications and assessment of parameters by definition prevents precise impacts to be tested, instead the ES adopts the worst case scenario to be tested by applying the upper limits of building heights. As with other technical aspects of the outline application there is an agreed approach to the refinement of details and updated assessment of those details at masterplanning and Reserved Matters Application stages. Officers are satisfied that landscape and visual assessment (as well as other technical assessments) are appropriate and sufficient to allow a proper understanding of the landscape and visual impacts of the outline application.
- 1.18 The Habitats Regulations Assessment Appropriate Assessment considers whether the development on its own or in combination with other plans and programmes will have an adverse effect on the integrity of National Network Sites. The appropriate assessment is considered legally compliant and fit for purposes. There has not been “contamination” as suggested or at all.
- 1.19 The Officer Report explains the position with regards to the compliance of the District Plan policies with the NPPF. Although policies inevitably have different foci and to an extent can pull in different directions, officers consider that overall the proposal accords with the development plan taken as a whole. This is the case without the tilted balance, referred to below, being engaged. Each section in the Officer Report concludes with an assessment of whether the application accords with the relevant development plan policies and material considerations. However, as indicated in Table A of Additional Representations Summary A, additional words have been added to the end of paragraph 16.20 for the avoidance of doubt that it is the view of Officers that the application accords with the development plan taken as a whole and other material considerations taken together support the grant of planning permission.
- 1.20 As a result of a recent appeal decision it has been confirmed that the Council is not able currently to demonstrate a five year supply of deliverable sites for housing. As such the so called titled balance is engaged with result that the policies of the development plan which are most important for the determination of this application are out of date. This will include, officers consider, the site allocation policy, housing supply and delivery policies and policies which restrict development outside the built up areas and in the countryside. The tilted balance requires that planning permission is granted unless the application of NPPF policies that protect areas or assets of particular importance provide a clear reason for refusal of planning permission or the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the

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NPPF taken as a whole. Officers are satisfied that neither of these bases for refusal of planning permission justifies the refusal of planning permission, consistent with the tilted balance.

- 1.21 Officers are satisfied that the Heads of Terms for the S.106 obligation and the terms of the obligation when finally prepared will secure the delivery of all infrastructures necessary to make the development acceptable and to which regard has been had in the assessment of the proposal in the Officer Report.
- 1.22 In terms of viability, the process has been undertaken following relevant guidance and the Council has received specialist advice. The main amendments due to viability relate to the level of affordable housing proposed. The Applicant has offered that a minimum of 23% affordable housing will be provided on the site even though the viability appraisal suggests that less affordable housing would be justified. The Applicant has nonetheless offered 23% and this will be the requirement it has to meet through the S.106. It is therefore for the Applicant to manage risks associated with these costs to meet this obligation. The planning system allows for Applicants to follow a viability process. Standard approaches will be included in the S106 Agreement to secure those benefits such that Officers can take them into account in assessing the planning balance and reaching conclusions that the benefits associated with the development outweigh the acknowledged harms which have been afforded due weight as required.
- 1.23 Clearly Officers have had consideration of the likely changes in economic cycles over the lifetime of the proposed development. It is for this reason that an upwards looking affordable housing review mechanism is proposed. This will be undertaken on an open book appraisal process and will capture uplifts in values over time, including those derived from placemaking benefits as the scheme matures. These reviews will allow for increases in affordable housing and also housing tenure and mix to respond to changing circumstances to meet housing needs.
- 1.24 Finally, in terms of the HIG funding, this matter is addressed in the Officer Report. The report explains the grant of HIG funding and how it will be used to assist in the deliver infrastructure required for the development of Villages 1-6 and Village 7. Officers have concluded that the grant of HIG funding is not a local financial consideration to which regard is required to be had when determining the application nor is it considered to be a material consideration. It is the case that the viability of the proposed development, particularly in the context of the level of affordable housing to be provided, is a material consideration and the HIG funding contributes to scheme viability (along with a range of inputs).

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Moreover, the availability of HIG funding contributes to the deliverability and likely delivery of the scheme (and therefore the benefits which flow from it). Thus, the availability of HIG funding forms part of the wider context and is relevant to the determination of applications to that extent. Beyond that, the grant by Homes England of HIG funding is not of itself a material consideration in considering the acceptability in planning terms of what is proposed.

- 1.25 For completeness, certain requirements concerning the repayment by the Applicant of HIG funding are required to be included in the planning obligation by Homes England. They are included in the Heads of Terms. These requirements follow from the grant of HIG funding are therefore necessary for the funding to be secured but are not necessary to make the development acceptable in planning terms. These elements of the Heads of Terms are not therefore matters to be taken into account as reasons for granting planning permission.

Table B: Proposed Amendments to Draft Conditions

Condition	Issue	Current Text	Additional / Amended Text
Enabling Works Definition	Refinement has been discussed with new text proposed. Suggest deleting current text.	<p><u>Enabling Works, Demolition, Infrastructure and Services</u>: - Definitions to be worked through but draft EW below</p> <p>The following works are likely to be undertaken during the enabling works, infrastructure and services stage:</p> <ol style="list-style-type: none"> 1. Ground / drainage / archaeological investigations would be undertaken as required; 2. Hoarding or safety fencing would be erected around the boundary of demolition or construction areas, with fencing to protect sensitive features (e.g. vegetation to be retained, heritage assets, watercourse buffers); 3. Enabling works to utilities would be carried out, involving capping-off or removal of redundant utilities and boreholes, new supplies, diversions and connections, as agreed with the statutory authorities; 4. Demolition – inspections for hazardous materials (e.g. asbestos) and removal where required under appropriate licence. If present, hazardous materials would be removed and disposed of by appropriately licensed contractors following prescribed health and safety 	<p>'Enabling Works' [definition to be confirmed] comprises site clearance and demolition; tree/vegetation removal (in accordance with the approved plans in Condition 1); soil investigations (including soakage testing, window sampling, boreholes, CBR's and gas monitoring); ecology surveys; archaeology surveys (including geo physical surveys, window samples and trenching); slip trenches to investigate existing services; utilities diversions and connections as agreed with the statutory authorities; drainage surveys (such as CCTV and jetting); river modelling; and topographical surveys.</p>

		<p>procedures. Demolition of above ground building structures would then proceed.</p> <p>5. Remediation of soil/ground would be undertaken in the event that contamination is identified during intrusive ground investigations, although this is considered unlikely;</p> <p>6. Hardstanding (e.g. concrete/asphalt parking areas, concrete floor slabs and foundations) within the construction area would be broken up and removed;</p> <p>7. Engineering groundwork activities including excavation, grading and preparation of surfaces, and the placement / compaction of fill material would be undertaken to achieve desired ground levels (to be confirmed by Village Masterplans). Aggregate material (e.g. arisings from hardstanding removal or re-grading of land) will be re-used where suitable as sub-base for construction of roads, foundations and to create suitable 'platforms' for development; and</p> <p>8. Infrastructure and services required by the Development would be installed, including but not limited to electrical, telecommunications, potable water, foul water and surface water drainage infrastructure.</p> <p>9. These activities will be regulated by conditions imposed on the planning permission granted to minimise environmental effects.</p>	
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3	Refinement to proposed timescales	The development granted permission by this decision for the highway access works (Village 1, 2 and 6 Accesses) shall be begun not later than 5 years from the date of this permission.	The highway access works to Village 1 shall be begun not later than 5 years from the date of this permission.
7	Missing requirement to consult with statutory bodies		The SLMP shall demonstrate consultation with relevant statutory bodies such as Historic England, the Environment Agency, the LLFA and Herts Ecology as appropriate.
10	Removal of reference to financial arrangements as this is relevant to RMA stage Missing requirement to consult with statutory bodies	Design principles for demonstrating how these blue green corridors will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.	Design principles for demonstrating how these blue green corridors will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan. In producing the scheme consultation will occur with the Environment Agency, the LLFA, and Herts Ecology as appropriate.
16	Any demolition would in affect be in areas where construction operations have already been carried out, so suggest edit	No demolition shall be carried out nor shall any development commence in any part of the site, until an Archaeological Written Scheme of Investigation covering that part of the site has been submitted to and approved in writing by the LPA.	No below ground excavations/operations shall be carried out nor shall any development commence in any part of the site, until an Archaeological Written Scheme of Investigation covering that part of the site has been submitted to and approved in writing by the LPA.

	to refer to below ground excavations/operations		
19	Not required due to coverage within CTEMP condition	Suggest deletion	Remove – subsequent numbering changes
Formerly 31 Now 30	Deletion of 'fully' to allow flexibility (ie V7 to V1 link may just have bus provision initially with ped and cycle provided on a more direct alignment). EHDC will have further control through VMP and RMA	Prior to the occupation of any homes in each of Villages 3, 4, 5 or 6, the Sustainable Transport Corridor link (as defined in the Development Specification and shown on Parameter Plan 4: Access and Movement) between that village and the Village 1 Access shall be fully completed and operational. The STC link shall thereafter be retained in perpetuity.	Prior to the occupation of any homes in each of Villages 3, 4, 5 or 6, the Sustainable Transport Corridor link (as defined in the Development Specification and shown on Parameter Plan 4: Access and Movement) between that village and the Village 1 Access shall be completed and operational. The STC link shall thereafter be retained in perpetuity.
Formerly 36 Now 35	At VMP stage 'full details of...all streets' won't be known. Edit suggested to set principles at this stage, and condition 43 already provides for submission of an adoption plan with RMA. This condition	Prior to or at the same time as the submission of each VMP, full details of the proposed roles and responsibilities for future management and maintenance of all streets within that masterplan area, including a highway adoptions plan, shall be submitted to and approved in writing by the LPA in consultation with the Highway Authority. The streets shall thereafter be maintained in accordance with the approved details until such time as an agreement has been entered into	Prior to or at the same time as the submission of each VMP, principles for the proposed roles and responsibilities for future management and maintenance of streets within the masterplan area, including a preliminary highway adoptions plan, shall be submitted to and approved in writing by the LPA in consultation with the Highway Authority. The streets shall thereafter be maintained in accordance with the approved details until such time as an agreement has been

	also should allow for maintenance by the Community Ownership and Stewardship Body as well as private companies.	under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.	entered into under Section 38 of the Highways Act 1980 or a Community Ownership and Stewardship Body or Private Management and Maintenance Company has assumed responsibility.
Formerly 39 Now 38	Clarification provided on achieving minimum 10% gains	Demonstration of how the above measures contribute to achievement of 10% min net gain target for the overall Gilston Park Estate site based on an up to date Biodiversity Net Gain metric...	Demonstration of how the above measures contribute to any net gain in the context of the minimum 10% target for the overall Gilston Park Estate site based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA;
Formerly 47 Now 46	Clarification of when the condition applies	With each Reserved Matters application for part of the development, a composite hard and soft landscaping scheme for that part shall be submitted to and approved in writing by the LPA. The landscaping scheme shall be prepared in accordance with the relevant Design Code and include the following (where relevant):	With each Reserved Matters application concerning landscaping for part of the development, a composite hard and soft landscaping scheme for that part shall be submitted to and approved in writing by the LPA. The landscaping scheme shall be prepared in accordance with the relevant Design Code and include the following (where relevant):
Formerly 50 Now 49	Change of guidance	Noise resulting from the operation of fixed plant shall not exceed 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated	Noise resulting from the operation of fixed plant shall not exceed 5dBA below the background level (or 10dBA below if there is a tonal quality) when measured or calculated according to

		<p>according to BS4142:1997 + A1:2019, at a point one metre external to the nearest noise sensitive building</p> <p>Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>	<p>BS4142:2014 + A1:2019, at a point one metre external to the nearest noise sensitive building</p> <p>Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>
<p>Formerly 51 now 50</p>	<p>Revised wording to allow partial discharge</p>	<p>Prior to or at the same time as the submission of the Village 1 and Village 6 Masterplan and subsequent relevant reserved matters applications for residential development within those villages, a noise assessment shall be submitted to and approved in writing by the LPA, which demonstrates the noise control measures, including through the design, layout and materials, will achieve compliance with the levels set out in the Development Specification (section 3.14) and British Standards BS8233 or prevailing best practice guidance as agreed with the LPA. The development shall thereafter be carried out and maintained in accordance with the approved details.</p> <p>Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>	<p>Prior to or at the same time as the submission of the Village 1 and Village 6 Masterplan (and prior to the submission of any subsequent relevant reserved matters applications for residential development within the relevant village), a Village Noise Management Scheme shall be submitted to and approved in writing by the LPA, which demonstrates the noise control measures that the relevant reserved matters applications will need to incorporate in the respective part of the development, including through the design, layout and materials, in order for the relevant reserved matters area to achieve compliance with the noise levels set out in the Development Specification (section 3.14) and British Standards BS8233 or prevailing best practice guidance as agreed with the LPA. The plans and particulars for each reserved matters application shall include an Noise Statement that demonstrates how that part of the development achieves the</p>

			<p>requirements set out in the relevant approved Village Noise Management Scheme. The development shall thereafter be carried out and maintained in accordance with the details approved.</p> <p>Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.</p>
<p>Formerly 52 now 51</p>	<p>Amendments to ensure consistency of approach with Crossings permissions</p>	<p>Prior to the commencement of any part of the development hereby permitted other than enabling works, a Construction Landscape and Ecology Management Plan (CLEMP) for that part shall be submitted to and approved in writing by the District Planning Authority. The CLEMP shall include full details of both hard and soft landscaping and ecology management during construction, including the following (where relevant):</p> <ol style="list-style-type: none"> 1. Proposed finished levels and contours 2. Means of enclosure 3. Minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting as applicable) 4. Proposed functional services above and below ground (e.g. drainage, power, 	<p>Prior to the commencement of any construction works (save for Enabling Works, but excluding site clearance, demolition and tree/vegetation removal) for each part of the development, a Construction Landscape and Ecological Management Plan (CLEMP) for that part of the development shall be submitted to and approved in writing by the Local Planning Authority. CLEMPs shall include the following details as a minimum:</p> <ol style="list-style-type: none"> a) Measures taken to minimise impacts on the landscape and landscape character during construction b) Description and evaluation of features to be managed, including bat commuting routes and other ecologically sensitive areas or species, trees, hedgerows, woodlands, watercourses and

		<p>communications cables, pipelines etc indicating lines, manholes and supports etc)</p> <ol style="list-style-type: none"> 5. Details of existing soft landscaping features to be retained and methods of protection, 6. Implementation timetables, including clearance to avoid nesting periods 7. Preparation of an annual work plan, including monitoring and enhancement actions which shall include the provision, improvement and maintenance of habitats for a period of not less than 5 years from completion of the relevant part of the development 8. The implementation of a species-specific mitigation measures for that part as set out in the Environmental Statement and application documents 9. Reporting plan for notifying the LPA of any unforeseen issues or damage to retained assets. <p>Thereafter, the construction of the development shall not be undertaken other than in complete accordance with the approved details.</p> <p>Reason: To protect and provide for protected species and habitats of ecological interest in</p>	<p>other existing environmental features on-site and off-site</p> <ol style="list-style-type: none"> c) Measures to be taken to protect and manage the features identified above during the construction process, including pre-construction checks, construction methodology, and watching briefs/Ecological Clerk of Works d) Details of the body or organisation responsible for implementation of the CLEMP and timetables for implementation e) Details of ongoing monitoring (including timetables) and details of how and when any remedial action will be identified, agreed and implemented f) Demonstrate how the CLEMP for that phase has been cognisant of the CLEMP(s) for prior phases. <p>Thereafter, the construction of the development shall only be carried out in accordance with the approved CLEMP, or with any amendments as may subsequently be agreed, in writing, by the Local Planning Authority.</p> <p>Reason: To secure the protection of existing landscape features and habitats of ecological interest and protected species in accordance with</p>
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		accordance with Policies NE1, NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a Reasonable standard of landscaping in accordance with Policies BISH5, DES3 and DES4 of the East Herts District Plan 2018.	Policies NE1 and NE3 of the East Herts District Plan (2018).
Formerly 53 now 52	Clarification provided on achieving minimum 10% gains	Confirmation of net biodiversity units for area and linear habitats achieved on that part of the site, and contribution towards achievement of 10% min net gain target for the overall Gilston Park Estate site, based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA	Confirmation of any net biodiversity units for area and linear habitats achieved on that part of the site, and contribution towards any overall net gain in the context of the minimum 10% target for the overall Gilston Park Estate site, based on an up to date Biodiversity Net Gain metric or alternative methodology as agreed by the LPA
Formerly 56 now 55	Cross reference number change	approved under Condition 59	approved under Condition 54
Formerly 66 Now 65	Missing reason	-	Reason: In order to safeguard residential amenity, and pedestrian, cyclist and traffic safety, and to secure compliance with Policy TRA2 of the East Herts District Plan (2018) and AG8 of the Gilston Area Neighbourhood Plan 2021.
New Informative		15. National Grid National Grid's Overhead Lines are protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect the asset. Statutory electrical safety clearances must be maintained at all times. These distances are set out in EN 43 – 8 Technical Specification and 'Development near overhead lines' (July 2008) Appendix III which is available via https://www.nationalgrid.com/sites/default/files/documents/Development%20near%20overhead%20lines_0.pdf	

	<p>Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum 'sag' or 'swing' conditions.</p> <p>If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.</p> <p>Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of our towers.</p>
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