



HEGNPG

Supporting our Community

Hunsdon Eastwick and Gilston Neighbourhood Plan Group

Channoeks Farm

Gilston

CM202RL

<https://hegnp.org.uk/>

Planning Policy
East Herts Council
Wallfields
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12th January 2023

FAO Ms Jenny Pierce by email

at Jenny.Pierce@eastherts.gov.uk

(cc. Mr Kevin Steptoe by email at Kevin.Steptoe@eastherts.gov.uk)

Dear Sir/Madam,

**Gilston Area Applications – Outline Planning Application for Villages 1-6 ref:
3/19/1045/OUT**

This letter of representation constitutes the response of the Hunsdon, Eastwick and Gilston Neighbourhood Plan Group (HEGNPG) on behalf of the Hunsdon and Eastwick & Gilston Parish Councils and the local community. It should be read in conjunction with the previous representations submitted by the HEGNPG in January 2021 (general OPA), February 2022 (Stort Crossings) and September 2022 (Viability Appraisal).

It is divided into three parts:

- Part 1: recent expectations set out by Rt Hon Michael Gove on behalf of DLUCH
- Part 2: the reasons why the OPA should not be approved as presented
- Part 3: recommended essential conditions which should be included in any approval.
- Part 4. Response on the Gilston Area Stewardship and Governance Strategy

PART 1

The expectations set out by Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities in his letters to Council Leaders and MPs (1st and 5th December 2022)

In early December 2022, the Secretary of State set out very clear expectations for future development and housing:

- Planning should be about delivering “enough of the right homes in the right places and will do that by promoting development that is beautiful, that comes with the right infrastructure, that is done democratically with local communities rather than to them, that protects and improves our environment, and that leaves us with better neighbourhoods than before”.
- Local and Neighbourhood Plans will have more power with future legislation and should be considered the best form of community action – and protection.
- Council Leaders should ensure strong design leadership within their council and, working with their communities, turn visions for beautiful towns, cities and neighbourhoods into standards all new development should meet.
- Councils should also refuse planning permissions for development that is not well-designed and housing targets should not be used as justification to grant permission.
- The Planning Inspectorate should no longer override local decision making which is sensitive to and reflects local concerns.
- Local authorities will not be expected to build at densities wholly out of character with existing areas or which would lead to a significant change of character. The new Office for Place will support the Council and its community in achieving this goal.

The HEGNPG is well attuned to, and probably ahead of this Ministerial call to action:

- In its representations to the Local Plan (2018) and Villages 1-6 OPA (2019), it has consistently called for development of ‘exceptional quality’ – with very specific recommendations for what this means in the local area.
- In 2021, we completed the Gilston Area Neighbourhood Plan (GANP) for the development area including tailored policies and guidance to define appropriate development in the Gilston Area and, very importantly, provide clear definitions of local character and what is to be considered ‘well-designed’ in the local context. The GANP won two national planning awards and a Landscape Institute award in recognition of its constructive approach in the promotion of quality development.
- Throughout 2020-2022, the HEGNPG continued to engage constructively with the Council and developers in the interest of better development. By doing so, it has abundantly and consistently demonstrated vision and design ambition for the Gilston Area.

It is therefore regrettable that our “community action” through the appropriate and democratic use of planning tools, as advocated so strongly by Secretary of State Gove, is yet to produce any assurance that future development in the Gilston Area will be ‘beautiful’, supported by the

necessary infrastructure and democratically delivered “with the local community”, rather than against it.

This is the time for the Council to show the strong vision and leadership that the Secretary of State expects. This includes a clear, transparent and honest response to the concerns that the local community, through the HEGNPG, has raised time and again.

We would expect the officer’s report to the DMC to reflect the Government’s guidance that sensitivity to local concerns, local character and beauty should be overriding factors guiding the planning process. The officer’s report should, therefore, include:

- 1. A detailed assessment of the OPA against Local Plan Policies and GANP Policies, recognising that the applicant has not explicitly addressed the GANP Policies in their application. This is necessary as the GANP provides a stronger, locally informed planning policy framework for the Gilston Area and clearly sets out how to address community concerns.**
- 2. A statement of the Council’s interpretation of ‘beauty’ and local character in line with GANP Policies and GANP Appendix 3.**
- 3. A renewed commitment to the Council’s own Gilston Area Charter SPD (2020) that identifies the Strategic Landscape Master Plan as a comprehensive priority plan to be approved ahead of the approval of the first village masterplan.**
- 4. A clear position and commitment to the development of Design Codes for the Gilston Area, so clearly identified by the Secretary of State’s letter as a duty of all planning authorities to guide development and not a developers’ supporting document.**
- 5. Detailed response to the community concerns and expectations set out in this letter and previous representations.**

PART 2

Why the OPA should not be approved as currently submitted

1. The priorities that led to the site allocation in the Local Plan and discussed extensively at the Examination in Public five years ago have fundamentally changed. There would now be a presumption against the release of land from the Green Belt and housing targets would be required to take into account local constraints and concerns. There would be far greater consideration of the impact of the new Eastern Crossing on the floodplain of the Stort Valley and sustainable transport targets would require stronger evidence of deliverability. This is a long term project which will extend well beyond the current Local Plan timeframe and It is therefore imperative that the OPA is considered within the framework of future acceptability and policy compliance to ensure that development at Gilston does not become outdated before it even commences.

2. The changes introduced by the applicant's Viability Assessment (VA), even after the commendable efforts in renegotiation, result in a such a poor outcome that the current development concept should be rejected and rethought:
 - a. A massive tract of Green Belt will be built upon to deliver a very low proportion of affordable housing which falls far short of policy requirements, thereby undermining the very argument played out at the time of the Local Plan allocation that building on greenfield land and at scale was the best way to deliver the affordable housing required to meet identified local needs.
 - b. Social infrastructure (education, healthcare, open space, community facilities) will be delivered considerably later than required, contrary to the Garden City principles and the principle of land value capture enshrined in Policy GA1 and the requirement of GANP Policy AG9, putting further pressure on existing communities and already overstretched infrastructure.
 - c. Road building, both in Gilston and in Harlow, has taken priority in the allocation of funding and is being secured through S106 negotiations, while sustainable transport measures are insufficiently robust and therefore unlikely to be successful. This will eventually result in the Gilston Area being entirely car dependent to the point that even the new roads will be congested.
3. The VA confirms that the delivery of the Eastern Stort Crossing (ESC) and the additional requirements of the revised Central Stort Crossing (CSC), such as the Superarch and the double junction to access Village 1, result in a chronic diversion of land value capture to the delivery of new road infrastructure, draining funding and diluting the ambitions set out in the Local Plan of which EH could have been rightfully proud. The ESC was promoted as needed by the Gilston Area development, so much so that it was granted full and detailed approval a year before the outline planning application even comes before the DMC. In February 2022 we warned that approving the crossings was premature and would have a serious impact on the overall quality of the development. We also demonstrated that the road was over scaled and poor value for money, as well as not needed. Now the applicants say exactly that: that the ESC has consequences on viability and is not required for 10 years or more, and that the CSC will only be delivered by 1,500 units – approximately 5 years after it is needed. The Council a year ago stated that the harm caused by the Eastern Crossing was outweighed by the benefits of the GA and the affordable housing and social infrastructure it would bring. This was clearly a misplaced assessment and the Council should not now compound previous mistakes and make the situation worse: it should show the leadership and ambition expected by the Government and rethink the delivery of the Gilston Area on different grounds.
4. As well as the colossal cost of the ESC, the VA negotiations have introduced many more road schemes; these all seem to involve or be for the benefit of Harlow, where other development funding sources are also available. By contrast, there are little or no contributions or infrastructure offsets for the existing settlements in East Herts, not even the ones directly adjoining and affected by the GA: Hunsdon, Eastwick or Gilston outside the red lines. The scale of the development will have a significant impact on these settlements in terms of accessibility, community services, amenity, privacy and disturbance. The Terlings Park playground will be affected, Pye Corner will be forever

transformed and no interim or permanent measures to deal with safety and placemaking have even been considered. The existing communities will suffer competition for access to education, social services and healthcare for 5-10 years at least and will be cut off from any bus service which may be provided. The current proposals fail to address this and totally ignore GANP Policy EX1 which requires the mitigation of impacts of the development on existing communities to ensure a comprehensive and integrated development. The applicants have failed to respond to community concerns (as detailed in previous representations and at meetings) about local impacts and have not demonstrated where and how impacts on existing settlements and residents will be mitigated as part of an overall and comprehensive scheme. EH appear to have allowed the applicants to do this and have ignored our very legitimate requests for clarification, thereby failing to act in the best interests of the area and its communities.

5. In January 2021, the HEGNPG provided a formal representation to the OPA (see main letter plus Addenda H and I), to which a response has still not been received. We are concerned that Parameter Plans (PP) 2, 3, 5 and 6 once approved and combined, will encourage a type of development that is far removed from the 'gentle density' and respect for local character advocated by DLUCH and the Office for Place.
 - a. The Village Developable Areas (VDAs) as shown in PP2 and PP5 are such that the villages are not separated by meaningful green corridors (as required by GANP Policy AG4). This had been previously raised by the HEGNPG (January 2021 Addendum G), the HGGT Design Review Panel and by the Council's own Landscape Officer around the same time. PP3 Green Infrastructure and Open Space clearly shows how the villages merge into one another with only two Strategic Landscape Corridors. The Development Specifications (DS) refer to a minimum width of corridor of 10-40m, i.e. the typical length of a private garden and not much more than a usual street width. This is clearly inadequate and should not be approved. The landscape and countryside should not be treated as the 'left-over space' of the VDAs but as a structural element clearly intended to create individual villages set in the landscape as required by policy and the HGGT documents.
 - b. Revised PP6 (Building Heights) is of particular concern and demonstrates very clearly that the level of flexibility proposed by the applicant is inappropriate and would not constitute any form of control. This makes PP6 dangerously over-generous. The majority of the area is marked at 14+/-2m – so on average 3-4 floors, whereas the Development Specification (Para 4.7.7) identifies a further 10-15% at a height up to 18m (5-6 floors). In addition, all buildings along the edges of the limited Strategic Green Corridors (for example along the Golden Brook) have a proposed height to the ridge of +14m plus 5m 'Limit of Deviation' – i.e. potentially 19m tall, or 5-6 floors. How compact development with very limited landscape and building heights between 4 and 6 floors could possibly constitute locally appropriate 'village character' is not explained. This is clearly in direct conflict with GANP Policy AG6 and Appendix 3 and also at odds with the aspirations of the Government and the Office for Place.

- c. The height and urban wall created by the development proposed in the Parameter Plans is evident in the verified views (Part 8 and 9 of Environmental Statement Addendum) from the south: View 8 from Gilston, View 12 from Pardon Lock, View 14 from Plume of Feathers car park, View 16 from Burnt Mill Lock, View 18 from Harlow Town Park and even View 21 from Hunsdon Mead all indicate that a wall of development will dominate the skyline and views, removing all sense of 'villages set within the countryside'. This is the result of deliberate choices such as lack of adequate landscape buffers and buildings 14-18m tall.
 - d. The applicants have also produced a Strategic Design Guide (as a supporting document), updated in July 2022, i.e. a full year after the GANP was adopted and became part of the statutory Development Plan. The applicant chose to ignore the GANP policy requirements in terms of strategic landscape design and design of the built form. They have not used this guide to explain how they intend to create soft edges, a balance between landscape and built form or even to explain what a village built in 2023 could look like. It only includes reference to local materials as a token gesture towards 'local character'.
6. Although expansion of acute healthcare has so far been the responsibility of the Government and the NHS and not funded through development, it must be acknowledged that the NHS Clinical Commissioning Groups for the area have made it clear that there will be a lack of hospital care for the growing population in the area without further investment and that they will struggle to staff the primary care centres within the development. They have identified a funding gap of £39M, for which the applicants have successfully contested responsibility. The shortfall will obviously impact upon the existing population as a consequence. It will be highly irresponsible to allow the occupation of new homes unless a viable solution can be found and appropriate investment in acute and primary care and general healthcare secured. This is a major development and the numbers of people it will attract cannot simply be absorbed by existing facilities. Ignoring the issue will put lives at risk.

The Council should not forget that this site was part of the Green Belt until a few years ago, and that it is unlikely that the Government today would have allowed its release and development. It should also reaffirm its commitment to why the Green Belt was lost: to deliver affordable homes, a development of exceptional quality and the timely delivery of a range of social and transport infrastructure through the development of villages of appropriate local character. Mr Gove and Office for Place are very clear that quality of design and local acceptability should take priority over targets.

We have been disappointed that whilst we have attended many meetings with the applicants and the Council to make our views known and to receive information about the progress of the development, most of our requests for clarification and suggestions have been disregarded and the GANP policies ignored even where clearly applicable or helpful. This is not Localism- how it should be or what the Government aspires to in its championing of Neighbourhood Planning.

We expect the officers' report to address openly and clearly the six points above and fully assess compliance with the GANP Policies as part of its policy review of the proposals.

PART 3

Proposed additional conditions in the event that officer' report recommend approval of the OPA

As we have made clear above, the HEGNPG and the local community recommends that the OPA should be revisited to improve viability, deliver a higher proportion of affordable housing and that Parameter Plans, Development Specifications and Strategic Design Guide are provided that are more closely aligned with adopted policy (Local Plan and GANP). We believe that this is what the Government would expect to see and that a more appropriate set of proposals will provide a more robust development framework and eventually save time when considering Reserved Matters.

If these documents are not to be provided prior to the determination of the OPA by DMC, additional conditions should be applied to ensure that future details and reserved matters applications will be "the right type of development in the right place" as advocated by the Government through Mr Gove.

A summary of the key additional conditions we would advocate is presented below:

1. **Strategic Landscape Masterplan: A Strategic Landscape Master Plan should be prepared in collaboration with the local community for the whole area of the Gilston allocation (Local Plan Policy GA1) and submitted and approved before the commencement of development or the approval of the first Village Master Plan (whichever is the earlier) in accordance with the Gilston Area Charter SPD.** The Strategic Landscape Master Plan should respond to the requirements for a landscape-led approach in accordance with GANP Policy AG1 and the recommendations of the HGGT Quality Review Panel. Development and work on the Village Master Plans should not start until a convincing landscape-led approach is presented to define the extent of meaningful separation and green corridors between villages in accordance with GANP Policy AG4.1. The extent of green corridors should be approved as part of the Strategic Landscape Master Plan and should not be limited to the land outside the Village Developable Areas. Meaningful separation should be defined as the extent required to avoid coalescence between villages, ensure that the villages remain distinct, establish visual separation and distance between different village settlements and support biodiversity and wildlife.
2. **Parameter Plans: Parameter Plans 2, 3, 5 and 6 are for illustrative purposes only and will inform detailed design work and the development of the Strategic Landscape Masterplan, Design Codes and Village Master Plans.** The Parameter Plans are not based on detailed assessment and there is a danger that as currently

presented they could result in an inappropriate form of development which is not in compliance with Local Plan or Neighbourhood Plan policies.

3. **Advance planting: Planting of green corridors and buffers should take place in the first planting season immediately following the approval of the Strategic Landscape Master Plan to maximise the opportunities for screening, visual separation and wildlife protection in accordance with GANP Policy EX1.** This will allow the establishment of new tree planting and landscaping in advance of development and assist with the integration of the development within its landscape setting.
4. **Active travel: An active travel network of walking and cycling routes connecting key destinations and extending to existing settlements should be agreed as part of the Strategic Landscape Master Plan and developed in advance of the occupation of the first houses to support sustainable travel modes from the outset of the development.** This is in accordance with the sustainable transport strategy for the Gilston Area and GANP Policy TRA1.
6. **Design Codes: An overarching Design Code should be submitted and approved prior to the commencement of development and approval of individual Village Master Plans. The Design Code should be prepared in consultation with the local community and should clarify village character taking into account the character of typical East Hertfordshire villages, individual village identity, appropriate scale and massing, relationship between built form and landscape, etc in accordance with GANP Policy AG6.** GANP Appendix 3 provides an adopted definition of local and village character which has the support of the local community. GANP Policy BU1 also makes specific reference to appropriate heights and densities.
The Design Code should provide the controls and details that qualify appropriate heights and scale, which are expected to be well below the 'maximum heights' identified in PP6, which should not be interpreted as consented typical heights.
The HEGNPG suggests that a Strategic Design Code is also prepared by the Local Authority and adopted as SPD, as envisaged by the Secretary of State's letter to all Council leaders. Only a public planning document will guarantee extensive and open consultation with the community. A Strategic Design Code should cover village character, landscape edges, massing, heights and density.
7. **Mitigation of Traffic Impacts: Development and first occupation of the residential or commercial units will not be permitted until a detailed assessment of the cumulative impacts of traffic (including development and construction traffic) on existing communities has been undertaken and adequate mitigation measures are put in place. This will include assessment of delays, road safety, pedestrian and cycle accessibility, air quality, noise and place-making at Pye Corner, Gilston Lane, Church Lane, Fifth Avenue during construction (say at 5 years intervals or following agreed development milestones) and at completion.** The requirement for mitigation is in accordance with GANP Policy EX1.

8. Provision of other necessary Infrastructure: Prior to the commencement of development, details of the following infrastructure provision should be submitted to and approved by the local planning authority:

- a. **Burial grounds** in accordance with Policy GA 1 and considering that local cemeteries will not have the capacity to serve any significant increase in population..
- b. **Flood mitigation**, including, but not exclusively, the following areas:
 - i. The Airfield and Hunsdon Village via Drury Lane
 - ii. Along the southern section of Gilston Lane – from fields to the east of Gilston Lane with over flow of Fiddlers Brook
 - iii. Length of road approx. 500 metres east of Church Cottages
 - iv. Length of road running between Church Cottages & Great Penny's (near Game Keepers Cottage)
 - v. Eastwick Hall Lane
 - vi. Cockrobin Lane
- c. **Community facilities including cultural facilities and facilities for children and young people.**

In addition, provision should be included in the S106 for the following:

- d. **Sport and play facilities in Hunsdon and Eastwick** where a Multi Purpose Games Area and accessible open space and play space for children are already needed.
- e. **Support for local communities to deliver the Priority Projects identified in Appendix 4 of the GANP**

PART 4

Gilston Area Stewardship and Governance Strategy

We broadly welcome this Framework document and support the concept of a single Community Body incorporated as a registered charity in perpetuity for the Gilston Area Development. The Stewardship and Governance of the Gilston Area is a massive subject in itself and will require expertise, commitment and leadership from the developers, the planners and the people who live here now and in the future.

We have commented on a previous draft though were disappointed that a number of our suggestions were not included in this version. Some were, which we were pleased to see. We have made our views known to PfP and to the planners at EHC.

One of our principal objections was that though it attempts to set the approach to place management, and to define the community assets and the structures to achieve their transfer and funding, it leaves far too much detail to the S106 agreement which the Council is negotiating with the developers. That is not a public document, so we have no clear indication of the extent of the developers' financial commitments and legal obligations, nor will we until after the Outline Planning Application is heard when it will be presented as a "done deal". We have been told that heads of terms will be published soon to give some idea of what will be agreed but they will not be specific or exhaustive enough.

Secondly, the document is lacking in the following respects:

1. It is ambiguous and vague about the area and people it is intended to benefit- in our opinion, it should at this early stage be ready to make it clear that the Charitable Body will be for the general public benefit of the people who now or in the future live or work in the geographical area at present comprised within the boundaries of the Civil Parishes of Hunsdon, Eastwick and Gilston as this is where the development is intended to take place and the Charity should be accountable to those people. There should be no suggestion that a wider population outside this area or in Harlow should be beneficiaries of the Charity. We consider this a key point and if it is not agreed we see little prospect of being able to support the proposed structure.
2. The proposed participation in membership and on the Board of Trustees of the Charity will be an important element to ensure proper representation and accountability but we consider that the proposals in the document will leave the local parish councils under-represented which will prove to be undemocratic and lead to difficulties in the future. The Parish Council structures in the Area will need a wide scale review in due course so that they continue to fully represent the electors who live or come to live in the area and they can fulfil their role, both financially and democratically. The Framework Document makes certain suggestions on this but is in danger of seeking to impose a developers' solution rather than seeking a well thought out review which has regard to the views of local people.
3. We are pleased that the Document acknowledges the GANP policy D2 about Stewardship but it fails to recognise the Policy AG7 which stipulates the early delivery of community ownership and the long-term stewardship, protection and maintenance of the Community Trust Open Space Land identified for special protection in the District Plan. The Neighbourhood Plan is an important Planning document which neither the developers nor the planners can cherry-pick from and ignore what does not suit them- a point we have made elsewhere a number of times and will continue to make.
4. It seems unfair that new residents will have to pay service charges for some services that the District Council refuse to adopt, yet EHC will still impose full council tax charges on them and declines to rebate part to the community.

In Conclusion:

We are aware that the S106 negotiations have been complex but the effectiveness of the S106 agreements and delivery mechanisms will be of critical importance and we would expect to see full details of the S106 including phasing, funding and relevant triggers detailed in the officers' report. This is essential to ensure the timely delivery of necessary infrastructure and members will not be able to determine the OPA without clear details being available to the DMC.

The HEGNPG are firmly committed to securing a high quality development appropriate to the local area, as initially identified in the Concept Development Framework which formed the basis of a statement of common ground between the developers and the Council (November 2017), and as subsequently enshrined in the adopted Gilston Area Neighbourhood Plan which has the widespread support of the local community and is now a

formal part of the statutory development plan. We are not seeking to delay or impede progress of the project, only trying to preserve the original concepts advanced by the developers and supported by East Herts and the local community and to ensure the development is in accordance with adopted policies in the Local Plan and Neighbourhood Plan. Unless the necessary controls are in place in the outline planning approval, we are very fearful of the outcomes and the irreversible damage which will be done to our shared vision for the Gilston Area.

We believe that the Gilston Area has the potential to become an exemplar development of outstanding quality provided the issues set out in our representations are directly and openly addressed prior to determination of the outline planning application.

We look forward to further discussions with you.

Best regards,

-Anthony Bickmore
Chair HEGNPG