



Gilston Area Neighbourhood Plan Examination

Response to Examiner's Note 2 on behalf of
the owners of Hunsdon House

November 2020

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Executive Summary

The Gilston Area delivers a series of benefits which led to the East Herts District Plan Examiner concluding that exceptional circumstances were established to enable the Area to be removed from the Green Belt and allocated for 10,000 homes. This involved a balance between benefits and harm that must continue as the area develops. If the benefits were to reduce and/or the harm was to increase, the balance would tip against the development proposals.

The development of the Gilston Area results in associated harm to the setting of Hunsdon House and St Dunstons Church. This harm is potentially substantial, and would then only be acceptable if the harm was necessary to achieve the substantial benefits. Even if the harm was less than substantial, harm must be weighed against public benefits, so these benefits must continue, and the harm must be adequately minimised, in order for the balance to fall in favour of approval.

In our view, the harm to the heritage significance of Hunsdon House and St Dunstons Church has the potential to occur through poor planning of land uses and building heights within the Gilston Area.

Illogical phasing of development within the Gilston Area (specifically Village 7 being delivered prematurely) would result in additional car-based vehicles that would not be necessary if Gilston was developed in a more logical order, and that would not have been assumed to occur when the Area's allocation was accepted by the District Plan Examiner.

The current planning regime consists of policy GA1 of the East Herts District Plan, the adopted development plan for the District, and the Gilston Area Concept Framework, which is a material consideration.

East Herts District Plan Policy GA1, along with policy HA1 relating to heritage assets, are strategic in nature, and not sufficiently detailed to enable the balance between benefits and harm to occur.

The Concept Framework is more detailed, but lacks sufficient detail to ensure that the harm to Hunsdon House and St Dunstons Church that could be caused by poor planning of land uses and building heights, and through illogical phasing, is minimised and mitigated.

The Concept Framework was not informed by an adequate assessment of the significance of Hunsdon House, because Hunsdon House was not visited through its production, and the owners of Hunsdon House were not involved in the workshops which informed it.

Therefore, the Neighbourhood Plan has a role to play in ensuring the delivery of the exceptional circumstances that justified the Area's removal from the Green Belt and in ensuring that the delivery of public benefits outweigh the harm to the setting of Hunsdon House and St Dunstons Church.

The modifications sought in our Regulation 16 representation were intended to enable the Neighbourhood Plan to better meet that role.

1 Introduction

- 1.1 We are instructed by the owners of Hunsdon House to make representations to the Examiner's Note 2, dated 26th October 2020, regarding the Gilston Area Neighbourhood Plan.
- 1.2 This response has been written with input from the following, who we had assumed would be attending the 19th November hearing:
- Stuart Miles, Director, Vision Planning
 - Nicholas Worlledge, Worlledge Associates
 - Neil Furber, Associate Director, Pleydell Smithyman
 - Brett Farmery, Managing Director, Cole Easdon Consultants
- 1.3 On the basis of recent correspondence with the Examiner via the Council's link officer, we will now be represented at the hearing by:
- Stuart Miles, Director, Vision Planning
 - Nicholas Worlledge, Worlledge Associates

2 Examiner's First Main Concern

- 2.1 Your “first and most acute concern” is the more strategic of the three issues raised, when compared with the more detailed issues 2 and 3. In our view the question focusses on whether the Neighbourhood Plan has a place in the planning policy regime, and whether it should go forward to referendum in principle.
- 2.2 In this context, you asked “*whether the draft NP departs from national policy and advice in guidance in the respects set out above and, if so, whether it is now possible to explain that departure by way of proposed modifications.*”
- 2.3 We do not consider that the NP departs from national policy and advice in principle, although in our view some modifications can be made to enable the Neighbourhood Plan to better meet the basic conditions. We set these out in our Regulation 16 representation.
- 2.4 The Gilston Area delivers a series of benefits which led to the East Herts District Plan Examiner concluding that exceptional circumstances were established to enable the Area to be removed from the Green Belt and allocated for 10,000 homes.
- 2.5 The Gilston Area’s development also results in associated harm. In terms of impacts on the setting of Hunsdon House and St Dunstons Church, this harm is potentially substantial. This harm can only be acceptable if the harm is necessary to achieve substantial benefits. Even if the harm is less than substantial, harm must be weighed against public benefits. The harm must therefore be adequately minimised, through design and mitigation, in order for the balance to fall in favour of approval.
- 2.6 This potential for harm to the various heritage assets was raised by Historic England at the East Herts District Plan Examination in October 2017, when they noted that “*Historic England continues to have concerns regarding the allocation of land for development at Gilston...*”¹
- 2.7 This risk was accepted by the District Plan Examiner, who proposed a modification to the reasoned justification to Policy GAI, as follows:

“11.3.9 Heritage: *The site contains a number of heritage assets,*

¹ Examination of East Hertfordshire Local Plan. Chapter 11 The Gilston Area, Historic England, Hearing Statement, October 2017 ([Link](#))

including listed buildings and Scheduled Monuments. The development will be designed in order to ensure that these assets and their settings are conserved and, where appropriate, enhanced within the context of the overall development, through appropriate mitigation measures, having regard to the Heritage Impact Assessment (Montagu Evans, October 2017)...

2.8 During the Regulation 14 consultation on the draft Gilston Area Neighbourhood Plan, in a letter dated 25th October 2019, Historic England noted:

“We are particularly pleased to note the inclusion of Policy HI, with special reference to the need to respect, preserve and enhance historic boundaries where possible, and the need to minimise or avoid the negative effects of light pollution on Gilston Park and Hunsdon House.”

2.9 In our view, the harm to the heritage significance of Hunsdon House and St Dunstons Church has the potential to occur through poor planning of land uses and building heights within the Gilston Area, including as a result of light pollution, and through illogical phasing of development within the Gilston Area, specifically Village 7 being delivered early.

2.10 It should also be noted that the development context is different now to that which occurred when the District Plan was adopted, and the Concept Framework was produced. The site is now being developed by two developers who are not working together to the extent envisaged. Development is not coordinated.

2.11 The Neighbourhood Plan has a role to play in ensuring that the balance between benefits and harm which led to the Area being allocated are delivered.

2.12 The current planning regime consists of policy GA1 of the East Herts District Plan, the adopted development plan for the District, and the Gilston Area Concept Framework, which is a material consideration in planning decisions.

2.13 East Herts District Plan Policy GA1 is strategic in nature; it is not sufficiently detailed to enable the balance between benefits and harm to occur.

2.14 The Concept Framework is more detailed, but it lacks sufficient detail to ensure that the harm to Hunsdon House and St Dunstons Church that

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- could be caused by poor planning of land uses and building heights, and through illogical phasing, is minimised and mitigated.
- 2.15 The Concept Framework was not informed by an adequate assessment of the significance of Hunsdon House, because Hunsdon House was not visited through its production, and the owners of Hunsdon House were not involved in the workshops which informed it.
- 2.16 The Concept Framework has been approved by East Herts District Council as a material consideration, but not as a Supplementary Planning Document. Its weight is being downplayed by Briggens Estate 1 in particular through the Village 7 application process and now through their representations made to the Gilston Neighbourhood Plan. Their focus is to argue that it is a design document with limited weight, and to suggest the deletion of references to the Concept Framework being “*an agreed approach*” and those referring to it being used as a benchmark for judging planning applications.
- 2.17 Briggens Estate 1 also argue that the Neighbourhood Plan should be altered in a number of places to reflect their outline application, which it should be noted is not approved, and they seek to dilute the protection that the Neighbourhood Plan provides to heritage assets including Hunsdon House, despite the need for “*great weight (to be) given to the asset’s conservation ... irrespective of ... (the level of) harm.*”²
- 2.18 The Gilston Area will take some years to develop, and the various planning applications will also take some years to be prepared, submitted, considered and determined. District Councillors and Council Officers will come and go during that time, so there is a risk, if Briggens Estate 1’s argument prevails, that the benefits that justified the Area’s allocation would not be delivered.
- 2.19 In our view, in principle, the Gilston Area Neighbourhood Plan should be made to ensure that the benefits of the Area’s allocation, which led to the Examiner concluding that exceptional circumstances existed to enable the Area to be removed from the Green Belt and allocated, are met.
- 2.20 The Neighbourhood Plan is in general conformity with the development plan as a whole, and national policy and advice is not prescriptive about what should be included in a Neighbourhood Plan. It leaves the content of

² NPPF Para 193

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- Neighbourhood Plans to the discretion of the qualifying bodies.
- 2.21 NPPF paragraph 29 states:
- “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”.*
- 2.22 The Neighbourhood Plan does not promote less development than policy GA1, and it does not undermine policy GA1.
- 2.23 Planning Practice Guidance ID 41-002-20190509 explains that:
- “Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use...”*
- 2.24 Planning Practice Guidance ID 41-004-20190509 notes that:
- “A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies (as outlined in paragraph 13 of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.”*
- 2.25 Planning Practice Guidance ID 41-003-20190509 notes that:
- “Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals...”*
- 2.26 This Neighbourhood Plan, modified as necessary to ensure that it better meets the basic conditions, ensures that the above points are met. The community has exercised its right to prepare a Neighbourhood Plan, and has chosen the topics that it should cover without promoting less development or undermining policy GA1.
- 2.27 The Neighbourhood Plan ensures that basic condition d. (“the making of the neighbourhood plan contributes to the achievement of sustainable development”) is met, regardless of changes in the Councillors or Officers considering the latest applications over time. It maintains a level of corporate knowledge that otherwise risks being lost.
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2.28 We demonstrate below some of the ways in which the strategic benefits assumed by the District Plan Examiner when agreeing that the site should be allocated are already potentially being lost.

Illogical Development Phasing

2.29 District Plan policy GA1 explains that:

“A Concept Framework is being jointly prepared by the landowners, the Council and the local community. The Concept Framework identifies ... infrastructure requirements and phasing...”

2.30 In fact, the current policy regime does not adequately specify how the Gilston Area should be phased to ensure its self-sufficiency, and the Neighbourhood Plan has a role to play in specifying how this can be achieved.

2.31 It should be noted at the outset that the Concept Framework was included in evidence put to the District Plan Examiner.

2.32 It notes, inter alia, that it *“serves to support the comprehensive approach to development across the Site Allocation.”*³

2.33 It also includes the following development objective:

*“ENSURING THE PHASED DELIVERY OF NECESSARY INFRASTRUCTURE TO MEET THE NEEDS ARISING FROM THE DEVELOPMENT – The new infrastructure will be designed to benefit existing and new communities and its provision to minimise and manage the impacts of the development on the local area.”*⁴

2.34 On this basis, the Examiner concluded that the area *“would be part of a wider, comprehensive area of growth encompassing Harlow and Gilston.”*⁵

2.35 However, the Concept Framework does not explain how these objectives will be achieved. In fact, it leaves until later decisions that policy GA1 requires it to include in order to deliver these outcomes:

“The critical infrastructure required to mitigate the impact of the development, as well as that required to assist with place making, will be

³ Concept Framework, July 2018, page 4

⁴ Concept Framework, July 2018, page 12

⁵ Report on the Examination of the East Herts District Plan 2011-2033. Christine Thorby MRTPI IHBC, 9 July 2018, para 20

provided to support the development that creates the demand for it... Further detail of the infrastructure triggers to control the delivery of key infrastructure items will be provided as part of the future outline planning application.”⁶

2.36 The Concept Framework goes as far as setting out the following:

“It is anticipated that the Gilston Area development will commence within Village 1, and proceed to Village 2. Focussing development in these villages initially maximises the linkages to the employment opportunities, public transport and other services/facilities within Harlow to ensure the sustainability credentials of the site are optimised and infrastructure enhancements are focussed. Once Villages 1 and 2 are well advanced, development in other villages is expected to commence...”⁷ (Our emphasis)

2.37 This phasing is logical. Village 1 includes the Secondary School, and these two Villages are closest to the existing employment and facilities at Harlow. The public transport network can run in a loop which can be extended over time to serve the villages. Over time this public transport network will extend via the creation of a sustainable transport corridor parallel with the A414, which would suggest that Villages 6 and then 7 would be developed later.

2.38 Rather than waiting for Village 1 and 2 to be “*well advanced*” before commencing Village 7, the Village 7 developer is promoting the early development of Village 7, in isolation of the rest of Gilston.

2.39 We explained in our objection to the Village 7 application that this will not result in the Gilston Area being developed comprehensively. We referred to consequences in terms of education, access to village 7, and the Stort Crossings.

2.40 To summarise those points:

- The secondary school is to be built by Places for People early in Village 1, and school places are planned on the basis that Village 7 will only be completed between 2033 and 2040. There is limited secondary school capacity elsewhere locally. Delivering Village 7 in isolation, and before the east-west central spine road linking Villages 1 and 7, is constructed, would result in a substantial number of additional and unnecessary

⁶ Concept Framework, July 2018, page 167

⁷ Concept Framework, July 2018, page 167

trips onto Church Lane and the A414 each school day.

- The alternative would be the early construction by the Village 7 developer of the new east-west road to link with Village 1. This would be more than 700 metres long, so it will not, in reality, be delivered. Additional traffic on the A414 is the inevitable consequence.
- The Central Stort Crossing is planned to be delivered prior to the occupation of 1,000 homes at Gilston; the Eastern Stort Crossing is planned to be delivered prior to the occupation of 3,000 homes. Village 1 is proposed for up to 2,100 dwellings; Village 2 for up to 1,900 dwellings. It is illogical to develop any homes at the western extreme of the Area, at Village 7, before these Crossings are complete.

2.41 None of these consequences of an early delivery of Village 7 would create *“integrated and accessible sustainable transport systems”* as required by policy GA1 III, and the Concept Framework and Infrastructure Delivery Plan do not ensure that this would occur.

2.42 This illogical phasing will bring forward development without key sustainable links, promoting poor and potentially irreversible ‘day one’ travel habits, with a corresponding traffic impact.

2.43 The Neighbourhood Plan therefore has a role to play in coordinating development with infrastructure across the Gilston Area, to ensure that each Village is developed in a logical sequence, alongside the infrastructure necessary to serve the community, as we noted in our comments on policy AG9.

2.44 One way that the Neighbourhood Plan could enable development to come forward more logically would be to modify policy AG9 to require development to be phased such that the Gilston Area is self-sufficient as it develops, as well as when complete, as proposed in our regulation 16 representation.

2.45 Alternatively, the Neighbourhood Plan could be more prescriptive, and specify a general phasing strategy as described in our representation to the Village 7 application, as follows:

1. to construct Village 1 early, including its co-joined primary and secondary school;
2. to construct the Central Stort Crossing before the 1,000th home is occupied at Village 1;

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3. to begin Village 2 next;
 4. to construct the Eastern Stort Crossing before the 3,000th home at Villages 1 and 2 is occupied; and then
 5. for the Gilston development front to move westwards and northwards, so that residents of Gilston can use Village 1's facilities, including the secondary school, and to enable the primary road through Gilston and the Stort Crossings to be constructed in a logical order.
- 2.46 A third option would be for the Neighbourhood Plan to explicitly specify the order in which the Villages develop, and the critical infrastructure that must be delivered before construction on the next can start, or perhaps before homes can be occupied.
- 2.47 The Village numbering implies that it was always the intention to develop the Gilston Area in a logical sequence. In line with the Concept Framework, we believe Villages 1 and 2 should be developed first. It would then be logical to develop Villages 3 and 5, perhaps simultaneously, as these are immediately adjacent to Villages 1 and 2. Once Villages 1 and 2 are substantially complete (in accordance with the wording of the Concept Framework), Village 4 then must follow to complete the primary internal road loop for public transport services, with Village 6 potentially built concurrently as soon as the loop is complete. Village 7 is the most isolated (as is clearly apparent from the many plans contained within the Concept Framework document, including the Illustrative Aerial View on Pages 10 and 11) and must only follow once the infrastructure and facilities have been implemented that make the Gilston Area a sustainable settlement in its own right.

Harm to the setting of Hunsdon House and St Dunstons Church

- 2.48 Case law (Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and National Trust, February 2014, and Sevenoaks District Council v The Forge Field Society, March 2014), have brought into sharp relief the weight and importance that decision makers should give to the duty under Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.49 In the case of Hunsdon House and St Dunstan's Church it is section 66 that is relevant, requiring decision makers to give great weight and importance to the duty to preserve or enhance the special architectural or historic

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- interest of listed buildings and the contribution their settings make to their significance.
- 2.50 Historic England explains in its published advice *“The Historic Environment in Local Plans (Historic Environment Good Practice Advice in Planning 1)”*, how Local Plans can give positive effect to this statutory requirement. The advice references the National Planning Policy Framework (in paragraph 3), requirements for:
- Relevant and up to date evidence
 - A positive, clear strategy
 - Strategic policies to deliver effective conservation and enhancement of the historic environment
 - Identifying where development would be inappropriate.
- 2.51 In paragraph 12, Historic England highlights the need for heritage policies not to be considered in isolation, pointing out that heritage plays an important role in helping to deliver economic, social and environmental outcomes, asking specifically *“How might new residential development best be integrated onto historic areas?”*
- 2.52 To support effective and informed decision making, Historic England make it clear that development management policies will be important to amplify a general, overarching strategic policy, to give necessary clarity to a policy or to address the local circumstances of a Plan area (such as the Gilston proposals).
- 2.53 A Neighbourhood Plan would be an effective tool and mechanism to secure the positive management of the area’s historic environment. It would ensure that those assets that contribute to the heritage significance of the area are considered as a ‘golden thread’ to help secure a development that positively integrates with the cherished local historic landscape and built environment.
- 2.54 The delivery of the Gilston Area would be better supported by a Neighbourhood Plan that amplifies the strategic policies set out in the District Plan, as we explain below:
- a) The East Herts Local plan policy HAI (Designated Heritage Assets) mirrors the NPPF. This policy, along with GAI (o), is general, overarching and strategic. As Historic England states, additional development

management policies are required to deal with local circumstances and particularly distinctive or important historic environment features.

- b) The need for a finer grain of heritage policies is evident in the Local Plan, which wrestles with its strategic and site-specific role in securing the development at Gilston, identifying the need for a Concept Framework (Chapter 11, Policy GA1). The policy states that the Concept Framework will be used as a benchmark to review proposals for development. This means that the single designated heritage asset policy in the Local Plan is not adequate on its own to support informed decision making on the Gilston development area.
- c) However, as explained earlier in this report, the Concept Framework has and is being given limited weight in decision making.
- d) Even if the Concept Framework could be given greater weight it is flawed because it is not based on relevant or up to date evidence. It provides no assessment of views that would help determine the setting of Hunsdon House and St Dunstan's Church and there is no assessment to determine the extent to which its setting contributes to the significance of the House and Church. This is possibly because no one has visited the site to carry out this assessment. Furthermore, the recent scheduling of the medieval fishponds is evidence of an extensive setting to the house, and a setting to the fishponds that has not been assessed or acknowledged. Neighbourhood Plan policy HI requires this assessment to be undertaken, and our suggested additional wording would ensure that this assessment informs fundamental decisions about the land uses that have the potential to harm the setting of Hunsdon House and St Dunstans Church.
- e) Whilst the Concept Framework's vision and objectives are well intended '*to sensitively integrate heritage, ecological and landscape assets into the development where possible*' (p20) and that '*a thorough understanding of the site context forms the basis of the proposals*' (p26), they are not being delivered. This means that the local planning authority is reliant on a single heritage policy in the Local Plan to effectively manage this major development.
- f) The Concept Framework in relation to the effect of the proposals on Hunsdon House concludes that the open views to and from the house would be preserved, although the applicant's own heritage assessment (Savills) has concluded that there would be some harm to the setting

(and therefore to the significance of) Hunsdon House. Our own evidence (Pleydell Smithyman) also concludes that the open views would not be preserved. The Heritage Impact Assessment submitted as a Statement of Common Ground to the District Plan Examination recommends restricting building heights to avoid them being visible from Hunsdon House. This should be complied with.

g) The Concept framework contains inconsistencies in its evidence and analysis, for example on page 39, assessing the sensitivity of Gilston Park's designed landscape, even though a part of the area is not in the ownership of the applicant and outside the development boundary. It remains a puzzle why a similar assessment was not carried out on Hunsdon House as it may have better informed the layout of Village 7.

2.55 Policy GA1 IV of the Local Plan refers to opportunities for community engagement and participation in the development of the village masterplan and application process. The Neighbourhood Plan would establish just such an opportunity that would ensure that the way the local community values and enjoys its historic environment can become a positive force in the delivery of this important development.

2.56 Policy HA1 IV of the Local Plan states that the District Council will *'as part of a positive strategy pursue opportunities for the conservation and enjoyment of the historic environment recognising its role and contribution in achieving sustainable development.'* This strategic objective would be given effect through a Neighbourhood Plan, when clearly the Concept Framework is failing to do so, to secure a development that is sensitive to the qualities of the historic environment helping to ensure that it can be enjoyed by present and future generations.

Unjustified development boundaries, building heights and land use locations resulting from inadequate baseline assessments with an attempt to seek early approvals for these matters.

2.57 Village 7, as currently proposed, would not respect or enhance local landscape character, and the Parameters Plan does not sufficiently reflect baseline conditions, including the topography of the landscape, the setting of Hunsdon House and other listed assets and Scheduled Monuments.

2.58 The current Village 7 masterplan proposes new tall buildings and flood-lit sport pitches in locations that have elevated landscape and heritage sensitivity. Due to the nature of the existing topography and declining

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- condition of tree planting along the boundary of the Hunsdon estate, it is not possible to adequately mitigate floodlit sports pitches or new tall buildings on the plateau with planting and/or artificial landform alone. Consequently, a reduction in the height of buildings and relocation of the sport pitches from the highest part of the plateau overlooking Hunsdon House grounds is required.
- 2.59 The Landscape and Visual Statement we submitted with our representation to the Village 7 application demonstrates where this could be relocated to (on page 52). It would then be logical to co-locate the primary school to enable sharing of facilities, and then to co-locate this with the centre.
- 2.60 This co-location results in a land use efficiency that ensures that Village 7 is still able to deliver 1,500 dwellings (although we understand the densities proposed in the Village 7 application would deliver more than 1,500 dwellings in any event) whilst minimising harm to the setting of heritage assets.
- 2.61 This is how the balance between benefits and harm envisaged by the District Plan Examiner can be delivered. There is no need to accept more harm to heritage assets to deliver identical benefits.
- 2.62 Changes to the fundamental parameters of the Village 7 Masterplan described above, need to be combined with a coherent green infrastructure strategy that includes advance woodland planting. Consideration also needs to be given to the landscape character of any undeveloped buffer between the northern edge of Village 7 and the grounds of Hunsdon House. The current proposals for the creation of a public park along the boundary of the Hunsdon Estate and the adverse impact this would have upon both the rural landscape context and setting of Hunsdon House have not been adequately considered. The objective should be to retain part of the existing countryside setting visible from the Hunsdon House grounds together with its associated tranquillity.
- 2.63 Our suggested changes to the Village 7 proposals have the potential to reduce the harm that would occur to Hunsdon House, St Dunstans Church, Brickhouse Farm and the Scheduled fish ponds. A reduction in harm upon wider countryside character and a reduction in the effects upon the visual amenity of users of public rights of way could also be achieved. Any Masterplan for Village 7 must be landscape led and should respond to local heritage and landscape sensitivities

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- 2.64 The Neighbourhood Plan goes some way to enabling this to be delivered, but our suggested modifications to policies AG6, LA1 and others, would ensure this is the case.
- 2.65 Therefore, in our view the Neighbourhood Plan should go forward to referendum, with some modifications as we suggest, in order to ensure that strategic intent of the development plan policy is met, and that development can be delivered with the “support” of local community.

3 Examiner's Second Main Concern

- 3.1 Your second main concern related to whether the Neighbourhood Plan was concise and avoided unnecessary duplication, and you asked in this respect *“whether the draft NP departs from national policy and advice in guidance in the respects set out above and, if so, whether it is now possible to explain that departure by way of proposed modifications.”*
- 3.2 Our representation at Regulation 16 stage focussed on modifications that we consider to be necessary to enable the Neighbourhood Plan to ensure that any harm to the setting of Hunsdon House and St Dunstons Church resulting from the development is minimised. This would ensure that the exceptional circumstances which resulted in the Area being removed from the Green Belt and allocated are delivered, and it would ensure that the benefits of the proposal outweigh any harm to the setting of Hunsdon House.
- 3.3 These modifications would therefore result in the Neighbourhood Plan better meeting basic conditions a (having regard to national policies and advice) and e (general conformity with the strategic policies of the development plan) in particular.
- 3.4 It may be that further modifications could be made to make the Neighbourhood Plan more concise, but in our view the imperative is to ensure that the Neighbourhood Plan is made quickly so that there is a mechanism by which harm to Hunsdon House can be minimised and the exceptional circumstances envisaged when the Area was allocated are delivered.

4 Examiner's Third Main Concern

4.1 Your third main concern focussed on Planning Practice Guidance paragraph 046, which explains that:

"A qualifying body should set out and explain in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan."

4.2 You asked *"whether the draft NP departs from national policy and advice in guidance in the respects set out above and, if so, whether it is now possible to explain that departure by way of proposed modifications."*

4.3 Planning Practice Guidance paragraph 045 begins as follows:

"Should a neighbourhood plan consider infrastructure?"

A qualifying body may wish to consider what infrastructure needs to be provided in their neighbourhood area from the earliest stages of plan-making (as set out in paragraph 102 of the NPPF) alongside development such as homes, shops or offices..." (Our emphasis)

4.4 NPPF paragraph 102 explains that:

"Transport issues should be considered from the earliest stages of plan-making and development proposals..."

4.5 PPG para 046 then reads as follows:

"What should a qualifying body do if it identifies a need for new or enhanced infrastructure?"

A qualifying body should set out and explain in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan."

4.6 The issue in this case is that the neighbourhood plan is not being produced at *"the earliest stages of plan-making"* because the Gilston Area is already allocated in the District Plan, and the qualifying body has not identified *"a need for new or enhanced infrastructure"*; the need has already been identified and set out in the Harlow and Gilston Garden Town Infrastructure Delivery Plan, April 2019.

4.7 On that basis, we do not consider there to be a requirement for the

Neighbourhood Plan to set out the *“infrastructure required to address the demands of the development.”*

- 4.8 In our view, the matter that is most necessary for the Neighbourhood Plan to deal with in relation to infrastructure provision is the potential for parts of the Gilston Area to be developed in isolation, and in an illogical order, now that the Gilston Area is controlled by two separate developers.
- 4.9 The early development of Village 7, as proposed via the Briggens Estate 1’s planning application, would result in an isolated development reliant upon existing infrastructure within Harlow, with journeys to that infrastructure likely to be by car using the A414. This is likely to have severe residual cumulative impacts on the road network, contrary to the NPPF.
- 4.10 In our view, the suggested modifications to policy AG9 discussed at paragraphs 2.44 to 2.46 would ensure that the Gilston Area is self-sufficient in meeting the infrastructure and service requirements of the community at all stages during its development, as well as post development.
- 4.11 To conclude therefore, there is no requirement for the Neighbourhood Plan to set out infrastructure required to address the demands of the development, but in our view there is a need for the Neighbourhood Plan to ensure that development and infrastructure are appropriately phased.