

DATE: 12 November 2020

GILSTON AREA NEIGHBOURHOOD PLAN SUBMISSION DRAFT- PLANNING NOTES AND COMMENTS ON EXAMINER'S NOTE 2

1. URBAN Silence has been supporting the community on planning matters since September 2017. We have supported the community's response to various planning consultations (initially the Concept Framework in 2017, but also the Charter SPD and a few of the Garden Town guidance documents) and helped them in the submission of representations to the Outline Planning Applications from summer 2019. In January 2019 with our assistance the priorities and themes of the Gilston Area Neighbourhood Plan (GANP) were scoped out and since then we have provided professional planning support for the GANP to the NPG, acting on behalf of the Qualifying Body for the Neighbourhood Plan.
2. This note has been prepared at the request of the NPG and is focused on planning matters in response to the Examiner's Note 2 (EN2). It should be read in conjunction with the equivalent note prepared by Martin Edwards, a draft of which we have seen.

CONCERN 1 – DEPARTURE FROM NATIONAL POLICY APPROPRIATENESS TO MAKE THE PLAN

Why a Neighbourhood Plan was considered necessary by the community

3. The Neighbourhood Area was designated in November 2017 and, after adoption of the District Plan in October 2018, the NPG decided in early 2019 to commence preparation of the Neighbourhood Plan as the best way to influence the quality and form of the development in the Gilston Area. This was motivated by:
 - i. The desire to have a development of "exceptional quality" as promised in the lead up to making the District Plan and that future residents choose the Gilston Area because they like the countryside and villages, distinctive from Harlow and from other urban developments.
 - ii. The frustration that the Concept Framework, which the community, with considerable time and effort, successfully influenced between Sept 2017- Spring 2018, was not given a firm planning status. There was also frustration because of, in their words, "selected release of information, the lack of meaningful engagement and feeling that the NPG was not being listened to".
 - iii. The desire to play a proactive role in the decision making (see GANP, para 3-4).

The Basic Conditions (EN2 para 3)

4. The NPG prepared the plan positively and following published guidance. The Basic Conditions Statement (BCS, June 2020) sets out in detail how the GANP is in conformity with

the five legal requirements (in BCS para 11-12), how it has regard to national policy (BCS Table 1 and 2), and how it contributes to the delivery of sustainable development (BCS Table 3).

5. Table 4 of the Basic Conditions Statement summarises how the GANP policies are in general conformity with the strategic policies of the District Plan and with other District Plan policies.
 - i. EHDC provided support and extensive comments to the GANP and are, we believe, satisfied that the NPG has addressed all their comments.
 - ii. Quod (on behalf of Places for People, Reg 16 representation of 15 Sept 2020) raises the concern that the GANP may not be in general conformity with District Policy GA1, in extending some aspects of the Concept Framework or, for example, by qualifying the nature of 'variety of green spaces'. We believe that this is clearly within the remit of shaping the local area granted to a neighbourhood plan.
6. The GANP respects published Planning Practice Guidance for the aspects mentioned in EN2 para 4-6 or has clear reasons why it departed from it:
 - i. Para 102 (transport issues should be considered at the earliest stages of plan making) - The reason why the GANP departs from this is because it makes no new allocations, and therefore the requirement for and provision of transport infrastructure has been already addressed in the District Plan and should not be duplicated in the GANP. The Neighbourhood Plan Policy AG8, however, offers criteria to minimise impacts on existing communities to be secured as part of the planning application process.
 - ii. Para 040 (evidence to explain succinctly the policies in the plan) - If the GANP departs from this, it is because the NPG was requested by the District Council and other consultees to include more details in the plan which resulted in extended policies and evidence base. For example:
 - Quod on behalf of Places for People, representation at Reg.14 (25/10/19) and Feb 2020 meeting, invited the NPG to demonstrate 'consistency' to the Concept Framework, which led to extensive cross referencing of the CF as grounding of the policies.
 - Harlow and Gilston Garden Town, representation at Reg.14 (24/10/19) and Feb 2020 meeting, invited us to cross-reference their guidance documents (para 58-67 of GANP), to ensure better coordination of development across the Garden Town and inviting the NPG to provide a clearer framework for village character (now in Appendix 4) and provide criteria for the quality and character of the villages, rather than prescriptive guidance (e.g Policy AG6 wording).
 - iii. Para 041 (Neighbourhood Plan should provide additional detail and be drafted with sufficient clarity to be applied consistently in determining planning applications) - The Neighbourhood Plan does provide an additional level of detail and distinct local approach by focusing on the quality of the area in respect of landscape, individuality of the villages, local character etc. It is clearly arranged in three parts: Accommodating Growth, with policies focused on the structure of the development overall (addressing the comprehensive development of a single allocation), Delivering Quality Places focused on the quality of development within each of the future villages (local development scale)

and Implementation and Delivery for governance issues. The policy wording adopts a criteria-based approach reflecting the aspirations of the community and allowing developers flexibility over time. Policies have been developed in consultation with the District Council to provide greater clarity, remove duplication and to avoid ambiguity.

- iv. Para 045 (QB *may* wish to consider what infrastructure needs to be provided to enable development proposed in a neighbourhood plan) - The Neighbourhood Plan does not depart from guidance as it does not propose development or make new allocations. It is therefore considered that additional policies are unnecessary as these matters have been addressed in the District Plan. The NPG has consulted with infrastructure bodies in accordance with the guidance.
- v. Para 046 (QB should explain the prioritised infrastructure required to address the demands of the development identified in the plan) - The GANP does not identify development that has not already been identified in the District Plan, whose Policy DEL 1 confirms that the District Council will maintain an up to date Infrastructure Delivery Plan to identify the timing, type and the funding mechanisms for these. There are, therefore, clear reasons why the Neighbourhood Plan does not seek to identify and prioritise infrastructure requirements.

Relationship with the Concept Framework (EN2, para 11-13 and 16)

7. The Concept Framework (CF) was originally published in 2016, and subject to public consultation in August / Sept 2017. Its original objective was to support the allocation of the Gilston Area for development, provide evidence of deliverability and provide indicative illustration of the quality and form of development.
8. This version of the Concept Framework was intensely scrutinised by the community through public consultation in September 2017 (see GANP Consultation Statement para 47-57). In the run up to the EiP, intense collaborative working with Places for People resulted in a profoundly revised version, including a vision statement and set of development principles effectively 'co-authored' by all parties. The community would have liked to see more restrictions (height and density, for example), but they were broadly satisfied that the Vision and Principles and the general ambition of the CF reflected their own, and therefore constituted a shared approach to development in the area (accepting the allocation was made and Green Belt status lost).
9. As the CF does not have a strong status in planning and departures from it easily made, the NPG decided to use the Vision and Principles of the CF as the foundation of the GANP.
10. The community considers that the Vision and Principles of the CF emerged from local consultation and we do not believe that following them is delegating the role of planning to the developers or the planning applications
11. The fact that both Outline Planning Applications (May and October 2019) do not follow the CF as a coherent framework for development and make very little or no reference to its vision and principles has strengthened the resolve of the community in having the GANP as a way to guide and influence development in a way that reflects previous common ground among all parties.

12. EN2 Para 13 seems to misunderstand para 396 of the GANP, as the reference to “principles” is a quote from the Gilston Area Charter SPD. The GANP sets criteria for the Strategic Landscape Masterplan (Policy AG2.2) and invites the development applicant to demonstrate how they respond to the criteria.

The Extent and Location of Development (EN2 para 8, 11 and 14)

13. The Neighbourhood Plan sets out criteria-based policies for masterplan preparation and determination of applications. This is considered appropriate in the case of a large allocation whose implementation will span a long time. Criteria-based policies provide the framework to respond to the aspirations of the community.
14. The Neighbourhood Plan, in accordance with published guidance, sets a clear vision, development principles and the policy framework for the determination of planning applications. We therefore believe it does not delegate its role as a development plan to planning applications, but fulfils the functions of a Development Plan and goes further than the CF.
15. Furthermore, the GANP sets the broad location of development and Green Infrastructure corridors. It also identifies protected green areas and sensitive views. It therefore sets the context for the detailed location of development and what development should look like

The GANP and the pending Outline Planning Applications

16. Preparation of the GANP started in January 2019, in advance of the first submission of the Outline Planning Applications (May 2019 and October 2019). Because the NPG was aware that the processes were running somewhat in parallel, open dialogue has been maintained throughout the preparation of the GANP, through statutory and non-statutory consultation (see Consultation Statement para 70-76).
17. The GANP reflects the principles which developers had themselves accepted (in the Concept Framework) and policies that substantiate those principles. The GANP has a positive attitude to any development which respects local context and local character.
18. In providing criteria-based policies and direction for the quality of the development, the GANP does not undermine or purposely set out to delay the Outline Planning Application process.

CONCERN 2 – SUCCINCTNESS AND DUPLICATION

Duplication of Existing Policy (EN2 para 17)

19. The Examiner is correct in stating that there is an array of other documents which deal with development in the Gilston Area. However, apart from the District Plan and the Gilston Area Charter (adopted as a Supplementary Planning Document in July 2020), none of other documents forms part of the Development Plan or constitutes ‘policy’.
20. We believe there is no duplication of Policy with the District Plan (see Basic Conditions Statement Table 4). Where the District Plan policies are concerned with qualitative aspects of the development, these are further developed in the GANP to reflect local aspirations and local character.

21. Within the GANP Policies, at the invitation of various statutory consultees, integrations were made from the Reg. 14 to ensure that guidance is reflected or included in the policies: examples are from the Environment Agency's representation at Reg. 14 Consultation, where suggestions were made for policy additions: e.g. AG1(3.v and 3.vi.) or Policy AG8 (formerly TRA3) at 1.iv. Another example is the sustainable mobility approach of the Harlow and Gilston Garden Town proposed after the District Plan and therefore not reflected there. They recommended that reference is made in Policy TRA1 of the GANP, with the support of Hertfordshire County Council.
22. The GANP's 'Rationale and Justification' section of each policy has become extensive at the request of various stakeholders, which is reflective of both the complexity of a development of this scale and the extensive set of guidance and supporting documents available. We would be open to consider editorial changes directed at improving readability, for example by moving parts or most of these sections to a supporting volume, should the Examiner consider that this is advantageous. These do not represent substantive modifications to the GANP and should not require further consultation with the community or other stakeholders.

CONCERN 3 – DETAILED INFRASTRUCTURE REQUIREMENT

23. It is considered appropriate to limit the GANP Policies regarding infrastructure to the expectations of the community in relation to the existing settlements only, as the District Plan already addresses infrastructure for the housing allocation. See also paragraph 6.i above and Note by Martin Edwards.