

## Quod Replies to Examiners Note 2 by their email

**From:** Philip Murphy [<mailto:philip.murphy@quod.com>]

**Sent:** 13 November 2020 17:38

**To:** George Pavey

**Cc:** Rachel Godfrey; Mumford, Paul

**Subject:** [External] Gilston Area Neighbourhood Plan

Dear Mr Pavey

I write on behalf of Places for People to submit representations in response to the 'Examiner's Note 2' produced by Christopher Lockhart-Mummery QC ("the Examiner") on 26 October 2020.

As the Council and the Examiner will be aware, Places for People has submitted three planning applications promoting a residential led development at Gilston Park Estate, which represents a large part of the Gilston Area, consistent with Policies GA1 and GA2 of the District Plan.

Places for People has taken an active role in engaging positively with the Hunsdon, Eastwick and Gilston Neighbourhood Plan Group (HEGNPG) during the preparation of the Gilston Area Neighbourhood Plan ("NP"). Formal comments were provided at all stages of the Plan's preparation (particularly 25 October 2019 and 15 September 2020), with separate meetings arranged to discuss comments in more detail and provide additional feedback as required.

In each instance Places for People focused comments on those areas where the draft policy wording risked undermining the successful delivery of Policies GA1 and GA2, and was directly inconsistent with the live planning applications that aim to deliver those policy requirements. Places for People identified a number of areas where it was considered that the NP as currently drafted fails to meet the requirements of national policy and guidance. In particular, we identified similar concerns to those raised by the Examiner in respect of the NP's ability to satisfy the 'basic conditions' as set out in Schedule 4B of the Town and Country Planning Act 1990. We, therefore, welcome this opportunity to comment further ahead of the Examination Hearing.

Places for People work closely with Briggens Estate 1 Limited (BE), who's land interests comprise Village 7 of the Gilston Area. We have been provided with a copy of BE's representations to Examiner's Note 2 prepared by Savills and are supportive of the issues raised, which are similar to the those set out in our previous representations.

In respect of the Examiner's first concern, the Savills letter queries the role of the NP in the context of the current planning policy framework. Policies GA1 and GA2 of the adopted District Plan act as the strategic policy context, and unusually for a strategic policy set out 30 policy criteria covering a variety of planning related matters. Policy GA1 also specifically refers to the Gilston Area Concept Framework, which "*identifies design principles, potential land uses, infrastructure requirements and phasing, and will be used as a benchmark in reviewing proposals for development.*" To this end the Concept Framework already acts as the guide in informing the acceptability of application proposals consistent with the development plan. Places for People's previous representations, specifically that dated 15 October 2020, identify particular examples of where conflict and tension arise which have the effect of undermining Policies GA1 and GA2 and potentially prejudice the delivery of a crucial part of the Harlow and Gilston Garden Town. Therefore, we support the concerns raised by the Examiner and Savills that the NP does not conform with national and strategic policies.

With regard to the Examiner's second concern, Places for People agree that the NP lacks precision and unnecessarily duplicates other policies. This has led to errors in reference and conflict, resulting in a lack of clarity and precision. The effect is to unnecessarily undermine the policy framework for the Gilston Area.

Finally, on the third of the Examiner's points, Places for People share the concerns raised that important matters relating to infrastructure are being deferred to the HGGT Infrastructure Delivery

Plan. The Infrastructure Delivery Plan is described as being a 'live' document, with the intent that it will be updated over time. This approach fails to provide sufficient certainty and clarity for a development plan document. Furthermore, Places for People previously raised serious concerns with the Infrastructure Delivery Plan during its preparation and those issues were not resolved prior to its publication. It is therefore concerning that the NP places reliance on this document, especially as Gilston-wide infrastructure is likely to be clarified as part of the determination of the live planning applications.

Overall, Places for People remain supportive in principle of the preparation of a NP where its role and scope are clearly and appropriately defined, but continue to have concerns with the draft NP in its current form.

We trust the above is helpful in setting out our client's continued concerns regarding the draft NP and we look forward to attending the forthcoming Hearing on 19 November 2020.

Kind regards

Phil