

13/12/16 19:40

## Comment Receipt

<b>Event Name</b>	East Herts Pre-Submission District Plan, 2016
<b>Comment by</b>	Troy Navigus Partnership on behalf of Eastwick & Gilston and Hunsdon Parish Councils (Mr Chris Bowden)
<b>Comment ID</b>	1801
<b>Response Date</b>	13/12/16 19:39
<b>Consultation Point</b>	Pre-Submission District Plan Consultation 2016 ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Web
<b>Version</b>	0.1
<b>Files</b>	
1a	
<b>Do you consider the proposed Pre-Submission District Plan to be Legally Compliant?</b>	Yes
1b	
<b>Do you consider the proposed Pre-Submission District Plan to be Compliant with the Duty to Co-operate?</b>	Yes
1c	
<b>Do you consider the proposed Pre-Submission District Plan to be Sound?</b>	No
2a	
<b>Do you consider the proposed Pre-Submission District Plan to be Positively Prepared?</b>	Yes
2b	

**Do you consider the proposed Pre-Submission District Plan to be Justified?** No

2c

**Do you consider the proposed Pre-Submission District Plan to be Effective?** No

2d

**Do you consider the proposed Pre-Submission District Plan to be Consistent with National Policy?** Yes

3a

**Please make your comments here, taking account of whether you feel the Pre-Submission District Plan is legally compliant, compliant with the duty to co-operate and sound.**

Please see attached comments

3b

**If you consider it necessary to upload a file to support your comments please do so here.**

Troy Navigus Partnership - EHDC Reg 19 Local Plan reps, final - 13.12.16 (on behalf of Eastwick & Gilston and Hunsdon Parish Councils)

4a

**Do you consider it necessary to participate at the oral part of the examination?** Yes

4b

**If you consider it necessary to speak at the examination, please outline below why you consider it to be necessary.**

As outlined in our representations, submitted on behalf of Eastwick & Gilston and Hunsdon Parish Councils, there are significant issues that we have raised in respect of the proposed Gilston allocation and its soundness. This specifically relates to it being justified and effective in the context of this being a Reg 19 Plan. In particular this concerns the lack of certainty over the deliverability of the allocation and the associated strategic infrastructure. It also relates to the lack of engagement that there has been to date with the Parish Councils by East Hertfordshire District Council and Places for People.

5

**Do you wish to be notified of any of the following?**

**The submission of the East Herts District Plan for independent examination** Yes

**The publication of the Inspectors Report on the East Herts District Plan** Yes

**The adoption of the East Herts District Plan.** Yes

**EAST HERTFORDSHIRE LOCAL PLAN REGULATION 19 CONSULTATION****REPRESENTATIONS ON BEHALF OF GILSTON & EASTWICK AND HUNSDON PARISH COUNCILS****13<sup>th</sup> DECEMBER 2016****1. Introduction**

- 1.1 These representations have been prepared by Troy Navigus Partnership (TNP) on behalf of Eastwick & Gilston and Hunsdon Parish Councils ('the Parish Councils') in respect of the East Hertfordshire District Council (EHDC) Local Plan Regulation 19 Consultation ('the Reg 19 Plan').
- 1.2 The principle matter that these representations address is the allocation of land in the Gilston area and specifically the soundness of that allocation, as required by paragraph 182 of the National Planning Policy Framework (NPPF). In particular, the Parish Councils are concerned that the Reg 19 Plan has not been justified because it hasn't been based on proportionate evidence and may not be effective because it hasn't been demonstrated to be deliverable.
- 1.3 Where recommendations are made in respect of policy wording, new text is underlined and any text recommended for deletion is struck through, i.e. ~~delete~~.

**2. Overall spatial strategy**

- 2.1 The Parish Councils wish to make clear that they do not endorse the release of land in the Gilston area from the green belt. The primacy of the green belt as a mechanism to prevent sprawl is established in national planning policy and any amendment to the boundaries through a Local Plan review should only be undertaken in 'exceptional circumstances' (NPPF para. 83). It is not considered that the exceptional circumstances have been justified against alternatives that would retain the green belt, such as focusing development beyond the green belt and improving transport links to key economic centres from these locations. Whilst this could potentially mean higher levels of development in neighbouring districts to the north and east, these are matters that should be considered through the Duty to Cooperate and the accompanying Sustainability Appraisal. There is no evidence that such work has been undertaken.
- 2.2 Notwithstanding this objection by the Parish Councils, if the allocation is to remain in the emerging Local Plan then there is a desire to ensure that what is delivered is a high quality, sustainable development which protects the integrity and quality of life of the existing residents of the area. As part of this, the ongoing management of various proposed assets within the development are of direct relevance to the Parish Councils.

**3. Development principles for Gilston**

- 3.1 The Gilston allocation is intended to be brought forward under the 'Garden City' principles. EHDC is now part of the New Garden Communities Network and therefore is committed to bringing this development forward through these principles. However, the Reg 19 Plan does not specifically reference this.
- 3.2 The interim Duty to Cooperate Statement recognises that plan-making across the area should follow the 'Garden City' principles, in-particular for achieving strategic growth around Harlow and specifically

delivering development in the Gilston Area<sup>1</sup>. These principles are therefore an important aspect of the strategic priorities for plan-making in accordance with Paragraphs 178-179 of the NPPF and must be secured as part of planning positively and effectively for the area. Ensuring the ‘Garden City’ principles are achieved is a pre-requisite for a sound plan. This is reinforced by the extensive Harlow and Gilston Garden Town “Expression of Interest” included as Appendix C to the Duty to Cooperate Statement.

3.3 It is recommended that explicit reference is made to this in the supporting text in Chapter 11 and that the following addition is made to Policy GA1 (The Gilston Area):

*‘II. The overall development should explicitly be based on Garden City principles. A Concept Framework will be jointly prepared by the landowners and the Council, in consultation with local communities, which will identify design principles, potential land uses, infrastructure requirements and phasing and demonstrate how Garden City principles are to be followed.’*

3.4 The supporting text should then clearly outline what the Garden City principles are, namely:

- “Land value capture for the benefit of the community.
- Strong vision, leadership and community engagement.
- Community ownership of land and long-term stewardship of assets.
- Mixed-tenure homes and housing types that are genuinely affordable.
- A wide range of local jobs in the Garden City within easy commuting distance of homes.
- Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience.
- Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods.
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.”

3.5 Bullet point I of Policy GA1 refers to the fact that a Concept Framework should be prepared by the landowners and the Council (EHDC). There are two important points in respect of this. The first is that the Concept Framework is clearly a document that is fundamental in this process to the delivery of Policy GA1 and the spatial strategy as a whole. The document and the evidence which underpins it will determine whether the proposed allocation at Gilston can be delivered and therefore ultimately whether the Reg 19 Plan can be declared sound. However, its publication, only shortly ahead of the Reg 19 Plan (September 2016), but not as an explicit part of EHDC’s evidence base, suggests that these matters are being left to be resolved after the Regulation 19 stage (a fact confirmed by the minutes of the District Planning Executive Panel of 8<sup>th</sup> September 2016) and potentially after the Examination in Public of the Submission Local Plan. Whilst it is acceptable to have some matters unresolved at Reg 19 Stage, it is the view of the Parish Councils that the number and importance of the outstanding matters that are unresolved at this stage call into question whether the Plan has a reasonable prospect of being declared sound such that it can move forward to submission by March 2017. We shall consider this in more detail in the subsequent sections of these representations.

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<sup>1</sup> Harlow and Gilston Garden Town “Expression of Interest” (Appendix C to the Duty to Cooperate Statement – Section 3.4)

- 3.6 The second point is that the policy clearly states the Concept Framework should be prepared “in consultation with local communities”. The 2014 Preferred Options Consultation was more explicit, stating that, “Technical work to support the Development Plan Document shall be expected to be part-funded by the landowners/promoters for and with direct involvement of East Herts Council as the Local Planning Authority, Harlow District Council, Sawbridgeworth Town Council, Hunsdon, Eastwick and Gilston, High Wych, and Widford Parish Councils, Essex County Council, Hertfordshire County Council, and other stakeholders as necessary.”
- 3.7 This commitment to meaningful community engagement is reiterated at Section 2.4 of the Harlow and Gilston Garden Town “Expression of Interest” (Appendix C to the Duty to Cooperate Statement). This includes an identified requirement for support to prepare a ‘Garden Town Design Charter’ with a request for £75,000 of funding, along with further support for site specific masterplanning and infrastructure delivery planning. The Parish Councils’ concern is that having reached an advanced stage following publication of the Reg 19 Draft Plan, these necessary inputs will not be achieved in a meaningful way unless the proposed policy framework is modified and further time for additional work is allowed prior to Examination and adoption of the plan.
- 3.8 The Concept Framework document was published at broadly the same time as this consultation period commenced yet there has been no substantive engagement with the Parish Councils or any of the surrounding communities in the Gilston Area. This is of considerable concern to the Parish Councils. Whilst the Concept Framework is only in draft form and work will be ongoing in 2017, the fact that the drafting of the first version of the Framework did not receive the benefit of any input from the local community is in clear conflict with the requirements of Policy GA1. This draft establishes many of the principles that the landowners and EHDC intend to take forward yet these have not been shaped by the local community, nor can it be seen how they will have any opportunity to do so going forward.
- 3.9 It is relevant to highlight, given the importance of the collaborative approach required by Policy GA1, that the request by the Parish Councils for support with resources have been refused by both the promoters, Places for People, and East Hertfordshire District Council. The complexity of such proposals require professional support for all parties and therefore it is difficult to comprehend how such bodies are expected to provide meaningful input without such support. If the policy requirement for consultation in Policy GA1 is expected to be meaningfully executed, then technical resources are needed to help community bodies.
- 3.10 The Concept Framework proposes the development as a series of seven ‘distinct’ villages. This approach is supported by the Parish Councils and it is important that this is explicitly recognised in Policy GA1. However, the Concept Framework consistently refers to ‘Garden City’ principles and does not expand on how the ‘villages’ concept will ultimately differ from the historic garden cities that were borne out of the original movement. The potential for radically different outcomes of a ‘Garden City’ approach as compared with a ‘Garden Village’ are significant and of concern to the Parish Councils.
- 3.11 In order to reflect the importance of this being a series of garden villages, at the end of the bullet point II in Policy GA1, it is recommended that the following text is included:

*“...access and layout principles. This should seek to deliver this as a series of distinct villages.”*

3.12 This is highlighted by the text prior to this in bullet point II which states, “Prior to the submission of any planning application(s) further detailed design work will be required in order to agree, among other things, the quantum and distribution of land uses, access and layout principles.” This highlights a significant concern that there is too much uncertainty at an advanced stage of plan making as to how this development will be secured and the principles which are expected to guide how it is delivered. It is recommended that the supporting text to Policy GA1 expands on the garden village concept and how it adopts the principles of garden cities but delivers something very different from the existing examples of garden cities elsewhere.

#### 4. **Housing trajectory and implementation**

4.1 To demonstrate an effective plan, it is important that it includes a housing trajectory. This helps to understand how a key part of the overall spatial strategy is going to be delivered and how this relates to other important aspects such as the delivery of strategic infrastructure. Paragraph 47 of the NPPF refers to the importance of the trajectory for setting out housing delivery and maintaining housing land supply. The Reg 19 Plan does not include a detailed trajectory but Appendix B provides a “Strategy Worksheet” of supply from different categories for broad phases of the plan period. This shows delivery of 1,250 dwellings from the Gilston Area between 2022 and 2027 and 1,800 dwellings between 2027 and 2033. No delivery is anticipated in the first five years of the plan period which is a reasonable assumption. In particular this avoids the concern that delivery of housing numbers would simply be brought forward earlier in the Plan period without the associated strategic infrastructure required to effectively support it.

4.2 The Monitoring Framework in Appendix C states that the Annual Monitoring Report will set the trajectory but without that evidence presented as part of the Plan, it is not possible to ascertain how EHDC will deliver its housing requirements over the first five years of the plan period. Given the reliance on Gilston and the Bishop’s Stortford strategic sites (Policies BISH3-BISH5) to deliver much of the growth, if other sites are slow to come forward in the short term then showing a five year supply will almost certainly become a problem because it will not be possible to bring forward these strategic sites much quicker. This is particularly relevant because the latest published information indicates that the Council is unable to demonstrate a five-year supply of land for housing and is relying on a number of emerging allocations and sites without consent to support delivery<sup>2</sup>. The Reg 19 Plan does not include a Housing Implementation Strategy required by Paragraph 47 of the NPPF. This makes it inconsistent with national policy and undermines effective planning for strategic sites.

4.3 Equally, the Reg 19 Plan fails to establish what contingency plan – the reasonable alternatives – there might be if the proposed strategy is not effective and delivery is slow, resulting in EHDC no longer having a demonstrable five-year supply. The concern of the Parish Councils is that this could result in speculative applications which would undermine the overall spatial strategy and in particular put increased pressure on the existing infrastructure network.

4.4 The Plan should include a housing trajectory and the monitoring framework should state, for each indicator, what the trigger is for action and what that action might be. The latter would help to demonstrate what the contingency action might be if the proposed strategy is not effective.

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<sup>2</sup> [http://www.eastherts.gov.uk/media/28587/AMR-2014-2015/PDF/AMR\\_2014-15\\_ERPB.pdf](http://www.eastherts.gov.uk/media/28587/AMR-2014-2015/PDF/AMR_2014-15_ERPB.pdf)

## 5. Build rates

- 5.1 Whilst neither the Reg 19 Plan nor the EHDC evidence base shows a detailed housing build out rate for individual sites, the developer evidence used to support the Gilston proposed allocation in 2014 does (albeit the more recent Concept Framework does not actually commit to this). The Places for People submission to the East Herts District Plan Delivery Study 2014 shows average delivery of 455 dwellings per annum (dpa) for the first five-year period for the six villages out of seven that they control (the other village being under the control of City & Provincial Properties). That represents an average build-out rate in the early stages of nearly 1.25 dwellings per day, every day of the year for five years. The question raised by the Parish Councils is whether this is realistic.
- 5.2 Research by ATLAS on delivery rates for strategic sites in the East of England shows that the average has been between 77 and 358 dpa. One of the higher rates achieved was at Broughton Gate/Brooklands, Milton Keynes (incidentally a site delivered by PFP) and this was only 439 dpa based on 15 active outlets on site. It is not clear how the Gilston site will achieve rates higher than this, based on a reasonable assumption that, with a village concept, there will be fewer sales outlets.
- 5.3 The East Herts Strategic Sites Delivery Study concluded that the likely completion rate for Gilston would be 200-250 dpa based on four active outlets. ATLAS's technical note advised that 300-500 dpa may be possible, although the upper end represented an "optimistic" scenario.
- 5.4 The Council's stated position in the Reg 19 Draft Plan appears to have taken this guidance and other more recent evidence on board. The Appendix B "Development Strategy Worksheet" shows 3,050 completions over the plan period. This is the same as the recommendations from the emerging "Harlow Strategic Sites Assessment" (AECOM, Draft September 2016 p.65<sup>3</sup>) which sets out the following detailed trajectory, and is referenced in the draft Duty to Cooperate Statement:

<b>AECOM PHASING AND MARKET ABSORPTION ANALYSIS</b>	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	<b>TOTAL to 2033</b>
Sites A & E*						150	200	300	300	300	300	300	300	300	300	300	300	3050
Site B				50	75	35												160
Site C					50													50
Site G						50	100	150	200	150	100	100	50					900
Site J*					100	200	250	250	300	300	300	300	300	300	300	300	150	3350
Site L					50													50
Site M*				50	100	100	150	150	150	100	50							1000
Site S						75	100	100	100	125	125	100	100	100	75			1000
Site R				50	100	135	135	135	135	125	100	50						1100
Site U*			50	100	100	100	100	100	100	100	100	50						1000
<b>TOTAL</b>			50	250	575	645	935	1035	1235	1310	1200	1050	900	750	675	600	450	11660
<b>EMERGING SCENARIO OPTION</b>			50	200	450	535	785	835	985	985	925	850	700	600	600	600	450	9550

Key

- Suitable
- Potentially Suitable
- \* Moderated trajectory

3  
<http://democracy.eastherts.gov.uk/documents/s36032/Draft%20Harlow%20Strategic%20Sites%20Assessment%20September%202016%20-%20ERP%20HSSA.pdf>



- 5.5 This trajectory is based on a detailed assessment of the development prospects for the location as well as an assessment of the effects of potential competition effects from the range of sites around Harlow. Its conclusions are generally considered to be reasonable and realistic. Text from the detailed assessment summary for the Gilston Area goes on to say:

**RATING: SUITABLE**

Dependent on access to the site, the second Stort crossing would be required during the plan period according to Essex County Council Highways team. The scale of the site and potential for comprehensive planning is in its favour. The site could provide a large amount of the housing pipeline for the HMA over at least two plan periods. Due to its scale it would require early provision of infrastructure commensurate to the level of growth envisaged prior to 2033. The promoter has supplied an ambitious trajectory based on their own viability evidence. However, based on precedents found elsewhere it is likely that the site could yield ~3,000 units (at delivery rate of approximately 300 units per annum) prior to 2033 (see deliverability analysis in Section 3 of this report).

- 5.6 With respect to providing a realistic trajectory, comments relating to land supply in the Harlow and Gilston Garden Town “Expression of Interest” (Appendix C to the Duty to Cooperate Statement – Section 3.4) are also noted. These, reasonably, call for opportunities for greater flexibility in managing supply over the period and maintain the overall focus on driving delivery.
- 5.7 There is therefore a substantial contradiction with the 2014 evidence, which worked on the basis of 6,000 dwellings being delivered during plan period to 2033. The Parish Councils have significant concerns that these high levels of growth, at these high delivery rates, are needed to forward fund key pieces of infrastructure needed early on in the life of the development whilst keeping cashflow within acceptable terms. Therefore, if the development doesn’t achieve these rates and levels of growth, infrastructure provision or possibly delivery of affordable housing will be affected. However, there is no evidence explicitly supporting the Reg 19 Plan which addresses these issues.
- 5.8 The Harlow and Gilston Garden Town “Expression of Interest” (Appendix C to the Duty to Cooperate Statement – Section 4) claims that the delivery of the Gilston Area could be accelerated as part of a design concept providing “broad tenure typologies” across more sales fronts than achieved by typical housebuilder activity. However, there is no evidence to suggest that these outcomes are achievable or realistic in the local market. The Council is adopting a more conservative trajectory which appears more realistic. However, these gaps question whether an effective delivery model exists for the site. Furthermore, extremely close attention should be paid to any design concept to deliver these “broad typologies”. This relates back to the perceived lack of engagement undertaken with the Parish Councils and other affected stakeholders referred to earlier in these representations and there is no evidence that work to-date will be sufficient to achieve the garden city principles.

**6. Evidence base**

- 6.1 The NPPF states that, for a plan to be justified, it should be based on “proportionate evidence” (paragraph 182). Within the context of viability and deliverability, paragraph 173 of the NPPF is clear that “plans must be deliverable” and within a plan-making context, this is required to demonstrate that a plan is effective. There is then a judgement as to how ‘proportionate evidence’ is marshalled at the Reg 19 stage to show that a plan is ‘deliverable’. The NPPF gives further guidance, stating:

*“...the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” (para 173)*



*“It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan.” (para 177).*

- 6.2 It is therefore important that the Reg 19 plan is supported by an appropriate and proportionate evidence base which can demonstrate that the local plan is deliverable. Clearly this includes the strategic allocations such as Gilston which in fact must be considered as fundamental to this overall requirement.
- 6.3 It is the view of the Parish Councils that the evidence submitted to support the Reg 19 Local Plan is insufficient and inadequate (as required by para 158 of national Planning Practice Guidance) to demonstrate that the plan is justified. Therefore it is considered to be unsound.
- 6.4 The evidence base published by EHDC as part of the Reg 19 consultation that is directly relevant to the deliverability of the Gilston allocation is as follows:
- The Gilston Concept Framework (Draft), 2016
  - Employment Forecasts and Strategic Economic Development Advice, 2012
  - Green Infrastructure Plan 2011
  - Delivery Study, 2015
  - Infrastructure Delivery Plan, 2016
  - A414 Study, 2014
  - Sustainability Appraisal (SA) of the East Herts District Plan, 2016
  - Draft Harlow Strategic Site Assessment, 2016
- 6.5 Of these documents, only the Concept Framework, Delivery Study, Infrastructure Delivery Plan and Sustainability Appraisal explicitly consider and address the delivery of a strategic scale of growth in the Gilston area. The remaining assessments – potentially due to their age – make no assessment of the impact that such proposals would either have on a particular infrastructure theme, e.g. green infrastructure, or on plan-specific issues, e.g. employment. It is therefore very difficult to understand how the evidence informs the strategy that has been presented.
- 6.6 There is a significant body of developer evidence to inform the Gilston allocation but most of this was assembled back in 2014. It is evident from a review of this documentation that much of it raises questions of consistency compared with the strategy in the Reg 19 Plan and evidence base. Whilst this is perhaps to be expected given that it is evidence submitted by the site promoters, the lack of evidence prepared by EHDC – reflecting its lack of resources – makes it clear that this developer-led evidence is the principal body of work that will be relied on to justify the Gilston allocation. Whilst the Parish Councils do not object to that approach in principle, it is unclear from the Reg 19 Plan as to how this evidence, which is presented on the EHDC website, explicitly relates to the Reg 19 Consultation and the Plan itself.

## 7. **Strategic infrastructure**

- 7.1 To support the Gilston allocation, there is a significant amount of infrastructure expected to be delivered up-front, including highways, community and education infrastructure. This is supported but there is concern about the ability to secure this and provide certainty. In particular this relates to the

strategic infrastructure. There is no evidence of an agreed position – or even a direction of travel towards this - between PfP and Hertfordshire County Council relating to education and highways matters.

- 7.2 The same applies to health provision in respect of East and North Hertfordshire Clinical Commissioning Group and NHS Estates/Community Health Partnerships and inputting into the new Sustainability and Transformation Plans (STPs) that they are preparing. The Strategic Sites Delivery Study 2015 states that, “work on wider health facilities by the Clinical Commissioning Group is ongoing” (para 4.24). That report was published September 2015 yet the Reg 19 Plan and its evidence base provide no understanding of what has happened in the year since then to demonstrate progress.
- 7.3 The evidence base needs to provide more certainty and the Gilston policy needs to provide more ‘hooks’ to ensure that strategic infrastructure is secured. However, given the lack of information it is not possible to propose additional wording to be included in Policy GA1.
- 7.4 In respect of transport, the two major strategic infrastructure items are the second Stort crossing and Junction 7a of the M11. Yet for both items there is no understanding of how they will be delivered. Whilst they address wider growth needs across the district and adjoining areas, particularly Harlow, these items are needed for the Gilston site to become a sustainable settlement (a fact confirmed by the Local Plan Sustainability Appraisal, which states at paragraph 19.2.1 that, “In order to facilitate the proposed level of development in the Gilston Area, strategic transport schemes will be required.”). The Strategic Sites Study 2015 similarly identifies the funding and delivery of strategic transport infrastructure as being key, stating at paragraph 10.4.10, “the impact of the development on the wider transport network in particular is likely to be considerable and measures to fund upgrades will be an essential part of the consideration of deliverability.”
- 7.5 As yet, there is no evidence regarding the progress with the Memorandum of Understanding between Highways England, Hertfordshire County Council and Essex County Council regarding highway infrastructure. The Parish Councils are concerned that this will not be secured until shortly before the Examination in Public of the Local Plan, well into 2017. This creates significant uncertainty which has a knock-on effect for the further development of the Concept Framework and the need to secure early delivery of new homes at Gilston.
- 7.6 The Parish Councils are also concerned that alternative scenarios relating to the possible delay to delivery of key strategic infrastructure items, such as the second Stort River Crossing, junction 7a of the M11 and also any delays in the expansion of the Rye Meads sewage works, and the impact this would have on overall delivery. Effectively the strategy is reliant on all of these items being resolved and being delivered on time. For this reason the Local Plan has not been demonstrated to be effective.
- 7.7 The Strategic Sites Study 2015 summarises as follows for Gilston:
- “The issues...relating to the deliverability of infrastructure for the 10,000 dwellings should be reviewed further with the site promoters and infrastructure delivery providers / licensing authorities prior to Examination and cannot be left for a future DPD document as they are fundamental and affect the deliverability of the scheme.” (para 6.2.15)*
- 7.8 The Parish Councils fully endorse this recommendation and have concerns that this process is not sufficiently far advanced for a Reg 19 stage plan.

## **8. Other infrastructure**

- 8.1 The EHDC Infrastructure Delivery Plan (IDP), September 2016, contains very little detail to underpin the Reg 19 Plan. It notes at paragraph 3.8 that more detail will be provided at Submission Stage in March 2017. Not only is this considered to be unsuitable at Reg 19 stage, but the Parish Councils have considerable doubts as to whether a suitable level of detail will be forthcoming in time for March 2017 submission.
- 8.2 Similarly on phasing, the IDP notes that Statements of Common Ground will be agreed with developers prior to the March 2017 submission. Given the resources at the disposal of EHDC and the limited timeframe for this, there is significant doubt about the achievability of such a timetable. In the case of Gilston, the Concept Framework provides an ‘illustrative phasing plan’ at Appendix 2 but this appendix has not been made publicly available. This is of concern to the Parish Councils as there will be little opportunity to respond to this prior to the Examination in Public.
- 8.3 Such matters should be addressed, at least in a relatively rudimentary way, in the IDP yet they are not. This means there is a lack of understanding as to how the significant infrastructure items are to be secured.
- 8.4 The Parish Councils welcome the early provision of primary school and community facilities as proposed by the site promoters at Gilston. This should specifically be referenced in Policy GA1. Bullet point III(k) should be amended as follows:

*“education facilities, including Early Years facilities, 15fe of primary school provision and 14fe of secondary school provision, with early provision of all as appropriate.”*

## **9. Approach to securing contributions**

- 9.1 The lack of certainty over the approach to securing developer contributions has significant implications for the ability to demonstrate the deliverability of the overall spatial strategy in the Reg 19 Plan.
- 9.2 EHDC has not committed to the adoption of a Community Infrastructure Levy (CIL) charge. As such, it could be that the Council intends to solely use Section 106 contributions to address the district-wide infrastructure needs. Such an approach would need to be carefully considered and require substantial justification. The restrictions on the pooling of Section 106 contributions in the Community Infrastructure Levy Regulations significantly limits the ability to fund strategic infrastructure and it is evident that much of the infrastructure needs of the district will require developer contributions. Given this, the Parish Councils consider that a pooling approach is not realistic but this should have been considered as part of the evidence base informing the Plan. In addition, the delay in making a decision on CIL means that there will be potentially a lot of sites coming forward in the short term which do not contribute towards strategic infrastructure because there will be no CIL in place.
- 9.3 Indeed, for the Gilston area, the IDP states on page 22 that some of the identified items will potentially be funded as a ‘standard off-site development cost’. But if no decision has been made on whether to introduce a CIL, then it is unclear how ‘pedestrian/cycle improvements’ and ‘green Infrastructure, country parks, play areas and public amenity green space’ can be delivered, given that they are expected to be costs borne by the developer but there may be no CIL in place. The restrictions on the use of planning obligations in Regulation 122 of the Community Infrastructure Levy Regulations are

substantial and have this legal weight behind them. As such, many of these items may not be capable of being funded through Section 106.

- 9.4 It is instructive to note that the Strategic Sites Delivery Study 2015 assumes a CIL will be put in place. Whilst it is acknowledged that the major strategic sites such as Gilston would likely be expected to pay CIL at a rate of £0/m<sup>2</sup> because the significant on-site infrastructure would make a CIL contribution unviable, this has implications for the funding of wider strategic infrastructure on which it has been established that Gilston is reliant. Moreover, the Strategic Sites Delivery Study considers that viability is marginal and says that cost assumptions could increase if the costs of secondary education and sewerage increase.

## 10. Management arrangements

- 10.1 One of the key Garden City principles is ‘community ownership of land and long-term stewardship of assets’. The Parish Councils endorse this and the opportunities that it could bring in terms of community ownership, subject to the use of an appropriate landholding vehicle. It is considered important that this is adequately reflected in Policy GA1, therefore it is proposed that the following bullet point is added:

*“(z) the appropriate long term stewardship of assets, specifically involving community ownership of land.”*

## 11. Conclusions

- 11.1 In conclusion, the Parish Councils wish to reiterate their objection to the allocation of the Gilston site. However, if the allocation is to be retained then it is considered a number of amendments and additions are required in order that the Plan can be demonstrated that it has been positively prepared and is sound:

- The need to be more explicit that the allocation is expected to adhere to Garden City principles but to make clear that the intention is that it is delivered as a string of garden villages.
- The Plan fails to establish what contingency plan there might be if the proposed strategy is not effective and delivery is slow.
- The Plan should include a housing trajectory and the monitoring framework should state what the trigger is for action.
- The Plan needs to provide greater certainty that the strategic infrastructure such as the second Stort crossing and junction 7A on the M11 is deliverable and will be in place at a necessarily early stage to support development. This should be achieved through the use of more policy ‘hooks’.
- The lack of clarity over the approach to securing contributions means that it is not clear how the strategic allocations such as Gilston will be delivered.