



EAST HERTFORDSHIRE LOCAL PLAN EXAMINATION IN PUBLIC

STATEMENT IN RESPONSE TO INSPECTORS' QUESTIONS ON BEHALF OF GILSTON & EASTWICK AND HUNSDON PARISH COUNCILS BY NAVIGUS PLANNING

11th September 2017

MATTER 1 – GENERAL MATTERS

2. In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this been addressed? Are there any matters to resolve?

1. Gilston & Eastwick and Hunsdon Parish Councils ('the Parish Councils') consider that the engagement with them by both East Hertfordshire District Council (EHDC) and the promoters of the Gilston allocation, Places 4 People, has been far below that required to demonstrate that the Plan has been positively prepared or effective. Paragraph 155 of the NPPF states that:

“Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area...”

(our emphasis)

2. We have underlined the words in the quote above because we do not consider that any of these requirements have been met by EHDC. Engagement has only occurred very late in the process and has in no way been meaningful or proactive. As a result, there is no sense of a collective vision or an agreed set of priorities. The Parish Councils, whilst objecting to the principle of such major green belt release, recognise that the Gilston allocation would benefit from the engagement of the local community to shape the outcomes in a positive manner. They are therefore very concerned about the engagement to this point.
3. The Parish Councils have, since January 2017, asked repeatedly for further information from EHDC on a range of matters, especially funding, and have had no clear answers. An infrastructure workshop was only convened on 31st August 2017, clearly far too late to meaningfully add in to the process.
4. The Parish Councils will present to the Examination a more detailed timeline of engagement, requests for information from EHDC and Places for People and the responses received.

MATTER 2 – THE DEVELOPMENT STRATEGY – HOUSING

Housing delivery – Policy DPS3

12. Is the indicative housing trajectory at Appendix B of the Plan a reasonable estimate of delivery over the plan period 2011-33, having regard to the likely contribution of the strategic sites?

5. In order to provide a reasonable, informed estimate of delivery, it is necessary for the housing trajectory to be supported by clear evidence which shows how the dwellings will be delivered in the early parts of the plan period. For the strategic allocations, this relates to the period 2022 to 2027. What is fundamental to the scale of growth and the spatial strategy proposed to deliver it – based on major strategic allocations in a small number of locations – is that the infrastructure required to support growth is in place at the appropriate time. However, the Submission Local Plan and its supporting evidence base provides no understanding of the following for any of the strategic sites:
 - i. what major infrastructure is needed before development of any dwellings can commence;
 - ii. how that major infrastructure will be funded, specifically:
 - o what funding streams are to be used to provide public funding, what point has been reached in the process of applying for that funding and what the likelihood is of securing the funding; and
 - o whether the burden of funding placed on developer contributions will compromise the deliverability of the strategic allocations.
6. Taking the Gilston site (Policy GA1) as an example, there is no demonstration of what infrastructure needs to be in place before construction can commence on site and what needs to be in place to supported the completion of 1,250 dwellings during the period 2022-2027. A number of major pieces of infrastructure are known to be required during this period, including the widening of the existing Stort Crossing and sewerage and water provision. However, it is likely that many more are needed – the Infrastructure Delivery Plan (IDM/001) notes, for example, that, “Further work is required in order to identify the phasing of school places alongside the delivery of houses” (paragraph 14.6). If the cost of provision of education and a number of the other items creates deliverability (cashflow) problems, then the trajectory will not be achieved.
7. Even in the absence of any consideration of required infrastructure to support the first phases of development, the Parish Councils’ representations to the Regulation 19 consultation laid out its concerns regarding the unrealistic build rates.

8. It is considered that there is insufficient evidence presented by EHDC to determine whether the indicative housing trajectory at Appendix B represents even a reasonable 'estimate' of delivery. For this reason, the Plan cannot be declared sound.

14. What is the risk of associated infrastructure not coming forward in time? What action is the Council proposing in the event of delay?

9. The risk is significant. The Infrastructure Delivery Plan (IDM/001) refers to the need for a significant proportion of funding to come from S106, yet there is no understanding of whether the development can afford this. No evidence has been submitted to demonstrate exactly when the infrastructure is going to come forward, compared with when the new housing will be delivered, and how the receipts from the sale of the completed dwellings will maintain the cashflow sufficiently to finance the required contributions. National Planning Practice Guidance is clear on what is expected of a Local Plan evidence base:

“The evidence which accompanies an emerging Local Plan should show how the policies in the plan have been tested for their impact on the viability of development...” (Paragraph: 018 Reference ID: 12-018-20140306)

10. By way of an illustration of what the Parish Councils would consider to be necessary evidence to be presented on this matter in respect of strategic sites, Appendix 1 to this statement is a report submitted to support the Examination in Public of the Chelmsford Local Plan and specifically the proposed allocation of land at North East Chelmsford for 4,000 dwellings and employment space. Section 6 of this report provides a summary of the phasing along with the outcomes of the associated viability work to demonstrate that the burden of infrastructure delivery would not create cashflow problems. This evidence was key to the Chelmsford Local Plan being declared sound and the development in question has come forward along with the associated infrastructure. In the case of the East Hertfordshire Submission Local Plan, no such evidence has been presented.
11. The Infrastructure Delivery Plan and the Memorandum of Understanding between Hertfordshire and Essex County Councils, Highways England and the HMA authorities (Appendix B to SOC/001) also refers to transport infrastructure funding coming from Road Investment Strategy (RIS). There is no evidence as to the prospect of this being secured and no understanding of the implications of failure to secure this or other critical funding sources.

12. The only delivery strategy referred to by any party is that which is appended to Quod's Regulation 19 representations on behalf of Places 4 People. Yet this has not been referred to by EHDC and has not been made available for public scrutiny by EHDC.
13. National Planning Practice Guidance states that:
“Where the deliverability of critical infrastructure is uncertain then the plan should address the consequences of this, including possible contingency arrangements and alternative strategies.” (Paragraph: 018 Reference ID: 12-018-20140306)
14. Not only have the strategies not been published but any consideration of contingencies or alternative strategies has not been presented. It must therefore be concluded that there is no clear alternative strategy or contingency arrangements to address delays in funding and delivery of major infrastructure and the Plan is therefore unsound.

MATTER 4 – THE DEVELOPMENT STRATEGY – INFRASTRUCTURE

Infrastructure requirements – Policy DPS4

1. Would the distribution of development in the Plan have proper regard to the quality and capacity of the road network, the quality and capacity of public transport and wider aims to promote sustainable development?

15. The evidence presented by EHDC, Hertfordshire County Council and Essex County Council shows that the strategic road network serving East Hertfordshire district has a number of capacity issues with respect to the levels of growth proposed in East Hertfordshire and the surrounding districts. This includes the M11 corridor and the A414 between Hertford and Harlow but there is also a lack of understanding of what the wider cumulative impacts will be on the other towns in the wider sub-region. The transport modelling is not complete and does not demonstrate how the respective traffic models used by Hertfordshire County Council (COMET) and Essex County Council (VISUM) have been brought together to ensure outputs are consistent and can be used together. This is particularly important for the Gilston allocation which is adjacent to, and will have a significant impact on, Harlow.
16. Local traffic modelling using the PARAMICS model is being undertaken by the site promoter Places 4 People and, as stated at paragraph 7.1 of the EHDC Topic Paper on Transport (TPA/006), the outputs will be reported “prior to the Examination hearing sessions.” Some outputs were in fact presented to the Parish Councils at a Gilston Concept Development Framework workshop held on 31st August 2017, only 11 days before the deadline for this statement (the presentation from the workshop is appended to this statement as Appendix 2). This identified two key outcomes:
 - a. A need for additional highway mitigates [sic] due to overall growth in the area;
 - b. A need for a shift in modes –i.e. encourage and enable more people to travel via sustainable modes of transport.
17. Individually, these findings suggest that significant additional work is required to (a) understand what highway mitigation is required and by when; and (b) to understand what the comprehensive strategy is that will create the necessary modal shift (with the required level of modal shift as yet unknown) so that the existing reliance on the private car is sufficiently reduced. Whilst a series of possible highway mitigation schemes were identified at the 31st August workshop (see slide 38 in Appendix 2), there was no understanding of the cost of these or the proportion of these costs that would be expected to be

covered by developer contributions from the Gilston development. Moreover, the highway mitigation schemes could impact on the strategy for delivering improved walking and cycling routes, particularly as the schemes identified on slide 38 are along one of the key routes identified for improved cycle access (Fifth Avenue/Allende Avenue (A1019) – see slide 45). There is no understanding of the impact of improving highway junction capacity on the ability to effectively increase dedicated cycle routes that will credibly increase the propensity of people to cycle rather than drive from the Gilston development into Harlow. The PARAMICS model only considers vehicular traffic therefore it is not possible for it to be run to consider walking and cycling. There has been no evidence presented to the Examination to demonstrate how the Submission Local Plan has sought to minimise use of the private car.

18. Much of the outstanding strategic highway modelling and modelling of other growth in neighbouring authorities, has also been promised to inform the Examination in Public. To date however, none of this evidence has been forthcoming. Even if it is presented at the Examination, this will not give the Parish Councils and other interested parties sufficient time to assess its findings and the implications. In the absence of such evidence - and the benefit of affording this proper scrutiny - the Plan cannot be found sound.
19. Moreover, the evidence presented to date from the traffic modelling makes no attempt to model the impact of different public transport, walking and cycling improvements in order to understand how modal shift will impact on traffic levels, particularly on key routes at peak times. What the transport reports presented by HCC and ECC do confirm is that development is likely to have a significant impact on the highway network in terms of increased congestion. In order to demonstrate reasonable alternatives, and given the very significant cost of major strategic highways improvements, a scenario should have been assessed whereby development is focused around improved movement by public transport, bicycle and on foot, linking in with key existing infrastructure, particularly the railway line and Harlow Town and Harlow Mill stations, existing bus networks and meaningful cycleway and footway networks. No such scenario has been tested nor has it been suggested that such a scenario will be tested.
20. The EHDC Topic Paper on Transport (TPA/006) summarises that the transport modelling work has predicted a 13%-17% drop in vehicle speeds as a result of development in Harlow and development at Gilston during the plan period (paragraph 5.11). This is substantial on an already congested network and indicates that there will be potentially severe cumulative impacts on the highway network, which

should prevent development from coming forward (as directed by the NPPF, paragraph 32). However, there is no understanding of what level of modal shift is required to satisfactorily mitigate these impacts.

21. It is assumed that reference to 'wider aims to promote sustainable development' relates to walking and cycling. The Submission Local Plan recognises the importance of alternatives to the private car – including walking and cycling – if its spatial strategy is to represent sustainable development. Reference is made to the importance of sustainable transport options in Policy TRA1, particularly at the outset of major schemes in order, "...to enable green travel patterns to be established from the outset of occupation." Similarly, Policy GA1 for the Gilston Area makes reference to, "...sustainable transport measures which encourage walking and cycling including...cycleways and footways that provide links through the site and into Harlow." However, none of these references represent clear policies which signpost the need for development to be designed around the principle of genuinely sustainable mobility.
22. Moreover, without an understanding of what level of provision may be necessary to 'establish green travel patterns' and what impact this would have on modal shift, congestion and other relevant matters such as air pollution (through reductions in vehicular traffic) are not properly addressed. The Plan cannot be said to have proper regard to the wider aims to promote sustainable development.
23. This is highlighted by the cost allowances made in the Infrastructure Delivery Plan (IDM/001) for cycling and walking. Despite Policy GA1 stating the importance of walking and cycling links being provided into Harlow, just £1.2m is assigned as a cost for such provision to support the Gilston allocation, with no detail as to what this would be spent on. The Gilston Concept Development Framework makes reference to improvements to existing routes and, given the number of important routes into key destinations in Harlow – including the train station, hospital and employment areas – there will be quite a number of routes that require such improvement. £1.2m is clearly grossly inadequate and, with no evidence provided as to how this will be spent on and how it is expected to effect modal shift, it is unlikely to have a significant impact.

2. What are the principal transport improvements and projects that are required for the implementation of the Plan?

24. With respect to the infrastructure requirements in Policy DPS4, the major omission is specific cycling and walking improvements. Given the importance attached in the Submission Local Plan to the importance of alternatives to the private car, such improvements should be treated as strategic infrastructure requirements and as directed by Planning Practice Guidance (Paragraph: 018 Reference ID: 12-018-20140306), "...should be contained in the Local Plan itself". Specifically, item (c) 'widening of the existing River Stort crossing, and provision of a second crossing' should make specific reference to "the provision of dedicated walking and cycling access". Separately, the provision of "segregated cycle ways on routes which serve key destinations in Harlow" should be included. Without this being identified in Policy DPS4, the Plan cannot demonstrate the commitment of the Gilston site to fully and necessarily increasing cycling and walking as referenced in Policy GA1.
25. Of particular importance is an understanding of how off-site strategic infrastructure will be delivered because this is outside of the control of the landowner and/or promoter. In particular, healthcare is an issue with greater uncertainty, both in terms of primary healthcare and also the possible relocation of the Princess Alexandra Hospital. The implications are considerable and quite different, whether this happens or it stays in its current location. Whilst its relocation is not required for the implementation of the Plan, an understanding of the implications clearly is.
26. In identifying the improvements and projects required for the implementation of the Plan, it is necessary for EHDC to justify these. Paragraph 182 of the NPPF states that for the plan to be justified, it should be, "...the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence." Given the importance of enabling what the Parish Councils believe will have to be significant levels of modal shift, there is no evidence, proportionate or otherwise, submitted by EHDC as to how this will be achieved.
27. Not only is delivery important, but so is a strategy for the long term management of the infrastructure provided. In particular, the Parish Councils are particularly concerned that this has not been evidenced sufficiently in the Plan. On repeated occasions, the Parish Councils have requested information on community ownership of assets for the Gilston allocation and no such information has come forward from either EHDC or the site promoters. Reference has been made by the promoters to a Community

Land Trust but the very community in question has no understanding of what is proposed and how it would be intended to work.

3. How has the Council assessed the effect of the possible delay/failure of key infrastructure coming forward within the desired timescale? How would this affect the housing land supply and the overall housing targets? What measures are in place to cope with delays?

28. There is no evidence of how alternative strategies have been considered or what mitigation strategies will be put in place to address delays in infrastructure provision. In the period 2022-2027, the Gilston allocation accounts for 39% of the required delivery in those 5 years (1,250 dwellings out of a requirement for 3,222 dwellings). If it is delayed then there will be major implications for delivery of housing targets. Yet the Submission Local Plan and its evidence base does not clearly identify and explain what infrastructure is needed and by when in order to ensure that 1,250 dwellings can be delivered by 2027 (which reasonably requires first completions by 2023). As identified at a Gilston Concept Development Framework workshop held on 31st August 2017, the current infrastructure serving the area is already under severe pressure.

29. To give one example, Thames Water, in its Greater Harlow Position Statement (ED108) of June 2017, states that it proposes to start assessing the impact of the new development on the sewer network in September 2017. Whilst this may or may not identify fundamental issues, what this current position represents is a potentially significant cost and/or item on the critical delivery path which could have an impact on the deliverability of the Gilston allocation.