

SPECIAL DEVELOPMENT MANAGEMENT COMMITTEE
Wednesday, 16 December 2020 at 7.30pm
Zoom - Online

This meeting is a virtual meeting which is being hosted on Zoom. Councillors and registered public participants will be sent access details nearer the date of the meeting.

Members of the public who wish to watch the meeting can do so via a livestream which will appear on the Council's YouTube page
<https://www.youtube.com/user/HarlowCouncil>

AGENDA

1. Apologies for Absence and Substitutions

2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.

3. Procedure for Consideration of Planning Applications

At the discretion of the Chair, the following procedure will apply to the consideration of planning items:-

- * Planning Officer presents reports.
- * Comments invited from members of the public who have registered with the Governance Support Section (01279 446057) at least 24 hours in advance of the meeting, or have submitted a statement of up to 450 words by 9am the day before the meeting, as follows:
 - 3 (maximum) against an application.
 - 3 (maximum) for an application.
 - each speaker is limited to 3 minutes (maximum).
- * Comments invited from the applicant/agent for a maximum of 3 minutes (who has also given at least 24 hours notice to the Governance Support Section) of their wish to speak or have submitted a written statement of up to 450 words by 9am the day before the meeting.
- * Councillors' questions and clarifications.
- * Officers respond to the technical planning questions raised as directed by the Chair.
- * Councillors debate and make a decision.

All statements should be sent via email to hannah.criddle@harlow.gov.uk or sent via post to:

Governance Support
Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex
CM20 1WG

4. 3/19/1045/OUT - Land North of the Stort Valley and the A414 Gilston Hertfordshire - Harlow Council Consultee Response (Pages 4 - 59)
5. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

REPORT – 16/12/20 Special DM Committee

Gilston Area Development Update

PURPOSE OF REPORT

The report provides a general update on progress of all the planning applications for the Harlow and Gilston Garden Town (HGGT) Gilston Area (GA) Development.

This is an information report only, but it provides a context for a report on the GA Villages 1-6 planning application consultation response, which requires decision.

For this reason this report should be considered before the decision report.

BACKGROUND

The Adopted East Herts District Plan (October 2018) allocates the GA for development to accommodate 10,000 homes and other related uses including of employment land (around 5 Ha). Along with the Harlow Local Development Plan (Adoption Draft December 2020), it identifies improvements to transport connectivity over the River Stort Valley to support sustainable growth of HGGT.

APPLICATIONS

The relevant applications are listed and briefly described below:

East Herts Council (EHDC) received the following applications from the GA landowners (summarised, refer to the applications for full descriptions):

1. Outline Planning Permission with all matters reserved apart from external vehicular access for a mixed use development for six villages (V1-6) of up to 8,500 homes; part of the GA – Gilston Park Estate (GPE) by Places for People (PfP) (EHDC Application Reference 3/19/1045/OUT) June 2019
2. Outline Planning Permission with all matters reserved apart from external vehicular access for a mixed use development for one village (V7) of up to 1,500 homes; part of the GA - Briggens Estate (BE) by BE / City and Provincial Properties (CPP) (EHDC Application Reference 3/19/2124/OUT) November 2019

EHDC and HDC received the following cross boundary applications from PfP in June 2019:

3. Detailed Planning Permission for widening to the existing Fifth Avenue Stort Valley Crossing – Central Stort Crossing (CSC) (EHDC Application Reference 3/19/1046/FUL / HDC Application Reference HW/CRB/19/00220);
4. Detailed Planning Permission for erection of a new Stort Valley Crossing (and Listed Building Consent for works to Fiddlers Brook Bridge) – Eastern Stort Crossing (ESC) (EHDC Application Reference 3/19/1051/FUL / HDC Application Reference excluding listed building element which is in EHDC area only HW/CRB/19/00221).

How the applications are being considered

The HGGT partnership provides a framework for joint local authority and private sector work on the growth of Harlow in accordance with Town and County Planning Association garden city principles. The partnership was created through the Government's Garden Communities Programme (via the Government Agency; Homes England). This provides general support, expertise, good practice advice and valuable funding.

The councils responsible for determination of the applications are EHDC and HDC as Local Planning Authorities (LPAs). HDC has responsibility for parts of the CSC and ESC applications only. The Government's agency; Highways England, the Local Highway Authorities (HAs), Hertfordshire County Council and Essex County Council (HCC / ECC) are important statutory consultees and should be regarded as partners in decision making. On the basis of the HGGT Partnership, the Local Authorities (LAs) agreed a Memorandum of Understanding (MoU) on how they would work together to progress the GA applications:

[LA Partnership GA applications MoU](#)

Subsequently the councils entered into Planning Performance Agreements (PPAs) with the applicants. PPAs are mechanisms for managing the significant amount of technical assessment work and negotiation needed to deal with major applications of this kind and also set an appropriate timetable. They allow for collaborative working between the Local LAs, consultees and the applicants, setting aside the normal, short, statutory timescales for planning application decision making. They also provide applicant funding for the additional public sector staff and consultant costs incurred.

The HGGT Partnership and the MoU have facilitated excellent partnership working between the various LAs. The PPA has provided for a coordinated approach to the CSC / ESC application discussions, where HDC is a LPA. HDC has also been given direct access to negotiations on the applications for the main development. EHDC as the main decision maker has been fully committed to working jointly with HDC, HCC and ECC to achieve HGGT objectives on all the applications and this approach is welcomed by HDC.

HOUSING INFRASTRUCTURE GRANT (HIG) GOVERNMENT SUPPORT FUNDING FOR THE APPLICATION TRANSPORT IMPROVEMENTS

A successful application was made by HCC (acting for the HGGT partnership) for Government funding for the transport infrastructure investment required for the GA development. Approximately £171 million is now available, in principle (subject to detailed contractual requirements and development timings) to assist with 'forward funding' of the transport infrastructure that will support and accelerate the development.

This grant is made on the basis that it can help provide infrastructure early in the development process to unlock the delivery of new homes, but that ultimately it is intended to be returned to the LAs as developer contributions into a Rolling Infrastructure Fund (RIF). The RIF can be used to fund other HGGT infrastructure.

The availability of this funding is a welcome boost to the HGGT initiative. It does however add complexity to GA planning permission decisions, especially in respect of the associated planning agreements. It also creates timetable pressures. Progress on all stages of the projects, including planning will be needed to allow all concerned to meet the HIG deadline of 2025.

APPLICATION PROGRESS

The applications were submitted during 2019. Since then officers from all the councils involved have been working with the applicants to ready the applications for decision. As is normal with such complex, large scale, proposals, there has been a need to clarify and develop the initial application submissions.

Both applicants have been working on amendments. Those for V1-6 and the CSC and ESC are now subject to consultation. Submission of those for V7 is imminent.

HDC will need to take decisions / form a view on the submitted applications:

- CSC and ESC applications. The Committee needs to prepare for suitably coordinated determination with EHDC. Progress on these applications is good. There remain some unresolved funding and timing issues for the (developer led) construction of these schemes, including for the delivery of the replacement River Way railway bridge due to the need to maintain access to the existing Templefields / Mead Park area. The LAs are working with the applicants to address this including looking at bringing forward delivery of an existing approved scheme to provide alternative access to the area at Cambridge Road, which forms part of the Town Investment Plan (TIP). Discussions also continue with the applicants in relation to the timing and scale of financial contribution towards infrastructure including the two Stort Valey Crossings. These latter considerations apply mainly to the planning agreements for the Gilston Area development and the HIG contracts, which must secure appropriate developer funding and address HIG recovery to form the RIF. It should be possible for officers to set out recommendations for the Stort Valley Crossings applications in due course. Committee consideration is presently anticipated in February 2021 (An important milestone for effective use of the HIG funding - because spend on the crossing schemes depends on a land acquisition / potential compulsory purchase and a detailed design, specification and procurement process, that requires a prior planning permission and sufficient timescales).
- GA village development applications. HDC is not responsible for determination, but is a statutory consultee and has a very important partnership role in considering potential outcomes for HGGT as a whole. HDC should make a formal consultee response to the application amendments now coming forward. The first decision report for the Committee, on a consultation response to the GE V1-6 (PfP) application as amended is now before the Committee.

BRIEFINGS

To assist in preparation for formal decisions Member Briefings are being undertaken. Some of these are joint with EHDC. Committee Members have been notified of the arrangements as they arise and this will continue.

The focus for Briefings is Development Management decision making and the main audience is Members of the relevant LPA committees.

However, there is also a HGGT partnership approach to all Briefings.

DECISION MAKING ARRANGEMENTS AND ISSUES

The latest PPA timetable envisages determination of all the applications in February / March 2021.

Under the MoU decisions on the CSC/ ESC are to be determined by both LPAs in a coordinated arrangement. This is proposed to include simultaneous meetings to facilitate consistent decisions. Planning conditions will be required, but it is not envisaged that a planning agreement will be needed, as all the funding and related issues will be dealt with in relation to the GA village development applications.

The main GA villages development applications will be determined by EHDC as LPA. A planning agreement with the landowners will be essential to secure HGGT delivery and funding. The MoU between the authorities indicates that the content of the planning

agreement will define the range of signatories. It is presently envisaged that EHDC, HCC, ECC and HDC will all be entering into the agreement with the landowners.

This approach to the planning agreement creates a strong partnership commitment, with the applicants, to comprehensive development and all aspects of development implementation and quality. This is especially important to HDC in relation to integration of growth with Harlow as a whole with its existing communities and their needs, and for how affordable housing, the transport system management and future stewardship, amongst other matters, are agreed.

The planning 'agreement' is proposed by the LPA as a single agreement, covering both landowners' permissions, though this is not yet agreed by the landowners. This is intended to secure a comprehensive and consistent approach to the development.

Many of the issues still outstanding on the main development applications relate to the coverage and detailed content of planning obligations. This is especially the case as the HGGT Partnership has always been about landowner commitments to high quality growth ('good' growth as it is often called by Government). The landowners set this course in their promotion of the GA development and its benefits through the EHDC District (Local) Plan (EH DP) preparation process. The EH DP (Gilston Area policies and related guidance) and HGGT Guidance now reflects the 'offer' made by the landowners in its policies.

This increases the focus on securing outcomes in a legal agreement freely entered into by the applicants, because some aspects of the GA offer can be seen as going beyond 'routine' requirements that might be covered by planning conditions or a basic planning agreement.

Guidance on the approach to planning obligations to be sought in the HGGT has been published; Harlow & Gilston Garden Town 'How To' Guide for Planning Obligations, Land Value Capture and Development Viability (Guidance Note: 01/20190417):

['HOW TO' GUIDE FOR PLANNING OBS & VIABILITY PDF \(secureservercdn.net\)](#)

It is important to be aware of this in consideration of the GA applications.

Given the importance and complexity of the planning agreement issues, the MoU envisaged decision making by the LPA and consultees with a full draft planning agreement ready for signature. This would mean that the Committees would make their decisions with full information on the terms of the agreement available and then delegate legal completion to officers. The MoU (Para. 9.4) says:

EHDC has set the ambition to endeavour to progress the drafting of the section 106 agreements including Planning Obligations to achieve Engrossment of those agreements prior to the respective Outline Planning Applications or River Crossings Applications being determined at planning committee, unless otherwise agreed.

It now looks likely that this approach will not be achievable. Planning obligation negotiations are currently incomplete and are not likely to be conclusive for some time. It may be appropriate for the LPA to consider making decisions that it is 'minded to approve subject to completion of a satisfactory planning agreement'. If this is to be the case the LPA Committee planning agreement signatories and key consultees will need a full, detailed, report on proposed Heads of Terms for the planning agreement and a firm indication of applicant commitment to them.

The submission of separate villages applications does, in itself, raise important issues about the one of the LAs priority issues; comprehensive and coordinated development of the

Gilston Area. Dealing with this issue is not assisted by separation of decisions, but this could best be overcome by commitment to a single planning agreement entered into by both land owners.

There is now considerable pressure on timescales for decision, particularly in relation to the CSC and ESC applications. This is due to the HIG spending deadline (see above) which creates a very short timescale for detailed design and construction of major schemes. It may be possible to decide the CSC / ESC applications independently of the GA main development proposals and, indeed, the LA MoU envisaged this as a possibility. This approach would allow necessary early progress on detailed design and land acquisition (negotiated or compulsory purchase).

RECOMMENDATION:

That the report is noted; as context for the Council's partnership and decision roles in respect of the GA applications.

REPORT 16/12/20 DM Committee (Special meeting to consider Gilston Area development issues only)

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

16 December 2020

REFERENCE: 3/19/1045/OUT* OFFICER: Andrew Bramidge

*East Hertfordshire District Council (EHDC) application.

Report recommends a Harlow District Council (HDC) consultee response to this application

APPLICANT: Places for People (PfP)

LOCATION: Land North of the Stort Valley and the A414 Gilston Hertfordshire

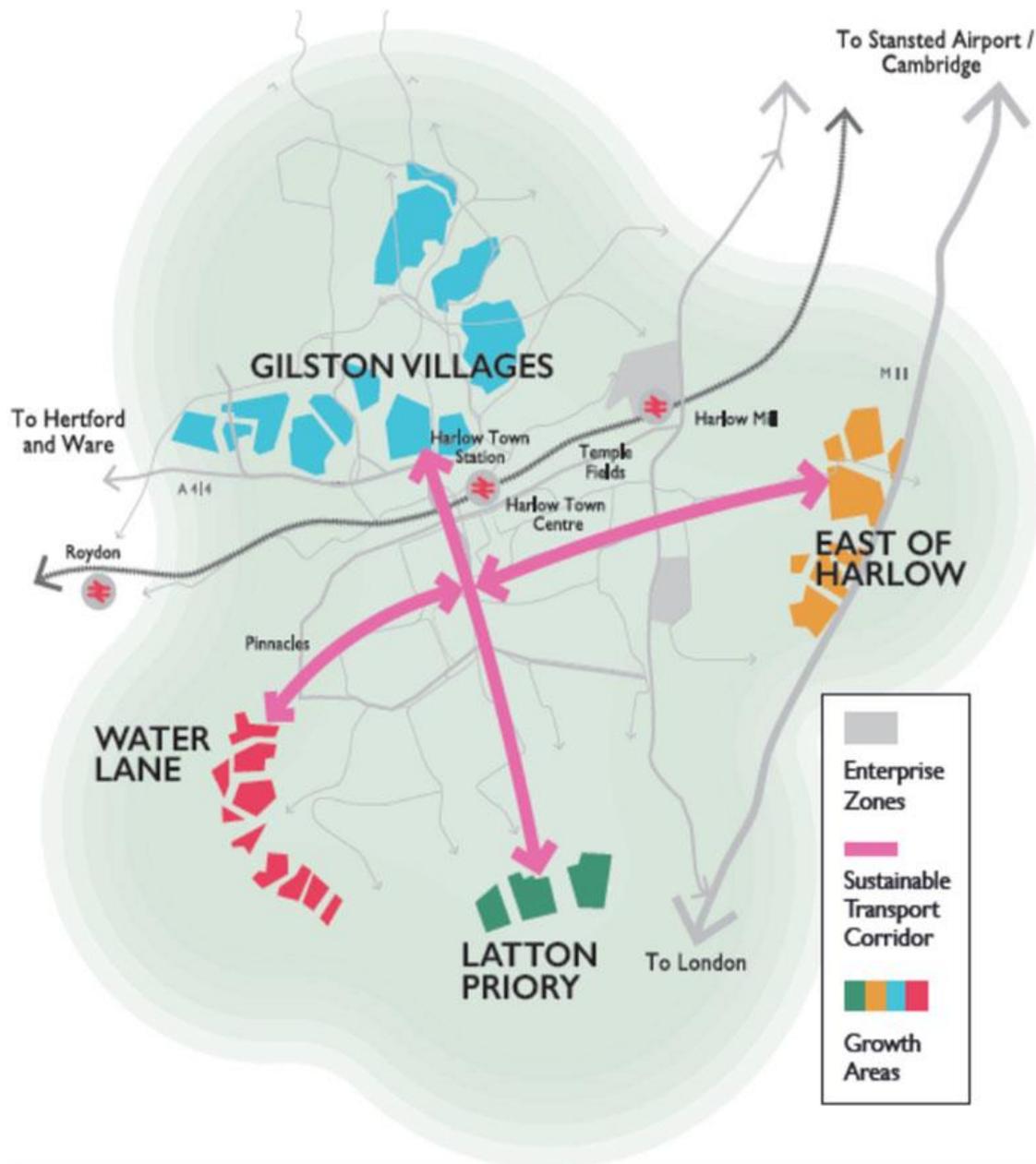
PROPOSAL: Gilston Area Villages 1-6 (V1-6)

Outline planning with all matters reserved apart from external vehicular access for the redevelopment of the site through the demolition of existing buildings and erection of a residential led mixed use development comprising up to 8,500 residential homes including market and affordable homes; retirement homes and extra care facilities; provision for Gypsies and Travellers pitches/ Travelling Showpeople plots; a range of community uses including primary and secondary schools, health centres and nursery facilities; retail and related uses; leisure facilities; business and commercial uses; open space and public realm; sustainable urban drainage systems; utility and energy facilities and infrastructure; waste management facilities; vehicular bridge links; car parking; creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site; improvements to the existing highway and local road network; undergrounding and diversion of power lines; lighting; engineering works, infrastructure and associated facilities; together with temporary works or structures required by the development.

(Application originally submitted May 2019. Amendments submitted 19 November 2020, including description as indicated in underlines above)

LOCATION PLAN

Note; The diagrammatic plan below shows the location of the whole Gilston Area (GA) (Gilston Villages) development in the context of the plans for the growth area of Harlow and Gilston Garden Town (HGGT) as a whole. The amended application that is the subject of consultation covers the majority of the GA. Only Village 7; the most westerly of the Villages, is excluded (separate ownership).



REASON BROUGHT TO COMMITTEE

The Council is a statutory consultee on the outline applications for development of the Gilston Area in East Hertfordshire District. The original application submission for Villages 1-6 (V1-6) has been amended and is now subject to re-consultation (closes 21 December 2020). This report recommends a consultation response.

Consultation responses on planning applications in other local authority areas are usually made under officer delegation. This application is for a very large development on the edge of Harlow, that will become part of the Town and the wider HGGT initiative. Planning of the GA development is of considerable significance for the future of Harlow. It is therefore important that the Committee decides the Council's consultation response, particularly now that the applicant has finalised the outline proposals following feedback from the Local Planning Authority (LPA) – EHDC, taking account of all consultee responses on the original submission.

Consideration by the Committee is also important because the Council (this Committee) will be directly responsible, with EHDC, for determination of related planning applications for some of the transport infrastructure that is necessary to facilitate the development (the Stort Valley crossings – see below).

Full details of the HGGT and related applications context for the consultation response on this application are set out in the 'Gilston Area Development - Update' report.

APPLICATION SITE AND SURROUNDINGS

The application is for development of the Gilson Area V1-6 (general location plan above).

DETAILS OF THE PROPOSAL

The application description above provides a general summary. More information on the most important matters for Harlow is provided in the body of this report.

RELEVANT PLANNING HISTORY

There is no relevant planning history, but, in deciding its consultation response, the Committee should be aware of current related, undetermined, planning applications (submitted in 2019) as follows:

Application Ref: 3/19/2124/OUT Gilston Village 7. Outline planning application for development including demolition of existing structures, refurbishment and change of use of existing Grade II Listed Brickhouse Farm Barn and structures and erection of a residential led mixed use development comprising: up to 1,500 residential market and affordable homes; a mixed use local village centre; retail, business and community uses; primary school, early years and nursery facilities; leisure and sports facilities; open spaces, ecological areas, woodlands and public realm; pedestrian, cycle and vehicular accesses and network within the site; associated drainage, utilities, energy and waste facilities and infrastructure; works to and realignment of the existing highway; other supporting works, facilities and infrastructure; together with associated temporary enabling works or structures. With all matters reserved apart from detailed works to the A414 Church Lane junction.

(An amendment of this application will be imminent, or already submitted, by the time this report is considered).

Land Off Church Lane A414 Hunsdon And Eastwick Hertfordshire

3/19/1046/FUL The Central Crossing. Alterations to the existing Fifth Avenue road/rail bridge, and creation of new bridges to support the widened highway to west of the existing structure to create the Central Stort Crossing, including embankment works, pedestrian and cycle facilities, a pedestrian and cycle bridge over Eastwick Road, lighting and landscaping works and other associated works.

Land adjacent to Fifth Avenue existing Eastwick Crossing Hertfordshire / Harlow.

3/19/1051/FUL The Eastern Crossing. Erection of a new road, pedestrian and cycle bridge; Erection of a new road, pedestrian and cycle bridge; ~~alterations to~~ replacement of an existing rail bridge at River Way; alterations to the existing local highway network; lighting and landscaping works; listed building works to Fiddlers Brook Bridge; and other associated works (amended application including description as indicated in underline and strike through above - November 2020).

Land to The South and East of Gilston Village and North of River Stort Gilston Hertfordshire / Harlow.

3/19/1049/LBC Fiddlers Brook Bridge. Erection of a new road, pedestrian and cycle bridge; alterations to an existing rail bridge at River Way; alterations to the existing local highway network; lighting and landscaping works; listed building works to Fiddlers Brook Bridge; and other associated works.

Land to the South and East of Gilston Village and North of River Gilston Hertfordshire / Harlow.

Progress of these applications is noted in the 'Gilston Area Development - Update' report.

Because of the Council's differing roles and responsibilities in respect of the various GA applications, (as noted in the 'Update' report), it is important to keep consideration of the V1-6 application separate from the crossing applications (where the Council is a Local Planning Authority - LPA). There are inevitable overlaps in the implementation of all aspects of the development, (particularly in respect of the funding and phasing matters to be covered in the planning obligations for the village developments), but the crossing applications must be determined on their own merits. The crossing application decisions are to be made on the basis of whether the development led off-site transport schemes proposed are suitably designed physical proposals that can be permitted on the basis of Development Plan policies and other material considerations. That matter will be dealt with in future reports. Any decision related consideration, or early expression of view, under the auspices of this report could affect the Council's future decision role as LPA.

CONSULTATIONS

The Council is itself a statutory consultee (see above) and now has the opportunity to comment on the amended application.

There have been numerous detailed consultation responses to the initial application submission. These are detailed on the EHDC public access case file under the reference quoted above. A weblink is provided below:

[EHDC Case files](#)

For reference and context the Council's own initial consultation response (made under officer delegation) is reproduced in an ¹appendix to this report (Appendix 1). This was

generally supportive of the proposals for HGGT growth in accordance with Council policy. It was not appropriate at that stage to be overly concerned with the details of how the development would be delivered, partly because the application submission had not included a Statement of Delivery Statement (as required under guidance published by the LAs). Therefore further information from the applicant was considered necessary and it was expected this would be provided through ongoing HGGT Partnership engagement.

In summary the most important points raised by HDC at the outset, and those of most relevance to the position now, were:

- The need to ensure that adequate transport infrastructure is provided early in the development to mitigate impacts on the local road system in Harlow
- The need to manage transport choices of residents, businesses and visitors in the Gilston Area and wider Garden Town to achieve a high level of public transport and active (walk and cycle) movement, to mitigate potential adverse traffic impacts from the development
- The need for a comprehensive, suitably phased, approach to development with V7
- The need for housing for Harlow residents and its affordability
- The need to achieve HGGT principles generally

The application amendments are intended to address matters arising from the initial consultation responses and subsequent exploration of those or other issues. The Council's consideration and consultation response to the amendments should be decided with that in mind.

The application amendment re-consultation will result in further responses from a wide range of statutory and other consultees. The Council has to consider its response without the benefit of seeing these latest consultee views. However, officers have been able to take account of likely feedback as a result of direct involvement in the consideration of the application through the HGGT partnership. Of particular significance for HDC are the views of the local Highway Authorities (HAs) Essex County Council / Hertfordshire County Council (ECC / HCC). Relevant issues are noted in the body of the report.

Neighbours and Additional Publicity

EHDC has conducted a full Local Planning Authority (LPA) notification and re-consultation on the application amendments. In addition the applicant has provided their own publicity and information, including general public webinars and briefings for Local Authority (LA) Elected Members.

Summary of Representations Received

Not applicable - see above.

PLANNING POLICY

All the GA applications are to be determined against the East Hertfordshire District (Local) Plan; but there is also a wider policy and guidance framework to take into account:

The Development Plan

- EHDC District (Local) Plan (adopted 2018) 12

Many aspects of the Plan are relevant, but the most important policies are:

GA1 (and related GA2) The Gilston Area

This policy is central to consideration of whether the application is policy compliant. The policy is therefore referenced specifically in the main body of the report.

Note: There is also an emerging Neighbourhood Plan that covers the GA. However this is not taken into account in this assessment due to the current stage in its preparation.

- HDC (Replacement) Local Plan (adopted 2006)
- HDC Local Development Plan submitted 2018 (at Inspector's Report stage; to be adopted shortly).

The most important policies from this Plan, which has been prepared in a HGGT growth context, are:

HGT1 Development and Delivery of Garden Town Communities in the Harlow and Gilston Garden Town

SIR1 Infrastructure Requirements

SIR2 Enhancing Key Gateway Locations

IN1 Development and Sustainable Modes of Travel

IN2 Impact of Development on the Highways Network including Access and Servicing

IN6 Planning Obligations

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) / NATIONAL PLANNING PRACTICE GUIDANCE (PPG)

The NPPF and PPG set the Government's national policy and detailed expectations on how planning decisions should be made. They are fundamental to consideration of the applications, both by the determining authority and by the Council as a statutory consultee.

The most important issues to note for this application are the presumption in favour of sustainable development, meaning that approving development proposals that accord with an up-to-date development plan without delay is a central consideration, and the urgent, and in many respects overriding, priority given to housing delivery. These NPPF imperatives are relevant to final LPA judgments about the level of quality achieved by the application proposals, particularly in relation to Development Plan policies and HGGT guidance.

Supplementary Planning Documents (SPD) and other Guidance or Evidence

EHDC:

Gilston Charter SPD

Affordable Housing SPD

Planning obligations SPD

Sustainability SPD (Draft for Consultation)

Gilston Area Concept Framework

Infrastructure Delivery Plan

HGGT:

Harlow and Gilston Garden Town Vision

Harlow and Gilston Garden Town Design Guide

Infrastructure Delivery Plan

Strategic Viability Assessment

'How To' Guide for Planning Obligations and Viability

Transport Strategy (Draft for Consultation)

Sustainability Guidance and Checklist (Draft for Consultation)

Healthy Garden Town Framework (Draft for Consultation)

HCC:

The Planning Obligations Guidance Toolkit for Hertfordshire

ECC:

Development Management Policies

Developers' Guide to Infrastructure Contributions

The HGGT Vision and the reference to the Garden City Principles within the allocation Policy GA1 of the EHDC District Plan, as well as the support for high quality large scale housing development and Garden City principles in the NPPF (Para 72), suggests there should be a somewhat higher 'bar' for quality than might exist with many ordinary housing led developments. The HGGT initiative certainly creates greater political and public expectation about what the major housing developments proposed should offer. This expectation, and the landowners' intent to deliver against it, was central to promotion of the GA development through EH DC District Plan preparation and Public Examination process. The adopted Plan policies reflect this.

This background should be borne in mind when considering the application amendments and progress on the application generally, but then balanced against the NPPF weighting of planning priorities.

PLANNING ASSESSMENT

Summary of Main Issues

Growth of Harlow

Effectively the villages and their environs of the Gilston Area development will become a functional part of HGGT and the Council's views are based on that reality. It is also important to recognise the scale of the overall development allocation proposal of 10,000 homes, which equates to almost half of the current planned growth in the Garden Town. With a population of approximately 25,000 new residents this would represent an increase in the population in the existing Harlow area of between 1/4 and 1/3.

As a result, infrastructure provision and development quality issues are crucial to the HGGT Partnership.

EHDC is acutely conscious of the essential relationship between the Gilson Area development and Harlow and its economy, infrastructure and the many higher order social and community facilities the Town provides. In its LPA role, EHDC has worked to ensure that the relationship with Harlow and potential impacts on the Town are fully considered and addressed both within the Policies of the EHDC District Plan and the approach to engaging HDC and ECC on this application.

The HGGT partnership has created an invaluable opportunity for the Council to be closely involved in assessment of the application, even though it is not LPA. The Council (through the Portfolio Holder for Environment) has been represented on the GA Steering Group (a consultative forum with the applicant and local community representatives). Harlow Council and ECC transport / highways officers have also had direct involvement in the negotiations between EHDC and the applicant, albeit officers can only provide advice and seek influence.

EHDC and Harlow Council Elected Members and officers have also worked together through consultative and informal briefing arrangements.

This background is further explained in the 'Gilston Area Development - Update' report.

Generally the Council is supportive of GA growth and welcomes this application and the opportunities it presents as set out in the HDC Local Development Plan.

Development Plan

The Development Plan allocation of the GA clearly establishes the principle of development.

HGGT 'Principles'; infrastructure and development quality

As LPA, EHDC are responsible for achieving HGGT principles and quality on all aspects of the development. They do this in accordance with the specific details in Development Plan policies and by consideration of the results of consultation and engagement with others. The Council can, and has, assisted in the application assessment process both through helping to shape and agree joint HGGT guidance and through other engagement. However, many detailed aspects of the application; especially site layout planning / design and on-site infrastructure provision are mainly for the LPA to decide and are not matters that this report seeks to comment upon.

The Council's input through this report, and in the collaborative work described above, is primarily focused on the issues that are of strategic significance for HGGT. These are:

Process issues:

1. Proposed 'commitments' and 'strategies' secured in planning conditions and obligations (with obligations offered by the applicant clearly defined before decision)
2. Comprehensive, phased, development across landownerships achieved via planning conditions and obligations
3. Master planning and Reserved Matters application / detail design coding process secured via planning conditions / obligations
4. HDC (HGGT) influence in ongoing development process (through the planning agreement and by participation in the next stage Planning Performance Agreements -

PPAs with the LPA and applicant; to cover master planning, reserved matters applications and implementation of the planning agreement)

Substantive issues:

1. HGGT Infrastructure Delivery Plan (IDP) - as the most up to date evidence of infrastructure need relevant to GA - secured, including with effective use and recycling of available Government support funding - the Housing Infrastructure Grant (HIG) and related Rolling Infrastructure Fund (RIF).

The Council's interests are particularly focused on transport infrastructure.

2. Securing the most important HGGT applicant promised 'Commitments' and 'strategies' (in effect this can only be done through planning obligations). The most important issues for Harlow are:
 - a. Sustainable transport
 - b. Housing
 - c. Employment
 - d. Energy
 - e. Community facilities stewardship

Analysis of Application Proposals as Amended

An analysis of the application as amended, set against these issues, is at Appendix 2. It uses a simple Red / Amber / Green (RAG) progress rating system.

The analysis is not intended to be definitive or exhaustive for all aspects of the application. This is because the Council's interests as consultee have deliberately been focused on HGGT strategic issues, as noted above.

The purpose of the RAG rating is to highlight in a simple way the *degree of progress* so far in securing the relevant HGGT outcomes. To emphasise, this is a point in time assessment based on the amendment submissions and statements therein, or other information provided in associated planning obligation negotiations. It may be that the applicant will make improvement to the overall application offer on these matters, but that is not evident now.

The RAG rating does not accord any differentiation or priority between these issues because they are all taken as extremely important for the development of HGGT.

Overall conclusions and recommendations are drawn from this as set out below.

CONCLUSION

This report recommends a detailed, formal, consultation response to EHDC. The response consists of the entirety of the report and appendices, but the Council's headline views are focused through the specific recommendation points below.

The Committee is asked to consider and approve the recommended response (with any amendments it decides are necessary).

Despite the application amendments, there are significant concerns at this stage. Most relate to the 'commitments' and 'strategies' submitted with the application and their

acceptability. There are serious uncertainties as to what these statements / documents actually amount to and how they will be secured through:

- application documents proposed for approval: Development Specification (DS), Parameter Plans (PPs), Strategic Design Guide (SDG) and one document that is specifically excluded from approval by the applicant; a Land Use Budget (LUB)
- planning conditions
- planning obligations

These aspects of the application are necessarily complex and detailed matters for a development of this scale, expected to take place over at least 25 years.

For an outline application, most aspects of the plans are not expected to be finally detailed or designed. In this situation effective planning conditions and obligations that secure important principles and mechanisms for future planning and implementation, as well as essential actions and funding matters, are fundamental. They are core matters for the determination of the application. In a sense conditions and planning obligations are 'all' in terms of strategic HGGT outcomes.

Currently this is a matter that is hard to fully assess because only very limited information is available. This takes the form of:

- very general statements in submitted and now amended application documents (some suggested for approval / others illustrative only)
- a series of quite vaguely worded proposed 'Commitments' and 'Strategies'
- some quite specific statements resisting / countering requirements the LPA and HGGT partnership have flagged as essential (particularly on IDP funding)

In overall effect the applicant appears to be indicating that it is not prepared to agree matters that are very important to the Council and HGGT and that have been included in planning policy and guidance from the outset. This is disappointing and very unhelpful at this late stage in the application process.

The minimum, and quite normal, requirement at this point is a comprehensive and well detailed Heads of Terms document that can serve as the basis for application determination. Moreover, the HGGT procedural guidance says that the LAs expect to have a full engrossed agreement as the basis for a determination of the application (See 'Gilston Area Development - Update' report).

Officers will continue to work closely with EHDC officers and the HGGT Partnership to support speedy progress on these aspects of the application. The consultation response will provide a focus for that work.

In particular officers will continue to suggest to the LPA that it is necessary to seek much greater certainty on the planning obligations that can and cannot be agreed with the applicant.

The outcome of negotiations on the planning obligations should certainly be much clearer before any decisions are taken - preferably in the form of a complete engrossed planning agreement as requested in guidance or, at least, in the form of unambiguous endorsement by the applicant of detailed Heads of Terms.

RECOMMENDATION

That Committee approves the following consultation response:

1. The Council is supportive of development of the Gilston Area as it contributes greatly to achieving important growth aims for Harlow and Gilston Garden Town (HGGT).
2. However, the Council's support for any particular application is dependent on confidence that a planning permission will achieve development that accords with both the Development Plan as a whole, (in this case, particularly the East Herts District Plan Policy GA1) and the HGGT Vision.
3. The Council supports the application amendments on design of the site accesses and the commitments to internal circulation principles. The changes should provide essential dedicated space and prioritisation for public and active transport to help achieve the mode share targets, together with traffic signal controls that can manage traffic flows from the development onto the road network. This provides the opportunity for the village development itself to accord very well with the HGGT vision for transport. The Council will continue to work with EHDC and the applicant on appropriate conditions and obligations to secure these aspects of the scheme.
4. Generally, the Council considers that agreement of appropriate planning obligations for the development is fundamental to securing development quality and mitigating its impacts in a manner compliant with policies and guidance and with due regard to other material considerations.
5. The Council cannot support the application on the basis of the planning obligations presently set out, or suggested in general terms by the applicant as adequate. The Council considers the obligations proposed would fall considerably short of the commitments required to address Development Plan policies and supporting HGGT guidance and evidence.
6. In particular the Council identifies the following concerns:
 - There are still many uncertainties on how far the applicant is prepared to commit to HGGT principles
 - On essential sustainable transport matters commitments to adequate funding for, and timely delivery of, the Stort Valley Crossings and proportional contributions to the funding of the Sustainable Transport Corridor network are still not confirmed
 - Due to the lack of clarity on planning obligations it is unclear how the application will support effective use of the Housing Investment Grant (HIG) funding which the Councils have been awarded to help 'unlock' the delivery of the Gilston Area development. This is particularly the case in respect of the lack of commitment to the provision of adequate repayment of 'grant' into the Rolling Infrastructure Fund (RIF) that will support the provision of the wider Sustainable Transport Corridor (STC) infrastructure that is essential to support sustainable growth
 - Other important HGGT matters are unresolved; the details of affordable housing for Harlow residents to support social mobility; provision of adequate employment land and premises to support balanced economic growth of the

Garden Town; energy strategy measures; and future community facility stewardship arrangements

- The promised formal Memorandum of Understanding (MoU) between the applicant and the V7 landowner / applicant on comprehensive development and shared and consistent commitments in planning obligations has still not been provided. The result is that, in effect, the V1-6 application and future V7 application are put forward for decision in isolation. This position could, if permissions are granted in the wrong form, result in significant planning harm. In particular, failure to establish an effective mechanism for the phasing of development and coordination of its infrastructure, including transport planning and funding, the overall provision of employment land and social and community facilities and the stewardship approach are all seriously affected and subject to much greater uncertainty and risk
7. The Council's position of general support for the application is dependent upon these matters being satisfactorily addressed in advance of the LPA determining the application. The Council wishes to contribute to that endeavour through a continuation of engagement with partners and the applicant on planning conditions and planning obligations.
 8. The Council provides notice that, to reflect the conditional nature of its support, it may seek to comment further at the point that greater clarity on planning conditions and obligations is provided, for example upon production of draft recommended conditions and applicant agreed Heads of Terms that support an officer report to the LPA.
 9. EHDC and the applicants are asked to take note of more detailed points explaining these concerns - set out in the Table 'Analysis of Application – Key Issues for Harlow' (Report Appendix 2). The Council therefore requests that EHDC should only contemplate a grant of planning permission after these points have been fully considered; to the extent that they can be either resolved, or weighed in the decision balance.

Adam Halford
Senior Planning Projects Officer
East Herts District Council

Planning Services

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref:
Your Ref:
3/19/1045/OUT
Date: 9th
August 2019

App. No: 3/19/1045/OUT

Location: Land North Of The Stort Valley And The A414, Gilston, Hertfordshire

Dear Adam,

Outline planning with all matters reserved apart from external vehicular access for the redevelopment of the site through the demolition of existing buildings and erection of a residential led mixed use development comprising up to 8,500 residential homes including market and affordable homes; retirement homes and extra care facilities; a range of community uses including primary and secondary schools, health centres and nursery facilities; retail and related uses; leisure facilities; business and commercial uses; open space and public realm; sustainable urban drainage systems; utility and energy facilities and infrastructure; waste management facilities; vehicular bridge links; creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site; improvements to the existing highway and local road network; undergrounding and diversion of power lines; lighting; engineering works, infrastructure and associated facilities; together with temporary works or structures required by the development

Thank you for consulting Harlow Council on the outline planning application described above. We welcome the opportunity to provide comments.

Harlow Council has been working collaboratively with East Hertfordshire, Epping, Essex and Hertfordshire authorities through the duty to co-operate as part of Local Plan preparation and even more closely since the area was awarded Garden Town status in 2017. The Garden Town will deliver significant growth in and around Harlow which is comprehensive, sustainable, supported by necessary infrastructure, consistent with Garden City Principles, and respectful of the existing form and layout of, and well-integrated with, Harlow New Town.

The Gilston Garden Community is one of four strategic sites to be brought forward in the Garden Town alongside residential developments, employment, community facilities and infrastructure in the urban area of Harlow.

The application is for 8,500 homes in the form of six villages. A further 1,500 homes are proposed to the west of the site at a seventh village, bringing the total up to 10,000 homes. The seventh village will be subject to a separate application and will be made by another applicant.

The application sets out that the Parameter Plans, Development Specification and Strategic Design Guide are for approval. In effect, this means that the applicant anticipates that the development will be required to be carried out in full accordance with the content of those documents. In addition, the applicant anticipates that a Section 106 Legal Agreement will be entered into and that an approval will be subject to conditions. Drawings are also submitted for three primary vehicular access points into the site, for which full approval is sought.

Two detailed applications for the Central Stort Crossing and Eastern Stort Crossing have also been submitted. As Harlow Council is a determining authority for those applications this response is submitted in relation to the outline application only.

The outline application will be determined against a suite of policies in the East Herts District Plan (EHDP) and supporting documents but most notably policy GA1 which sets the principles and requirements for the Gilston area.

The Harlow Local Development Plan Pre-submission (HLDP), currently at Examination, includes policy HGT1 on the Garden Town. This policy has been developed in order to provide a co-ordinated and consistent policy approach towards the consideration of strategic development proposals and to complement policy GA1 set out in of the EHDP. Policy HGT1 sets out a series of principles which Harlow seeks to secure in all new Garden Communities including Gilston.

Policy HGT1 has been informed by documents and strategies prepared by the Garden Town and the overall policy approach set out in the HDLP. This includes the Garden Town Vision and Design Guide, the Infrastructure Delivery Plan for the Garden Town (GTIDP), work on the Sustainable Transport Corridor and the emerging Harlow and Gilston Garden Town Transport Strategy.

The Council expects the proposal to be in accordance with policy HGT1 and the Garden Town documents and strategies. Importantly, this includes 60% of all journeys being by sustainable modes and the provision of all the infrastructure requirements identified as needed for the development.

1. Parameter Plans

- 1.1. It is recommended that the Parameter Plans are audited to ensure that they secure only the aspects of the development which are intended to be secured. Examples of inconsistencies are included in the following paragraphs.
- 1.2. Parameter Plan 2 details Ecological Buffers to be provided as part of the development, however, the Development Specification suggests the buffers are indicative at paragraph 4.3.8. This should be clarified.
- 1.3. Parameter Plan 3 shows the Sensitive Development Area, Community Sports Areas and Community Play Areas secured in specific locations whilst the remaining green infrastructure and open space is subject to detailed design. Presumably the location and extent of the Sensitive Development Area and the community areas will be dependent on the final location and extent of the developable areas and green infrastructure. It is recommended the status of these items is reviewed.
- 1.4. Parameter Plan 4 fixes the location of the Primary Vehicular Corridor with limits of deviation of +/- 30m shown on the plan. As the village boundaries and the green infrastructure around them would not be fixed by the Parameter Plans (see comments on Parameter Plans 3 and 5), it is recommended that additional flexibility is provided to enable the Primary Vehicular Corridor to be influenced more freely by the Village Masterplanning stage and this will enable site sensitivities and constraints to be taken into consideration.
- 1.5. In addition, Parameter Plan 4 does not show the Primary Bus Corridor linking village 5 to village 1 and, given the range of uses which are proposed to be within village 1, it would be appropriate for the corridor to link to the villages. This would also help contribute to the sustainable mode share target. It is critical that green infrastructure and open space is well-connected.
- 1.6. Point 4 of Parameter Plan 4 ('Connection of the Primary Vehicular Corridor to Village 7') is not but presumably should be marked as indicative. The Primary Bus Corridor to villages 6 and 7 is currently proposed to be fixed, however, a connection for buses to the A414 for these villages must be made. It needs to be clear that the route will be through village 6 if it is not provided through village 7 (provided the transport impacts of this are determined to be acceptable).

- 1.7. Parameter Plan 5 shows that the Village Developable Areas are subject to detailed design, however, the land uses within them are not. Clearly the land uses currently shown at the edges of the village boundaries must be flexible too.
- 1.8. Parameter Plan 6 shows that the majority of the buildings can be up to 15m high based on existing AOD, however, it also enables finished ground levels to be 2m below existing AOD. It is therefore possible for the properties to be up to 17m in height.
- 1.9. In addition, Parameter Plan 6 also enables a proportion of taller buildings to be provided within each village, generally within but occasionally beyond the proposed village centre areas. The Development Specification states that within these zones, *'no more than X% of the building footprint within the maximum height zone of Village X shall reach the maximum height of 18m'*. This suggests that the entirety of the maximum height zone could be up to 17.9m.
- 1.10. It is noted that no reference is made to multi-storey car parks and many non-residential uses regarding potential building heights. Some buildings may need to be considerable in scale. It is recommended that additional consideration be given to the location and form of some of the potentially more substantial buildings.
- 1.11. Furthermore, Parameter Plan 6 expresses the permissible heights of buildings as AOD, however, the 'Area of additional height control' is expressed as a building height of 11m. The plan also refers to 5 storey development being permissible within the maximum height zones, however, no reference is made to storey heights within the Development Specification. It is considered that clarification should be provided as to how building heights will be controlled by Parameter Plan 6 and the Development Specification and that the heights of properties are expressed more clearly and consistently.
- 1.12. In conclusion, the Parameter Plans should be comprehensively reviewed to ensure they are accurate, consistent and, in conjunction with the other documents for approval (and particularly the Development Specification, as explained below), clearly show the how the design can be developed at future stages.

2. **Development Specification**

- 2.1. It is not considered that the Development Specification sets out its commitments sufficiently clearly.
- 2.2. Table 3.1 shows the total number of residential units and the proposed amount of floorspace by use. It groups very different types of land use together and provides one floorspace allowance for the uses within each group, e.g. 'retail and related, business and leisure floorspace' would be provided over 25,100 sqm. Additionally, 'Leisure floorspace' is included in the table twice.

- 2.3. It is not clear how much floorspace is proposed for each of the uses, nor is it clear how much land is anticipated to be used. The amount (or more appropriately the lower and upper limits) of floorspace proposed for each use individually is required to be provided in order to understand and determine the acceptability of the proposal. Critically, the amount of provision for each use could fundamentally change the impacts of the development and its environmental effects.
- 2.4. In addition, there are other uses proposed within the submission, such as the Sustainable Transport Hub, which are proposed to be included within the village boundaries. There is no indication of the amount of space that will be required for uses such as this, nor the effect that these uses would have on the provision of the floorspace identified in table 3.1.
- 2.5. Paragraph 4.6.4 states that *'retail, commercial and community uses will provide active ground floor frontages in appropriate locations. It will be permissible to provide some mixed use floorspace outside the zones identified, but the focus should be within the zones specified'*. The extent to which mixed use floorspace may be provided outside the zones, the circumstances in which exceptions will be made, the types of mixed use floorspace intended to be permissible outside of the zones, and whether any of the other non-residential uses included in table 3.1 would be permissible should be clarified. Rather than specify the precise extent of the Education and Mixed Use Zones (Parameter Plan 5 does not provide for any flexibility in these areas) it would be more appropriate to adopt a more flexible approach to the boundary of the zones. This would reduce the need to provide for exceptions such as that facilitated by paragraph 4.6.4.

3. **Strategic Design Guide (SDG)**

- 3.1. It is considered that the SDG should include an opening section which explains how language within the document should be interpreted. For example, does "the development should" mean that "the development will without exception" or that "the development might potentially"? The wording seems to be used interchangeably and the choice of words used significantly affects the intention behind the document, especially the Strategic Principles. The wording should be consistent.
- 3.2. The SDG also seemingly refers to both Village Design Guides and Design Codes interchangeably (e.g. see p13 text and the adjacent diagram). This, and the interrelationship between the Design Guides and Design Codes, should be clarified.
- 3.3. The illustrations of each village within the Village Principles are not labelled as illustrative and, as set out later in this report, conflict with the Parameter Plans. It appears that some of the illustrations cannot realistically be achieved based on the

limitations imposed by the other documents for approval. It is therefore recommended that an audit is undertaken to ensure that the illustrations reconcile.

3.4. The illustrations fail to include important matters which should influence the principles, such as the green infrastructure and open space identified as being within the village boundaries at 3.6 of the Development Specification.

4. **Section 106 Legal Agreement (draft S106)**

- 4.1. The draft S106 includes the infrastructure considered by the applicant to be required in order to make the development acceptable. The infrastructure seems to have been copied directly from the submitted Infrastructure Delivery Plan (IDP).
- 4.2. The draft S106 is clearly at an early stage and will need to be informed by the consultation responses from various parties and expanded upon in order to make it workable in terms of mechanisms, referencing and definitions etc. The approach to land assembly also requires further discussion.
- 4.3. In particular, additional work on the trigger points for the infrastructure is required. It is considered that early delivery of infrastructure would be extremely beneficial and it is essential that infrastructure required to change transport habits is provided up front in order to ensure that the modal shift target is achieved. Infrastructure which will significantly influence the need to travel, e.g. education provision, should be provided as soon as possible and in time to meet the needs of residents.
- 4.4. Critically, the infrastructure included within the draft S106 does not appear to accord with the infrastructure requirements set out within the GTIDP. For example, a commitment is made to provision of the 'Sustainable Transport Corridors', however, this is defined as the provision of the route from Eastwick roundabout to Burnt Mill Roundabout, which is far more limited in scope than the requirements for the Sustainable Transport Corridors as described in the GTIDP. SEND provision is another obvious omission.
- 4.5. As set out elsewhere in this letter, commitments are made within the application to provide additional infrastructure, however, these commitments are not proposed to be secured by the draft S106. Furthermore, many of the commitments are made in supporting documents, rather than those submitted for approval.
- 4.6. Additionally, many of the commitments are proposed to be provided following outline permission having been granted. Clearly, any infrastructure requirements necessary to make the development acceptable must be secured at outline application stage, even if the commitments are secured via mechanisms which provide for ongoing reviews.

- 4.7. A comprehensive review of the IDP/draft S106 and the commitments made elsewhere within the application, against the infrastructure requirements set out in the GTIDP, needs to be undertaken. This is particularly important with regard to mitigation identified within the Environmental Statement. The infrastructure proposed to be provided must be clarified. It is expected that the infrastructure shown in the GTIDP as being delivered by the development will be provided in full.
- 4.8. Clause 13 of the draft S106 obliges the councils to seek contributions towards the funding of the 'Core Infrastructure' (which is defined as 'the Central Stort Crossing, the Eastern Stort Crossing, the Sustainable Transport Corridors and the Secondary Schools'). It is unclear how this is proposed to be achieved and, whilst the councils may be able to seek contributions from other developments towards this infrastructure, it is beyond the councils' control as to whether other proposals will be submitted which can provide contributions.
- 4.9. Furthermore, the GTIDP identifies the Central Stort Crossing as being part of the access strategy for Gilston in order to deliver active and sustainable access to Harlow. Its cost has been apportioned to the Gilston area (all seven villages) only and no other sites across the Garden Town. Similarly, the Sustainable Transport Corridors (as narrowly defined by the draft s106 and not by the GTIDP) are expected to be provided by the Gilston development only.
- 4.10. The Eastern Crossing has currently been apportioned across all the strategic sites in the Garden Town as it is considered a strategic highway mitigation measure. However, the GTIDP recognises the fact that there was no individual site transport modelling undertaken at the time and therefore future modelling may establish that some of the strategic sites may place a greater or lesser demand on the highway routes. It is therefore presumptuous at present for the application's IDP to assume other sites will contribute towards this (or the Central Stort) crossing.
- 4.11. It is noted that a Statement of Delivery has not been submitted as required by the Garden Town's 'How To' Guide for Planning Obligations, Land Value Capture and Development Viability.

5. **Supporting Documents**

- 5.1. Nine 'strategies' are included within the submission. Some of the strategies make commitments that the applicant claims they will deliver, however, many of the commitments lack detail on their scope and are not seemingly currently proposed to be secured in the documents for approval.
- 5.2. Furthermore, some of the strategies (e.g. Inclusive Growth and Health and Wellbeing) include specific sections on 'Securing commitments through the planning process' and state that '*the commitments that are being made now will be*

secured through the Planning Conditions in Parameter Plans, the Development Specification and the Section 106 Agreement. The Strategy will be linked to binding commitments that will be secured through that Section 106'. Some of the commitments are, however, unrelated to the Parameter Plans and are not explicitly included in nor referred to in the Development Specification nor in the draft S106. Furthermore, some commitments are outside the applicant's control (e.g. a commitment that new residents would spend £124.8m each year on household goods/services).

5.3. In particular the Health and Wellbeing Strategy makes a large number of commitments that are proposed to be provided both 'now' and 'in the future' which need further explanation and clarification as to how they will be secured. For example, there is a commitment to a partnership with Princess Alexandra Hospital to deliver services on site that complement the facilities at the new and expanded hospital. Provisions need to be included within the terms of the outline consent to achieve this. The Health Strategy also seemingly makes a commitment to 60% of trips by sustainable means (p30) which seems to conflict with information provided elsewhere in the application which sets this out as an aim.

5.4. The applicant needs to clarify its commitments including in terms of scope, timing and how they will be secured.

6. **Design and Layout**

6.1. The application is being promoted as a series of villages and references are made to the Gilston Concept Framework, however, as explained in the Council's response to the consultation on the framework, it is considered that development in the Gilston area should respect the guiding principles of Harlow New Town, as required by HLDP policy HGT1.

6.2. In particular, there should be a greater commitment to providing a layout which accords with the principle of Green Wedges. Reframing green infrastructure and open spaces to include wedges and fingers will help to achieve this, though of course the roles of wedges and fingers should also be central to layout considerations. The extension of the Green Wedge network would help to achieve a cohesive overall identity for the Garden Town whilst ensuring the development has its own character and identity. This is especially important for the southern part of the site due to its clear physical relationship with Harlow.

6.3. It is requested that the boundaries of villages 1, 5 and 6 are reviewed to facilitate extensions to the Green Wedge network. HLDP policy WE2 details the roles of Green Wedges which should be considered when reviewing the layout of the scheme.

- 6.4. Taking into account the characteristics of Gilston Park, there is the potential for a significant, strategic green space to be provided which would run from the area around the village of Gilston through the site to the parks proposed to the north-west, however, this is currently blocked by the linkage of villages 4 and 5 by the Education and Mixed Use Zone. Parameter Plan 3 shows protected Green Infrastructure between the two villages, but this would be extremely narrow and indirect, with a proportion of its width taken up by hedgerow. It is requested that villages 4 and 5 are separated by more significant, strategic green infrastructure to enable a continuous strategic green space to be provided.
- 6.5. Although the Design and Access Statement (DAS) suggests that a significant proportion of the Education and Mixed Use Zone between villages 4 and 5 will be taken up by School Playing Fields this is not secured by the documents for approval. DAS figure 293 suggests that orchard and allotments could effectively increase the buffer between villages 4 and 5, however, Parameter Plan 3 shows that orchard and allotment land would be further to the north, adjacent to Eastwick Wood Park and Parameter Plan 5 identifies the land shown on figure 293 as for orchard and allotments would actually be 'Predominantly Residential', so figure 293 does not appear to be a likely representation of how the development would be delivered in accordance with the Parameter Plans. There are similarly concerns with the accuracy of the other illustrations.
- 6.6. The Development Specification explains at paragraph 3.6.3 that village provision of green infrastructure and open space '*principally serves the villages in which it is located*', indicating that the provision identified within the paragraph will be provided within the village boundaries, however, the Village Park to be provided for village 5 is anticipated to be between, and therefore outside, villages 1 and 5. This would consequently decrease the degree of separation between the villages, which would already be close together. In addition, it is currently unclear whether Village Green Corridors will be provided as the specification only sets out that the corridors will be provided 'where appropriate'.
- 6.7. It is noted that schools and village centres will potentially be located adjacent or near to green spaces and village centres. This is supported as it accords with the principle of schools, hatches and neighbourhood centres being adjacent to Green Wedges (and Green Fingers in the HLDP).

7. **Employment**

- 7.1. Economic growth and the regeneration of Harlow is a key principle for the growth of the Garden Town and this application needs to be viewed firmly in that context. It is essential that new development provides an appropriate amount of employment space to accommodate its needs as part of the wider growth of the town.

- 7.2. EHDP policy GA1 V(q) confirms that around 5ha of employment land should be provided within the site. Although the amount of employment floorspace and number of jobs anticipated to be generated is unclear, with figures differing between documents, it appears that the amount of provision proposed is currently far below the policy requirement.
- 7.3. The applicant suggests that Harlow is the appropriate location to focus major employment floorspace and considers that opportunities for job creation are more important than the delivery of employment land. Whilst it is important that a wide range of jobs are created, it is considered that employment floorspace falling within use classes B1, B2 and B8 must be provided to ensure that a sustainable Garden Community is created and to avoid an overreliance on existing and committed employment floorspace in Harlow.
- 7.4. The Inclusive Growth Strategy estimates that around 13,000 working age people will reside within the development and states that it is expected that 1500 permanent jobs will be provided within the site in the long term. The Planning Statement and Environmental Statement suggest that around 1,540 jobs would be created, the Transport Assessment suggests 1700 jobs would be created, and the Health and Wellbeing Strategy suggests that 2000 jobs will be created. In any event, the level of jobs generated would be disproportionate to the amount of people residing within the development.
- 7.5. The Environmental Statement suggests that the majority of jobs would be generated from schools, community facilities and local shops and associated table 7.16 shows that none of the jobs created would fall with uses classes B1, B2 or B8, except perhaps 'flexible high street space' which could have a 'small scale' B1 element and could amount to up to 545 jobs. It is considered unlikely that a significant proportion of the 545 jobs would fall within B1 use based on the narrative as to job provision within the submission.
- 7.6. Furthermore, the Inclusive Growth Strategy, Planning Statement and the Environmental Statement are not submitted for approval and therefore the proposed jobs to be created above will be subject to change. As discussed above, the Inclusive Growth Strategy includes commitments and, additionally, paragraph 7.4.36 of the Planning Statement also establishes commitments in respect of 'employment floorspace', however, these commitments do not seem to be secured.
- 7.7. Whilst the SDG is submitted for approval, it would secure only one Strategic Principle which falls within Economy & Regeneration and all of the sub-principles within it have an overwhelming emphasis on placemaking of the village centres. It is considered that a far greater commitment to job creation is required in order for the proposal to meet the growth and regeneration objectives of the Garden Town.
- 7.8. Table 3.1 of the Development Specification is submitted for approval, however it needs to be expanded and explained. It is considered that explicit and

unambiguous commitments should be made to providing actual employment floorspace i.e. provision of uses falling within classes B1, B2 and B8. It is considered that employment floorspace must be considered now, not further down the line as suggested in the Inclusive Growth Strategy.

7.9. Paragraph 3.3.22 of the Development Specification sets out that the proposal includes the potential relocation of the businesses in the Eastwick Lodge Business Park (over an indeterminate amount of floorspace), the provision of up to 8,500 sqm of 'employment floorspace', and the provision of a further 5,000 sqm of employment space 'subject to the outcome of a needs assessment'. Paragraph 7.4.36 of the Planning Statement expands on the specification, explaining that the relocated businesses may equate to 1,500 sqm employment floorspace, that 1,500 sqm would be cultural/art function space and that the needs assessment would occur following completion of the other floorspace mentioned and the occupation of 3,000 homes within Gilston Park Estate. It is concluded that up to 15,000 sqm of employment space could be provided.

7.10. It is considered that a commitment has only actually been made to the provision of 8,500 sqm of employment floorspace and that this could potentially be lower still if the cultural/art function space falls to be within an employment use class. In addition, it is noted that the businesses relocating from the Business Park are unlikely to be categorised as being within use classes B1, B2 or B8. Moreover, given the approach to job creation explained above, it is not clear whether the employment floorspace stated within the Development Specification would actually be within B1, B2 or B8 use. In addition, more information must be provided in terms of the employment floorspace proposed to be subject to the outcome of a needs assessment.

8. **Housing**

8.1. The Council expects the provision of affordable housing to be secured in accordance with the local plans and national guidance.

8.2. It is acknowledged that the application has taken into consideration the needs of Harlow in determining an approach regarding house types and tenures. In particular, it is noted that affordable rented homes would be set at the equivalent of 50-65% of market rented homes. This is supported as it would deliver a fairer offer of housing which enables far larger numbers of tenants to access homes that they can afford. However, notwithstanding this, as set out at figure 7 of the Housing Strategy a significant proportion of households in Harlow have incomes far below £30,000 and there is still considered to be a need for social rented housing within the Garden Town. Inclusion of social rented housing would therefore be beneficial. The Council would welcome further engagement in respect of the affordable housing mix.

8.3. In terms of living standards, Schedule 9 of the draft S106 suggests that at least 5% dwellings shall be designed so that they can be easily adaptable to meet the “Wheelchair Housing Standard”. It is expected that the development will comply with the EHDP and HLDP in terms of provision of M4(2) and M4(3) category dwellings.

9. **Highways and Sustainable Travel**

9.1. It is considered extremely important to support, deliver and encourage modal shift at the very early stages of the Gilston development. The sequencing of the villages must, through appropriate measures, contribute towards the mode share targets as set out in the Transport Strategy for the Garden Town.

9.2. The application seems to propose the 60% sustainable travel mode share as an aim but it does not confirm how it will actually to be achieved. The lack of employment provision within the site compounds this concern as internalisation of trips will be limited by the lack of employment opportunities in the site, identified as only being 5% within the Transport Assessment.

9.3. The interim access arrangements must promote sustainable travel from the outset; this does not appear to be proposed. Furthermore, as full permission is sought for the accesses additional information such as landscaping and sectional details should be submitted for consideration.

9.4. Initiatives within the Sustainable Movement Strategy and elsewhere are included, however, the initiatives are only briefly explained and broad in scope. The SDG includes one Strategic Principle relating to Sustainable Movement and none of the design commitments have a strong relationship with how the mode share target will be achieved.

9.5. Infrastructure such as the provision of a northern access to the train station is included in the draft S106, however, the level of contribution offered is not included and there is no comfort that provision of the access will be achievable or delivered early enough to change travel habits.

9.6. Moreover, no detailed technical analysis on how 60% mode share will be achieved seems to have been undertaken. For example, explanations need to be provided as to how the proposed parking provision will influence private car use. The Transport Assessment includes a mode shift of 20%, however, the lack of commitments to sustainable transport within the application raise concerns that this is not an appropriate approach.

9.7. There are concerns that, based on the information submitted, the goal of 60% sustainable mode share will not be met.

10. Conclusion

- 10.1. The Council is supportive of development within the Gilston Area, as identified in the Harlow Local Development Plan and Garden Town documents and strategies, however, a number of matters have been identified in this response which need to be addressed before the Council can determine whether it is supportive of this particular scheme.
- 10.2. Most significantly, concerns regarding infrastructure provision, employment floorspace, connections to the Green Wedge network and commitments to achieving sustainable mode share targets need to be addressed.
- 10.3. It should therefore be noted that this response does not preclude Harlow Council from making further comments to support decision making on this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Bramidge', with a stylized flourish at the end.

Andrew Bramidge

Head of Environment & Planning

Tel: 01279 446867

e-mail: mark.philpott@harlow.gov.uk

Appendix 2

Analysis of Application - Key Issues for Harlow

A) Process Issues

Harlow Objectives	Background Notes	RAG Rating	Current Position
<p>1. Proposed 'commitments' and 'strategies' secured in planning conditions (PCs) and obligations (POs), with obligations offered by the applicant clearly defined before decision)</p>	<p><u>Requirement set out in:</u></p> <p>HGGT 'How To' Guide for Planning Obligations, Land Value Capture and Development Viability (Guidance Note: 01/20190417)</p> <p>HGGT Memorandum of Understanding - The cross-boundary Approach to the Consideration and Determination of Outline Planning Applications for the Gilston Area Allocation and the Detailed Planning Applications for the River Stort Crossings (April 2019)</p> <p><u>Background</u></p> <p>To date it has been assumed that all the applications for the Gilston area development should be determined together. This would facilitate co ordination and the essential comprehensive development and HIG outcomes. To consolidate this approach a single planning agreement for V1-7, with appropriate HIG / RIF links and all relevant partner sign up (potentially including HDC) has been sought.</p> <p>To achieve this objective, clarity about the PC / POs that can be agreed is essential before application determination.</p> <p>There are process / precedent / planning obligation template risks for other HGGT developments.</p>	<p>RED</p>	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> • There are still many fundamental uncertainties about what PCs/ POs the applicant is prepared to agree (See section 2 of the Table) • It is unclear, as a result of the continuing lack of a landowner MoU or any similar agreement, how a permission can ensure comprehensive development is achieved with V7 development proposals • Lack of clarity in respect to POs affects the HIG / RIF arrangements • It may no longer be feasible to achieve the objective of determination of all the applications together in the way originally intended and at the same time maintain important overall HGGT timing imperatives, particularly ensuring the timely delivery of HIG projects <p><u>Suggested actions</u></p> <ul style="list-style-type: none"> • Offer support to the LPA in attempts to progress this application on the basis of a 'minded to approve, subject to' resolution. This necessitates inclusion of an unambiguous / detailed Heads of Terms (HoTs) schedule in reports to the LPA decision committee. This schedule should be developed collaboratively through the HGGT Partnership and backed with written commitment from the applicant. A resolution to grant permission should not be contemplated without this • Indicate a clear expectation that any post 'minded to approve' decision work on drafting of the details of the planning agreement should be subject to an assumption that it will be LPA led and will implement the Heads of Terms as approved. A 'sunset ' clause (time limit) should be set by the LPA • Indicate that, given the position on the V1-6 application, it is now considered necessary to progress the CSC / ESC applications separately to allow progress against the HIG timetable (which is dependent on early action on land acquisition, including potential compulsory purchase - this requires a planning permission for the CSC/ ESC) These applications are not impacted by the substantive issues

			outstanding on the V1-6 application, that primarily relate to the adequacy of POs
2. Comprehensive, phased, development across landownerships achieved via planning conditions and obligations	<p><u>Requirement set out in:</u></p> <p>EHLP Policy GA1, GA2</p> <p>EHDC Gilston Concept Statement (Guidance)</p> <p><u>Background</u></p> <p>See Background to 1.above.</p> <p>EHDC Letter / Notes on Comprehensive Development and Phasing issued to applicant (and V7 applicant) in June 2020 – this promotes important principles endorsed by HDC.</p> <p>EHDC has continually pressed this issue with the applicants, but with very limited response / success.</p> <p>There are process template / precedent risks for HGGT – other developments.</p>	RED	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> • The V1-6 application alone cannot secure appropriate housing development and infrastructure / community facility phasing arrangements with V7 • A formal, published, Memorandum of Understanding (MoU) between landowners was proposed by the LPA / HGGT Partnership as a first step to coordination, but this has not been achieved. There appears to be absolutely no formal agreement between landowners on approach to the development • The applicant has not agreed with the LPA and the V7 applicant to progress a single planning agreement for the whole GA. There is no offer of , or acceptance of the need for, consistent approaches on many of the substantive PC/PO issues for Harlow (see Section 2 of the Table) • There is a high likelihood that, without resolving the points above, planning harm will result from this position
3. Master planning and Reserved Matters application / detail design coding process secured via planning conditions / obligations	<p><u>Requirement set out in:</u></p> <p>EHLP Policy GA1</p> <p>EHDC Gilston Charter</p> <p><u>Background</u></p> <p>Collaborative master planning with formal LPA approval <u>after</u> Outline Planning Permission (OPP) is unusual and cannot be enforced as part of a routine statutory reserved matters process.</p> <p>The HGGT Quality Review Panel (ORP) critique indicated this could create uncertainties and adverse implications for HGGT expectations on process and outcomes.</p> <p>A different approach (a Development Plan requirement for master planning before OP Application) is proposed for other HGGT major development sites (with in HDC area and for Epping Forest DC).</p>	GREEN	<p>The applicant appears fully committed to this objective, though detail is not yet available in proposed PCs/POs. HDC view is that POs are essential to ensure this process is secured and workable.</p> <p>HDC welcome the opportunity to continue to work, as part of the HGGT Partnership, with the applicant to support future stages of the planning process.</p>
4. HDC and HGGT influence in	<u>Requirement set out in:</u>	AMBER	<u>Points of concern</u>

<p>ongoing development process (through the planning agreement and by participation in a next stage Planning Performance Agreement - PPA with the LPA and applicant; to cover master planning, reserved matters applications and implementation of the planning agreement)</p>	<p>HGGT Memorandum of Understanding - The Cross-Boundary Approach to the Consideration and Determination of Outline Planning Applications for the Gilston Area Allocation and the Detailed Planning Applications for the River Stort Crossings.(April 2019)</p> <p><u>Background</u></p> <p>HGGT Partnership provides an excellent informal basis for decision making. EHDC have fully embraced this. However the way in which detailed arrangements are set for the implementation stage are important to the future of HGGT and the Partnership.</p>		<ul style="list-style-type: none"> • Collaboration and consultation on master planning and Reserved Matters applications decisions and other implementation matters will ultimately depend on the HGGT Partnership and applicant approach to the planning agreement (see 3. above)
---	--	--	---

B. Substantive Issues

Harlow Objectives	Background Notes	RAG Rating	Current position
<p>1. HGGT Infrastructure Delivery Plan (IDP) - as the most up to date evidence of infrastructure need relevant to GA - secured, including with effective use and recycling of available Government support funding - the Housing Infrastructure Grant (HIG) and related Rolling Infrastructure Fund (RIF)</p>	<p><u>Requirement set out in:</u></p> <p>EHLP Policies GA1V i/j GA2</p> <p>HGGT Key Principle 'integrated transport and viable alternatives to cars'</p> <p>HGGT IDP</p> <p><u>Background:</u></p> <p>Applicant commitment; <i>'Promote and encourage sustainable travel to achieve mode share targets', 'Provide high quality walking and cycling as well as bus routes within the site', 'Provide the Central Stort Crossing that forms part of the Sustainable Transport Corridor as soon as practicable within the build out of the development', 'Provide a segregated walking and cycling route from Village 1 to Burnt Mill Roundabout including a bridge over the A414', 'Provide the Eastern Stort Crossing including a segregated walking and cycling route at the appropriate time during the build out of the development; 'Close Pye Corner to through traffic once the eastern Stort Crossing is open to traffic', 'Provide funding for a northern access to Harlow Town station to allow the feasibility design and, if proven feasible, the implementation of the scheme and associated walking and cycling improvements to Burnt Mill Lane'</i></p> <p>The availability of HIG eases developer cash flow for the major transport schemes. This should facilitate agreement of POs on funding and effective, early, delivery. However the HIG timetable introduces urgency and dependency to the programme for grant of planning permission for CSC / ESC (see A 1. above).</p> <p>Recovery of HIG funding assistance to RIF is critical for HGGT projects.</p>	<p>AMBER</p>	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> • Overall commitment by the applicant to developer funding of all the transport infrastructure necessary to facilitate the development is not yet clear • In particular there appears to be no developer funding for STC network, which is integral to the CSC plans (ECC implemented schemes) • The applicant is indicating that if HIG is to be used, their repayments to RIF should be reduced to an extent lower than is justified by the traffic loads linked to the development. This is not the role of HIG, which has been awarded to unlock the development through forward-funding, not to subsidise it through gap funding • There is no agreement on the dwelling number caps that will incentivise / enforce the phased provision of transport infrastructure (main schemes to be directly implemented by the developer). Planning harm could occur if the LPA has no ability to enforce • Transport modelling showing traffic impact at various points during implementation (especially at dwelling number caps) and judging severity / acceptability, has not been finalised and approved by the HAs. There is limited time now available for this work • The absence of caps and lack of certainty around delivery of infrastructure seem likely to contribute to continued well justified HA concerns about the planning applications • Non transport aspects of the IDP related to GA are not certain to be delivered <p><u>A more detailed analysis of the applicants current position on implementation of the HGGT IDP is set out separately (Appendix 3 to the report)</u></p> <p><u>Suggested actions</u></p> <ul style="list-style-type: none"> • Clearly define final applicant offer in PO Heads of Terms (HoT) to enable decision, with outstanding points of concern taken into account in judging policy compliance and the overall planning balance. This should be based on the LA PO Instructions setting out / detailing the LA Partner position, already issued
<p>2. 'Commitments' and 'strategies' secured - a)</p>	<p><u>Requirement set out in:</u></p> <p>EHLP Policies GA1 Vi/j</p> <p>HGGT Key Principle 'integrated transport and viable alternatives to cars'</p>	<p>AMBER</p>	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> • Monitoring and management aspects of travel planning are not yet well defined or agreed • Bus service plans proposed by the applicant have been indicated by the

<p><u>Sustainable transport</u></p>	<p><u>Background:</u></p> <p>Applicant commitment; <i>'Promote and encourage sustainable travel to achieve mode share targets', 'To provide pump priming for bus services during the early stages of the scheme build out with the aim of providing an ultimate frequency of a bus every 10 minutes between the development, the rail station and the town centre'; 'To appoint a Travel Plan Co-ordinator before first occupation of the development and to fully fund implementation of the Travel Plan'; 'To monitor the effectiveness of the Travel Plan and provide additional funding for sustainable travel plan measures if the Garden Town target of 60% of travel by sustainable modes is not otherwise achieved', 'To liaise with local communities over the impact of the proposals and to provide an Unforeseen Impact Fund to address any issues identified'</i></p> <p>Encouraging travel by public transport, walking and cycling has been a central concern for HGGT.</p> <p>The applicant appears generally committed to implementing sustainable transport measures (journey reduction / bus / walk / cycle). The application deals effectively with the design of on site transport infrastructure, including access points, to facilitate this.</p>		<p>Highway Authority as inadequate</p> <ul style="list-style-type: none"> Funding arrangements remain very unclear. This is particularly important in respect of the bus service plan, as a substantial pump priming subsidy will be required to deliver the quality, frequency and duration that encourages the levels of usage necessary to achieve HGGT travel targets <p><u>Suggested actions</u></p> <ul style="list-style-type: none"> Clearly define final applicant offer in PO Heads of Terms (HoT) to enable decision, with outstanding points of concern taken into account in judging policy compliance and the overall planning balance. This should be based on the LA PO Instructions setting out / detailing the LA Partner position already issued
<p>'Commitments' and 'strategies' secured -</p> <p><u>b) Housing</u></p>	<p><u>Requirement set out in:</u></p> <p>EHLP Policies GA1 V a/b/c/d HOU3</p> <p>HGGT Key Principle 'balanced, diverse and functional communities'</p> <p>HGGT Study / Advisory Document 'Housing Plan' still in process</p> <p>HGGT Expression of Interest (October 2016) the scale and impact of HGGT strategic growth 'enables greater social mobility'</p> <p><u>Background:</u></p> <p>Applicant commitment; <i>'Deliver a wide range of housing types and sizes to meet the diverse housing need requirements', 'Delivering Homes for All – a mix of types and tenures to meet the needs of the whole of the community, from young to old, families to singles and with support for those that need it', '40% affordable housing – meeting the Council's policy target and also providing a greater range of affordability and options to rent or buy to ensure homes are genuinely affordable to a range of people's circumstances', 'Local priority – ensuring local people can access market and affordable homes', 'Early delivery of extra care and supported housing to support more vulnerable residents'</i></p> <p>The applicant's affordable housing (AH) offer of 40% overall is policy</p>	<p>AMBER</p>	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> The applicant's proposed AH tenure / type mix is not clearly defined / agreed. It is only presented as a wide range of possibilities rather than a default mix It is suggested that tenure / type mix will be fixed through future local housing needs studies and variations initiated by the landowner AH provision is proposed as secured only by relatively 'weak' village by village occupation 'caps' (i.e. the landowner is prevented from building further private housing if provision is not made). There is no 'strong' land value / transfer default mechanism to incentivise appropriate provision and secure 'free' land value parameters for AH if this does not happen AH nomination rights at an appropriate level are not clearly secured from the outset of development An overall AH needs assessment / nominations / allocations procedure, with a bespoke approach to creation of a new community and its integration with HGGT, is not proposed Nomination arrangements are proposed as subject to future village by village scheme negotiation. There appears to be an assumption that existing EHDC allocations procedures will apply. This might be acceptable if these procedures had been updated to take account of the HGGT vision and need for social mobility. However, this is not currently the case There is currently no protocol or procedure for HDC resident nominations either through the PO or through arrangements with EHDC, this could seriously undermine the HGGT Vision for social mobility

	<p>compliant and recognised as a significant planning benefit. It appears the landowner may be proposing an element of provision that equates to 'social rented' (rents related to Local Housing Allowance rates, as opposed to Government defined affordable rent). This is also a significant benefit.</p>		<p><u>Suggested actions</u></p> <ul style="list-style-type: none"> Clearly define final applicant offer in PO Heads of Terms (HoT) to enable decision, with outstanding points of concern taken into account in judging policy compliance and the overall planning balance Issue LA PO Instructions setting out / detailing the LA Partner position (a suggested Protocol and Procedure for Nominations has been put forward to the LPA by HDC)
<p>'Commitments' and 'strategies' secured -</p> <p>c) <u>Employment</u></p>	<p><u>Requirement set out in:</u></p> <p>EHLP Policy GA1 Vg</p> <p>HGGT Vision Key Principle 'the right work spaces'</p> <p>HGGT Employment Commission (Hardisty Jones Consultancy)</p> <p>LPA Partner 'Note' setting out current problems issued</p> <p><u>Background:</u></p> <p>Applicant commitment; <i>'Delivery of flexible local employment space across specific villages', 'Maximising opportunities for local business, existing and new, within the development', 'Supporting the growth of Harlow's Enterprise Zone, which is creating modern business space for businesses in the ICT, Advanced Manufacturing and Life Science sectors that will ultimately employ 5,000 workers', 'Supporting the local firms to tender for opportunities, including allowing partnerships to access works packages – so small firms can still benefit'</i></p> <p>The HGGT Employment Commission suggests a pragmatic approach to this issue that tries to accommodate some of the applicant's need to address limited current commercial demand in the short term and flexibility for long term provision.</p> <p>This Employment Commission does however confirm the importance of making a firm long term commitment to employment land /premises provision because that can help:</p> <ul style="list-style-type: none"> balance very substantial population growth with job opportunities deliver a variety of local employment land / premises opportunities to complement larger scale (including EZ) options in Harlow create genuine mixed use developments in line with Garden Town principles provide work options that minimise the need to travel; in this case including into Harlow's town centre and employment areas achieve a clear Development Plan objective of reserving land in 	<p>RED</p>	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> The quantity of land and floor-space proposed does not meet the minimum Development Plan requirement and therefore cannot be considered policy compliant A substantial part of any provision is envisaged as deferred to beyond the Development Plan period (to 2033). This a departure from the Development Plan which identified the employment provision as contributing to the District's share of land requirements to meet the economic market area needs to 2033 There is no agreed strategic approach to employment land provision with V7 and this impacts on above 'Reviews' of need are proposed for large elements (possibly all) of provision. This would result in an option to convert employment land provision to other uses (probably residential). This is likely to make it very difficult to ensure that much of the employment land is provided at all Locations and forms of provision are not sufficiently defined (e.g. village centres / free standing) and this makes it difficult to secure provision through a long term land reservation in PCs / POs (including by reference to an approved land use budget - with specific land areas - and parameter plan designations) There is no agreement that provision depends on realistic expectations of land value and possibly pump priming / subsidy arrangements at the outset There is no consideration of how the employment land premises might be used as income generating assets to support community based stewardship (see 6.below) <p><u>Suggested actions</u></p> <ul style="list-style-type: none"> Clearly define final applicant offer in PO Heads of Terms (HoT) to enable decision, with outstanding points of concern taken into account in account in judging policy compliance and the overall planning balance Issue LA PO Instructions setting out / detailing the LA Partner position (a suggested approach to long term reservation of employment land opportunities has been put forward to the LPA by HDC)

	the largest HGGT growth location, because it is the development most conducive to accommodating the required scale and location of planned land reservations.		
<p>‘Commitments’ and ‘strategies’ secured -</p> <p><u>d) Energy</u></p>	<p>Requirement set out in:</p> <p>EHLP Policies GA1 III DES4</p> <p>HGGT Key Principle ‘using technology in energy generation and conservation’.....</p> <p>EHDC Sustainability Guidance</p> <p>HGGT draft Sustainability Checklist and Guidance</p> <p><u>Background:</u></p> <p>Applicant commitment; <i>‘Ensuring environmental sustainability principles are embedded at all stages of our decision-making process, from design, procurement, implementation, operation and stewardship’; ‘To ensure Gilston Park Estate is highly energy efficient, reduces carbon emissions in the long-term and provides an environment where a low carbon lifestyle can be combined with enhanced quality of life’; ‘Innovations in design and construction to ensure all homes are built to the highest quality standards and are cost-effective to run’; ‘Ensuring homes are built to the highest standards of fabric energy efficiency, to ensure they are dry, warm and affordable to heat, and explore innovation and best practice on design for health and wellbeing (e.g. Happy by Design)’</i></p> <p>An Energy Strategy has been submitted by the applicant as an illustrative document, but specific proposals arising from this are not evident.</p>	RED	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> The proposals appear to envisage reliance on a natural gas supply to the development (in conflict with current Government strategy) On individual building energy performance, only minimum Building Regulation levels are offered The energy strategy does not appear to suggest any specific commitment to implementation through site master planning and design. This is important as site planning influences overall design expectations in respect of orientation, layout, density and detailed design of buildings, including housing types provided, particularly terraced forms <p><u>A more detailed analysis of the applicant’s current energy strategy position in relation to the draft HGGT Sustainability Checklist and Guidance is likely to be prepared by HGGT team / specialist advisors</u></p> <p><u>Suggested actions</u></p> <ul style="list-style-type: none"> Clearly define final applicant offer in PO Heads of Terms (HoT) and controls/processes through POs to enable decision, (noting that the long term delivery of the site must allow for improvement and new technologies and practices), with outstanding points of concern taken into account in judging policy compliance and the overall planning balance Issue LA PO Instructions setting out / detailing the LA Partner position (a suggested PO approach to addressing this issue through a voluntary commitment to flexible standards has been put forward to the LPA by HDC with HGGT assistance. Both EHDC and HGGT have published guidance that addresses this issue)
<p>‘Commitments’ and ‘strategies’ secured -</p> <p><u>e) Community facilities stewardship</u></p>	<p>Requirement set out in</p> <p>EHLP Policy GA1 III, Vg and VI</p> <p>HGGT Overarching Principle ‘stewardship’ and Key Principle ‘enhancing the Green Belt and green wedge network’ (substantial open land maintenance liabilities)</p> <p>HGGT Study on Stewardship (Arup Consultancy) Unpublished</p> <p><u>Background</u></p> <p>Applicant commitment; <i>‘Implementing the Governance Strategy that will</i></p>	RED	<p><u>Points of concern</u></p> <ul style="list-style-type: none"> The applicant’s strategy in relation to the LA public realm adoption position is unclear. This has significant implications as the community stewardship arrangement may need to take responsibility for most residential streets LA feedback suggesting the need for a single capable and well funded body that can offer greater reliability and coherence for community led management (with the professional support needed and economies of scale), has not been accepted The alternative, which appears to involve village by village quasi-management companies, charging residents for services is not clearly defined or agreed The principles and terms of land transfer to a community body and property holding arrangements have not been detailed or agreed

	<p><i>empower existing and new residents to make decisions on the management of the new community’, ‘Agreeing long-term, legally binding and enforceable Governance arrangements for the community assets within the Gilston Area as part of the Planning Permission’, ‘Parklands and open space will be covered by a ‘triple lock’ of planning policy, restrictions in the planning permission and the transfer of land at the end of the development so that local people have ownership and control of their use in the future’, ‘The establishment of ‘Village Bodies’ for each of the six villages and a ‘Strategic Community Body’ for whole development to oversee long term Governance’, ‘Membership of the Strategic Community Body will include the current parishes and the new villages and therefore be accountable to local people’, ‘A Shadow Board will be established early in the process to ensure that residents can influence the development of the Landscape Masterplans and Village Masterplans and identify ‘early wins’ – projects of benefit to the community’, ‘A community Re-Investment Approach will be adopted which captures land value to invest £650 million in infrastructure and community assets to support the development’, ‘Business Plans will be produced to ensure that all community assets have identified and funded stewardship arrangements, including transfer to community bodies’, ‘Transparent reporting and monitoring arrangements will be established to ensure that commitments are delivered and developers are accountable’</i></p> <p>Detailed governance proposals; based on individual village community bodies and an overarching strategic organisation to hold and manage community land, have been put forward by the applicant. These could accord with HGGT recommendations/ guidance, which suggests establishment of a Community Trust and Community Interest Company. The applicant is initiating a ‘shadow’ steering arrangements involving EHDC and existing community interests, including the parish councils.</p> <p>There are, as yet, no specific proposals on stewardship itself.</p> <p>HGGT’s study of stewardship and governance sets a clear requirement for governance, but does not address practical planning permission requirements around stewardship, especially on liabilities, resident charges and business planning for viability. The LPA has advised the applicant that this must be considered as part of the POs.</p> <p>This is a high risk area for all LA partners as they will always be seen as responsible for any legacy problems and organisational failures. Issues of leased residential property, with management companies /charging and infrastructure / public adoption failures have been nationally problematic in recent years.</p> <p>LA partners must be mindful of potential future administrative boundary changes, or administrative structure changes, such as Unitaries when</p>	<ul style="list-style-type: none"> • The need for a strong and effective backstop mechanism in case of failure of the community body has not been considered and agreed (this would probably involve the LA some way, usually through land ownership and long leasehold control) • The applicant is beginning to create a framework inventory of land with liabilities that will be transferred to a community body for future management (e.g. public open spaces, sustainable drainage features, sports facilities, community buildings, some roads and routes), but this has not been shared with the LAs. As a result there is as yet no understanding of the scale of liabilities • There is no approach to creation, maintenance, renewal and management specifications for liabilities (and potentially assets). This requires a standardised specification and maintenance standards document • There is no indication of the proposed outline business plan for the community body (bodies), thus making it impossible to establish an adequate approach and financial provisions in POs • There is no indication of how the landowner will create and use income earning community assets as part of the development property portfolio, giving some balance in business planning. This has important implications for the use of management companies and charges to residents. It also affects the future of village centre properties and employment land and premises • There is no agreed, consistent, approach with V7 and this potentially complicates future arrangements • Adoption and related stewardship arrangements affect the method of providing crucial digital infrastructure and there is as yet no evident strategy for this. This is an important issue for overall HGGT economic development aims and should be the subject of an appropriate strategy secured in POs <p><u>Suggested actions</u></p> <ul style="list-style-type: none"> • Clearly define final applicant offer in PO Heads of Terms (HoT) to enable decision, with outstanding points of concern taken into account in judging policy compliance and the overall planning balance • Issue LA PO Instructions setting out / detailing the LA Partner position (a suggested approach to stewardship POs in a HGGT context including delivery of village centres and reservation of employment land has been put forward to the LPA by HDC) • LAs to further consider, through the HGGT partnership, the appropriate position on potential backstop arrangements, including land /property transfer and holding
--	--	---

	<p>considering developments close to borders, as they may be required to inherit arrangements.</p> <p>The LAs have not fully considered what, if any, role they should take in providing a 'backstop' in case of future failure of a community body. There are corporate and property implications.</p>		
--	---	--	--

Appendix 3

Extracts from application amendment submission document 'Village Development Addendum Report', with HDC comment

Appendix 8 Gilston Park Estate - IDP Response

This note has been prepared to summarise Places for People's response to the requirements of the HGGT Infrastructure Delivery Plan. The table below identifies those infrastructure items from Appendix A of the IDP that have been assigned to Gilston Park Estate and explains Places for People's proposed response

IDP Ref	IDP Infrastructure Item	IDP Full Cost (£m)	Identified funding (£m)	IDP Cost to be apportioned (£m)	IDP Allocation to PFP (£m)	IDP Funding Gap (£m)	PfP Response	HDC RAG Rating of Position / Comment
TR9	Velizy / Second Avenue	£10,000,000	£100,000	£9,900,000	£4,805,825	£0	This item, which includes ped and cycle crossing works, would form part of the wider STC and would therefore be included in any STC contribution. It is assumed that this item is double counting of the STC item below. No specific contribution is proposed to be provided from Gilston Park Estate.	This is part of the wider HGGT transport requirement, but is not double counting. This is a well justified IDP proportional contribution.
TR17	A414 Edinburgh Way/Howard Way	£7,000.00	£0	£7,000,000	£5,950,000	£0	The costings for this scheme have not been provided and the proposed scale seems high. The IDP currently attributes 100% of the cost to the Gilston Area, however, based on flow apportionment this is not justified. Further details are to be provided from HGGT and discussed as part of the S106 negotiations.	It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination. This is a well justified IDP proportional contribution.
TR18	Amwell Roundabout	£4,200,000	£0	£4,200,000	£3,570,000	£0	Vectos has developed an alternative scheme that mitigates the impact of the Gilston Area with a cost significantly below that identified in the IDP. Furthermore, flow analysis would show that this cost could be allocated across other developments albeit the majority is likely to be to Gilston Area. Matter to be discussed as part of the S106 negotiations.	It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination.

								<p><i>This is a well justified IDP proportional contribution.</i></p> <p><i>The HA design and costing for this scheme are the clear requirement and they should not be redesigned by the applicant.</i></p>
TR19	CSC	£36,200,000	£0	£36,200,000	£30,770,000	£0	<p>The planning application proposes improvements and widening to existing crossing to create the CSC. It is the applicant's view that the crossing will benefit existing Harlow residents, as well as the other growth locations around Harlow, and therefore contributions should be made by others beyond the Gilston Area. Matter to be discussed as part of the S106 negotiations.</p>	<p><i>It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination.</i></p> <p><i>This is a well justified IDP proportional contribution.</i></p> <p><i>Note in the IDP this item includes a comprehensive package of measures:</i></p> <p><i>'Central access to Gilston (Village 1) including Eastwick junction improvements with bus priority, provision of new walking/cycling bridge over A414, widening of 5th Avenue to create sustainable transport corridor including works to the bridges, and improved access to Harlow Town Station from the north'</i></p> <p><i>The northern access to Harlow Town Station is of particular importance to HDC. This is currently largely uncommitted in PO proposals put by the applicant</i></p>
TR20	ESC	£92,840,000	£0	£92,840,000	£45,912,264	£0	<p>The planning application proposes a new ESC. The crossing will support housing and employment growth across the Harlow area, both within and beyond the plan period. The cost of the item therefore needs to be shared proportionately across all growth locations. Matter to be discussed as part of the S106 negotiations</p>	<p><i>It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination.</i></p>

								<p>This is a well justified IDP proportional contribution.</p> <p>It should be noted that a HA traffic model based reassessment of appropriate, proportional, contributions to this major scheme has now been undertaken. This further details the justification for the developer contributions sought.</p>
TR21	Village 2 Access	£2,159,000	£0	£2,159,000	£2,159,000	£0	<p>This forms an inherent part of the planning applications. No additional financial contribution is required.</p>	<p>This is not a requirement for a separate financial contribution, but it is a requirement for in kind provision.</p> <p>The adequacy of the application proposals to meet IDP requirements (including specification, cost provision and timing of construction) is relevant and must be secured in POs. This is not so far agreed.</p> <p>The amendment application amendments have considerably improved the access /internal circulation scheme principles and designs.</p>
TR22	Village 1 Access	£13,240,000	£0	£13,240,000	£13,240,000	£0	<p>This forms an inherent part of the planning applications No additional financial contribution is required</p>	<p>This is not a requirement for a separate financial contribution, but it is a requirement for in kind provision.</p> <p>The adequacy of the application proposals to meet IDP requirements (including specification, cost provision and timing of construction) is relevant and must be secured in POs. This is not so far agreed.</p> <p>The amendment application amendments have considerably improved the access /internal circulation scheme principles and designs.</p>
TR24	STC between Villages 1-6 and 7	£10,350,000	.. £0	£10,350,000	£8,797,500	£0	<p>This forms an inherent part of the planning applications. No additional financial contribution is required.</p>	<p>This is not a requirement for a separate financial contribution, but it is a requirement for in kind provision.</p> <p>The adequacy of the application proposals to meet IDP requirements (including specification, cost provision and timing of construction) is relevant and must be</p>

								<p>secured in POs. This is not so far agreed.</p> <p>The amendment application amendments have considerably improved the access /internal circulation scheme principles and designs.</p> <p>There is a significant outstanding issue on this item; timing of delivery and cost apportionment between this application and V7 proposals. This relates to the current poorly developed position on comprehensive development and coordination, which is identified in HDC's general comments as a serious issue for this application.</p>
TR28	Harlow STCs and Town Centre Transport Hub	£157,161,083	£0	£128,911,083	£63,750,536	£28,250,000	<p>The costings and evidence for this scheme have not been provided. The STCs will support housing and employment growth across the Harlow area, both within and beyond the plan period. The cost of the item therefore needs to be shared proportionately across all growth locations relative to impact. Contribution to the Town Centre Transport Hub is not considered appropriate, especially in light of Transport Hubs being provided within Gilston Area. Matter to be discussed as part of the S106 negotiations.</p>	<p>It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination.</p> <p>This is an IDP proportional contribution.</p> <p>This item is fundamental to the HGGT approach to transport. It is to be seen as a single piece of infrastructure with a central hub used by all in the Town Centre. The PfP response is a major concern.</p>
TR32	Off-road cycle and walking Village 6 to Pinnacles	£600,000	£0	£600,000	£600,000	£0	<p>At this stage, this scheme is not considered feasible due to land ownerships, flooding and need to cross the rail line. No additional financial contribution is necessary.</p>	<p>This is a small but important aspect of the overall HGGT transport approach. The feasibility issues should be investigated further as part of scheme design and specification, but the response cannot be accepted.</p>
TR33	Public and active transport support for Garden Town Active Travel	£7,317,195	£0	£7,317,195	£3,527,602	Unknown	<p>PfP have committed to fund the Travel Plan rather than make a contribution. Discussions on the Travel Plan are ongoing with the highway authorities. No additional financial contribution is necessary.</p>	<p>This is a crucial item within the overall HGGT transport approach. The current position on POs is very unclear in the application proposals. It may be acceptable to set out a GA specific arrangement, rather than a contribution to a wider scheme for HGGT, but</p>

	Plan							<p>the measures and level of investment must match the IDP. The LAs have made specific proposals to cover this item but they have not been accepted by PfP.</p> <p>This item is fundamental to the HGGT approach to transport and the PfP response is a major concern.</p>
TR34	Pump-priming of new bus services in Gilston Area	£18,900,000	£0	£18,900,000	£16,065,000	£0	<p>PfP has submitted a Bus Strategy which is being discussed with the highway authorities to determine the scale of contribution necessary. Matter to be discussed as part of the S106 negotiations.</p>	<p>This is a crucial item within the overall HGGT transport approach. The current position on POs is very unclear in the application proposals. The LAs have made specific proposals to cover this item but they have not been accepted by PfP.</p> <p>It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination.</p> <p>This is an IDP proportional contribution.</p> <p>This item is fundamental to the HGGT approach to transport and the PfP response is a major concern.</p>
ED4	Childcare facility Villages 1-6	£4,024,350	£0	£4,024,350	£4,024,350	£0	<p>The planning application allows for up to 300sqm GEA per village for childcare facilities. No additional financial contribution is required</p>	<p>The application amendments have considerably improved the detail of childcare / education and related community facility provision measures and related detail is emerging.</p> <p>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial contributions.</p> <p>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in</p>

								POs. This is not so far agreed.
ED18	17FE of primary education	£74,071,820	£0	£74,071,820	£62,961,047	£0	In total, alongside the Village 7 application, an allowance is made for up to 20FE of primary education provision. No additional financial contribution is required	<p>The amendment application amendments have considerably improved the detail of childcare / education and related community facility provision measures and PO detail is emerging.</p> <p>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial contributions.</p> <p>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</p>
ED19	Additional safeguarded 3FE of primary education	£11,450,464	£0	£74,071,820	£9,732,895	£0	(As above)	<p>The application amendments have considerably improved the detail of childcare / education and related community facility provision measures and PO detail is emerging.</p> <p>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial contributions.</p> <p>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</p>
ED23	8FE secondary education	£38,303,512	£0	£38,303,512	£32,557,985	£0	In total the scheme makes an allowance for up to 20FE of secondary education provision. No additional financial contribution is necessary.	<p>The application amendments have considerably improved the detail of childcare / education and related community facility provision measures and PO detail is emerging.</p> <p>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial</p>

								<p>contributions.</p> <p><i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i></p>
ED24	9FE secondary school	£45,539,274	£0	£45,539,274	£36,158,383	£0	(as above)	<p><i>The application amendments have considerably improved the detail of childcare / education and related community facility provision measures and PO detail is emerging.</i></p> <p><i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial contributions.</i></p> <p><i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i></p>
ED25	Additional safeguarded 3FE secondary education	£12,707,287	£0	£12,707,287	£10,801,194	£0	(as above)	<p><i>The application amendments have considerably improved the detail of childcare / education and related community facility provision measures and PO detail is emerging.</i></p> <p><i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial contributions.</i></p> <p><i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i></p>
ED26	SEN provision	£11,000,000	£0	£11,000,000	£5,286,966	£0	Appropriate facilities for Special Educational Need will be made available in the Village Development within school sites, capacity for which	<p><i>The application amendments have considerably improved the detail of childcare / education and related community facility provision measures and PO detail is</i></p>

							will be met within the maximum education and community floorspace allowance in the planning applications. No additional financial contribution is necessary.	<p>emerging.</p> <p><i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial contributions.</i></p> <p><i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i></p>
HE3	Contribution to healthcare	£44,993,300	£0	£44,993,000	£21,625,278	£0	<p>The planning application includes an allowance of 74,200sqm for education and community floorspace. A main health centre will be provided within the scheme, either within Village 1, or if required and agreed with the health authority, as two smaller facilities across Villages 1 and 4. The format, location and size of the facilities will be determined following discussions with the health authority within Village Masterplans and/or in Reserved Matters Applications. Village 7 also allows for up to 2,500 sqm of D1 for healthcare to be provided if needed. This total floorspace across the Gilston Area is well in excess of what the CCGs are likely to need to provide primary healthcare services, even if a large multi-speciality health practice is brought forward, and it can therefore accommodate other health services. PfP has submitted a Health and Wellbeing Strategy in support of the outline application. This sets out a Health and Wellbeing Vision which includes measures to support the health of future residents through: - the types of housing on offer, through independent living and step-down care options; - the provision of a wide range of sports and recreation opportunities; - supporting active travel; - facilitating partnership working between health</p>	<p><i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for appropriate in kind provision. This may need to include priority access to land / premises at costs that make high quality provision feasible. There is an important linkage to the general arrangements for village centre delivery and long term stewardship, (in this instance particularly in V1).</i></p> <p><i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed. It is certainly not adequate to refer to a very general well being strategy that will have no legally enforceable commitments attached and to defer all considerations to a voluntary applicant commitment at RM stage.</i></p>

							providers and stakeholders. This vision is focussed on prevention of ill health and supporting healthy lifestyle choices. These objectives align with those of the CCG and of the PAHT, who will be aiming to reduce pressure on hospital beds and reduce the need for acute and emergency services. High level discussions on this topic took place between PfP and PAHT in 2018/2019 and the idea was well received. Given the floorspace provided within the application and the commitments set out in the Health and Wellbeing Strategy which will be bound into any planning permission granted, no additional financial contribution is necessary.	
ES1	Emergency services hub	£6,000,000	£0	£3,000,000	£1,483,593	£3,000,000	The application includes an allowance of 1,600sqm GEA for police, fire and ambulance space. The application also includes up to 29,000sqm of employment space part of which could potentially be utilised as an emergency services hub subject to agreement of acceptable commercial terms. No additional financial contribution is necessary.	<i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for appropriate in kind provision. This may need to include priority access to land / premises at costs that make high quality provision feasible. There is an important linkage to the general arrangements for village centre and employment land delivery and long term stewardship, (in this instance particularly in V1).</i> <i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i>
ES2	Joint police custody facility	£25,000,000	£0	£12,500,000	£6,181,638	£12,500,000	The police service have not provided a scope or estates strategy that sets out what type of facility will be required (if any at all). If a significant facility is required (such as a custody facility) this is likely to involve the closure and relocation/consolidation of other services in the wider Herts/Essex area and we would expect some reinvestment of funds from the sale of that land/building into any facility built. No additional financial contribution is	<i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for appropriate in kind provision. This may need to include priority access to land / premises at costs that make high quality provision feasible. There is an important linkage to the general arrangements for village centre and employment land delivery and long term stewardship, (in this instance particularly in V1).</i>

							necessary.	<i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i>
CF6	Approx 3,120 sqm of community space	£6,929,520	£0	£6,929,520	£5,890,092	£0	As set out in the Placemaking Strategy community spaces are intended to be flexible and be able to meet a wide variety of arts and cultural needs as well as providing essential services. The Development Specification and Parameters have been drawn up with flexibility and sustainability in mind – facilities are intended to be: - Flexible, with more detail on their future uses to be agreed as part of the Village Masterplans and Reserved Matters Applications, - Adaptable (at different times of the day or over time), - Sustainable (providing a variety of services and needs so as to be resilient to changes in demand over time). With this in mind, the proposed provision is as follows: - Community Centre - Dedicated floorspace for community, social or faith based groups, likely in the form of a Community Centre (1,000sqm); - Youth Centre - Dedicated floorspace for youth activities, either co-located with or separate to the Community Centre (460sqm); - Flexible youth space – Floorspace to which young people will have dedicated access at set times of the week outside of school hours. This space will include facilities for arts/creative work and a sports and/or performance hall. This space could be provided within a school building or premises, or as part of another community facility (520sqm); - School Halls - Space has been provided to bring forward a primary school in every village, if it is needed. Halls in primary schools (totalling an estimated 1,080 sqm) and sports halls, halls and studios in Secondary	<i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for appropriate in kind provision. This may need to include priority access to land / premises at costs that make high quality provision feasible. There is an important linkage to the general arrangements for village centre and employment land delivery and long term stewardship.</i> <i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i> <i>The importance of considering joint use of buildings is acknowledged, particularly as this can make long term stewardship arrangements more manageable. Nevertheless this is another matter that must be explicitly provided for in the principles agreed as part of specific POs. These must deal with the different types of land / premises provision and related stewardship arrangements.</i>

							<p>Schools (totalling an estimated 1,940 sqm) will potentially be available for community use out of school hours; - Club houses, pavilions and leisure buildings - Associated with sport and recreation, this will include sports pavilions which will serve as a community meeting places and are likely to be suitable for event hire and the like (up to 3,000sqm); - Health - The amount of floorspace allocated of health across the Gilston Area is in excess of what the NHS/CCG is likely to require (as confirmed in the CCG's response to the planning application). Space not required for primary care use may be used for alternative appropriate community, health or leisure uses; and - Leisure Centre - A leisure centre, including a sports hall of up to six courts and three studios. The planning application therefore includes a sufficient allowance of space to meet the needs of the existing and new community, with flexibility for it to evolve over time as requirements and needs change. No additional financial contribution is necessary.</p>	
CF7	Youth provision	£490,455	£0	£490,455	£416,887.06	£0	<p>The application makes an allowance for dedicated youth space, as well as out of hours access to education floorspace. No additional financial contribution is necessary.</p>	<p><i>The application amendments have considerably improved the detail of childcare / education and related community facility provision measures and PO detail is emerging. Youth provision can be taken as included in this, particularly in respect of some joint use of school premises.</i></p> <p><i>This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including free land and possibly financial contributions.</i></p> <p><i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i></p>

CF8	Increased/approved capacity and library provision	£2,250,876	£0	£2,250,876	£1,913,244	£0	<p>No library space is currently proposed within the application, although a significant amount of flexible community floorspace is included in the application. Based on the latest library strategies from Essex and Herts CCs it is not clear where any off-site capital costs will be spent and therefore how they are justified. If a small on-site facility is requested by the community, which may be run with or by the community under the proposed governance structure, this could be accommodated within the wide range of community, education, health and leisure floorspace proposed.</p>	<p>The value of local community based provision is acknowledged. This may need to include priority access to land / premises at costs that make high quality provision feasible. The importance of considering joint use of buildings is acknowledged, particularly as this can make long term stewardship arrangements more manageable. There is an important linkage to the general arrangements for village centre delivery and long term stewardship.</p> <p>Nevertheless this is another matter that must be explicitly provided for in the principles agreed as part of specific POs. These must deal with the different types of land / premises provision and related stewardship.</p> <p>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</p> <p>Given the importance of specialist centralised provision in Harlow this is a matter that should also be addressed in terms of cross County boundary enhancement of such facilities.</p>
CF10	Contribution towards on site or off site public art	£1,768,500	£0	£1,768,500	£850,000	£0	<p>The planning application proposes significant enhancements to green space and new high quality areas of public realm. However, in addition the applicants will consider a planning obligation to contribute towards on or off site public art. Matter to be discussed as part of the S106 negotiations</p>	<p>Achieving high quality public realm is always necessary as part of the design approach to development. This is very different from this specific public art requirement, which links to Harlow's 'Sculpture Town' initiative / theme.</p> <p>It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination.</p>

CF11	Upgrades to sculpture trail leading to Harlow Town Station	£75,000	£0	£75,000	£36,047	£0	The application commits to making a financial contribution toward enhancements of the Stort Valley. Places for People will work with the Stort Catchment Partnership to assist deliver the enhancements, as described on Page 126 of the Landscape and Green Infrastructure Report. The Report explains the potential opportunities to deliver a sculpture trail as an extension of existing facilities which will be explored with the Partnership. No additional financial contribution is necessary.	As for CF 10 above. This requirement extends beyond the Stort Valley Park.
CF12	Playhouse Square development	£500,000	£0	£500,000	£240,317	£0	No details have been provided setting out what is proposed and its associated costings. Furthermore, as described in the various documents that support the planning application high quality design, art and sculpture trail form an inherent part of the scheme proposals. In the absence of any details, a contribution to the Playhouse Square development is not considered Reg 122 compliant.	The scale of the development is such that there is a direct and proportionate relationship to enhancements of Harlow Town Centre. It is disappointing that the applicant is not prepared to see the GA development in context, as reliant on, and seriously impacting on, the 'central place' of Harlow.
OS5	Approx 11.42ha of amenity greenspace at Gilston Villages1-6	£1,598,800	£0	£1,598,800	£1,598,800	£0	This forms an inherent part of the planning application. No additional financial contribution is required.	The application documents are clear in providing for high quality open spaces. It is accepted that on site open space and play provision, in all its forms, is an integral part of the application and that provision is to be secured through PCs and POs. It is incorrect to indicate that no additional financial contribution is required as provision must be made for all aspects of stewardship. This is likely to be costly and must be built into the economics of the development. Specific stewardship proposals are generally a missing element in the current application proposals. This is a serious concern. The arrangements for open space provision and stewardship have not yet been set out in agreed POs.

OS12	Approx 15.23ha of amenity greenspace (including parks and gardens) at Gilston Villages 1-6	£4,569,000	£0	£4,569,000	£4,569,000	£0	This forms an inherent part of the planning application. No additional financial contribution is required.	As for OS5 above.
OS19	Approx 60.93ha of natural and seminatural greenspace at Gilston Villages 1-6	£3,046,500	£0	£3,046,500	£3,046,500	£0	This forms an inherent part of the planning application. No additional financial contribution is required.	As for OS5 above.
OS27	Approx 4.76ha of children's play facilities	£3,498,600	£0	£3,498,600	£3,498,600	£0	This forms an inherent part of the planning application. No additional financial contribution is required	As for OS5 above.
OS35	Approx 5.71ha allotments	£142,750	£0	£142,750	£142,750	£0	This forms an inherent part of the planning application. No additional financial contribution is required.	As for OS5 above.
OS41	Stort Valley green infrastructure	£5,000,000	£0	£5,000,000	£4,250,000	£0	The Village Development planning application identifies potential enhancement opportunities to the Stort Valley as described on Page 126 of the Landscape and Green Infrastructure Report. The Report recognises that such enhancements will be defined and delivered by the Stort Catchment Partnership, but the applicant commits to providing funding to support these initiatives. The scale of contribution, informed by the indicative proposals prepared to date, will be discussed as part of the S106 negotiations.	It is inappropriate to present a major planning application with significant PO issues deferred as 'to be discussed as part of the S106 negotiations'. A planning agreement is not a matter separate from the planning application; it is integral to determination. It is unclear if the applicant response is now being suggested as a basis for determination. The scale of contribution required is clearly indicated in the IDP.
SF2	New affordable community leisure centre	£11,015,680	£0	£11,015,680	£9,363,328	£0	The Development Specification submitted in support of the planning application includes reference floorspace for a new Leisure Centre. No additional financial contribution is required.	The amendment application amendments have considerably improved the detail of leisure and sports facility provision. This is not necessarily a requirement for a separate financial contribution, but it is a requirement for in kind provision, including

								<p><i>free land and possibly financial contributions. There is a close linkage to the current position on stewardship arrangements. These are ill defined and this is a major concern.</i></p> <p><i>The adequacy of the application proposals to meet IDP requirements (including specification, costings and timing of provision) is relevant and must be secured in POs. This is not so far agreed.</i></p>
UT14	Household Waste Recycling Centre	£6,700,000	£0	£1,662,067	£1,412,757	£5,037,933	No evidence of the demand for a new facility has been provided. No additional financial contribution is required. (£m)	<p><i>The scale of the development is such that there is a direct and proportionate relationship to the need to improve these facilities. The issue is also a key sustainability matter and is linked to the need for adequate employment land provision, including for 'dirty uses'.</i></p> <p><i>It is disappointing that the applicant is not prepared to see the GA development in context; as reliant on, and seriously impacting on, key facilities in Harlow. This is a cross County boundary issue that is important for the HGGT Partnership.</i></p>

HDC general comments

The applicant has now usefully provided an analysis of how their application proposals take account of the infrastructure requirements for the GA development as set out in the HGGT IDP. This was a requirement set out in the HGGT 'How To' Guide for Planning Obligations, Land Value Capture and Development Viability, that should have formed part of the original application submission (within a more comprehensive Delivery Statement).

- The HGGT IDP is an important evidence document that details the infrastructure requirements directly and proportionally related to the GA development. The IDP supports Development Pan policies that give very high priority to ensuring that the extremely large scale housing growth envisaged for HGGT is properly supported by developer funded infrastructure. The IDP originates in evidence work that was scrutinised and accepted through, and is effectively embodied in, decision outcomes from the current cycle of Local Plan preparation for all of the HGGT districts.

- There are few realistic opportunities for public funded infrastructure provision to support the HGGT. This is why the adequacy or otherwise of developer funding of infrastructure must be a central material consideration in determination of the application. The availability of HIG / RIF 'forward funding' does not diminish this issue. HIG is very valuable in supporting developer cash flow to progress the IDP, as it can help to 'unlock' sustainable development through temporarily funding essential infrastructure required at the outset / early on. It supports policy compliant growth and helps initial mitigation of development impacts to protect against planning harm. However it is not to be treated as 'gap funding' that ultimately reduces developer contributions. This is not the basis on which it has been awarded and a different approach would not meet the contractual requirements with Government for its release.
- The IDP includes a simple dwelling numbers based apportionment of the responsibilities for delivery and funding across the HGGT major development sites. Achievement of the funding outcomes set out in IDP is fundamental to successful progress on the HGGT project. If any particular development does not generally accord with the IDP, there are precedent and shortfall implications for the other developments. The LPAs responsible for determination of individual development site planning applications need to be acutely aware of these implications. In the case of this GA application this is crucial, because it is by far the largest HGGT development. Determination of the application falls to EHDC. However, any infrastructure delivery failures immediately and primarily impact on existing Harlow residents. In the longer term any deficiencies will impact most on the residents and workers in the wider HGGT, rather than on wider area populations. It is essential that there is delivery certainty for the infrastructure in order for any LPA to award consent; otherwise clear planning harm could arise.
- It is acknowledged that an IDP will always be based on available high level information and general, standard based, cost estimates. This does not diminish its importance in clarifying the infrastructure provision and responsibilities that fall to developers. It is, however, essential that details are finalised and agreed to support decision-makers.
- It is also acknowledged that responsibilities and cost estimates and apportionment can be explored in more detail as schemes are developed through, or in parallel with, planning applications. The HGGT partner LAs have followed this approach through for the GA development; most notably in respect of transport and education scheme development and in the always intended review of the transport modelling based cost apportionments for the ESC.
- In the context of the approach set out above, the PfP analysis / response text provided with the amended application illustrates just how far away the application is from providing an agreed planning obligations approach to infrastructure provision. This is the position at what is a very late stage in the intended application process. PfP's responses are challenging the fundamental IDP approaches and there are major items of infrastructure provision that will not be secured as a result of the current proposals. PfP seem to be claiming policy compliance in all respects for their application, including on infrastructure provision. From a HDC perspective the application is clearly not policy compliant on infrastructure provision, because the IDP is to be regarded as the appropriate evidence base for judging policy compliance on the detail of provision.

- The applicant rejects the HGGT guidance that planning applications should provide a full 'Statement of Delivery' setting out the basic economics of their development, so that the LPA can make appropriate and balanced assessments and decisions about whether there is delivery certainty for the necessary level of infrastructure and services. This is considered fundamental to ensuring that the HGGT Vision is achieved, that schemes are policy compliant and that land value capture for the benefit of the community is achieved. This approach is also set out because the LPA must be realistic in its judgements. However, the applicant's position appears to be that their development is viable, and their challenges to the IDP are based only of whether the requirements are directly and reasonably related in national legal and policy terms and on a 'fair shares' basis. This is a very fundamental challenge and does not sit well with the way in which the development proposals were promoted through the Development Plan and in the inception of the HGGT project. This position cannot be easily resolved. This matter is highlighted in HDC's overall response to the application as amended and its focus on the very poorly developed content of proposed POs.
- RAG rating colours are used in the extract table above to highlight the level of outstanding issues for infrastructure provision in general terms. Text in bold italics is added to provide some more specific 'HDC comment' on 'PfP's 'response'.