

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.