

## Agenda Item 08

### APPENDIX 2 – DEVELOPER FORUM ENGAGEMENT SUMMARY

#### HGGT DEVELOPER FORUM FACT CHECKING & GILSTON AREA HEADS OF TERMS UPDATE

- A2.1 A briefing note was issued to members of the HGGT Developer Forum and virtual officer briefing undertaken in November 2022. The draft HGGT IDP report, schedules and pro forma evidence base was made available through a secure area on the HGGT website.
- A2.2 At the virtual briefing with the HGGT Developer Forum two workshops were undertaken to explore views based around two posed questions. A short poll was taken for each question before a general discussion was invited:

Question 1: “What IDP projects do Forum members see as the biggest challenges / priorities for delivery in order to support the sustainable growth of the Garden Town?”

#### Question 1 Poll result:

Available responses for selection	No. of respondents
‘Vibrant places (ie local centres, schools, healthcare, leisure)’	2/11
‘Sustainable movement (ie STC)’	8/11
‘Highway or utilities capacity (ie roads / electricity)’	3/11
‘Green Infrastructure (ie SANGS or climate initiatives)’	1/11
‘Integration (ie local community projects)’	1/11
‘Stewardship & services (ie community trusts & public transport)’	1/11
‘Something else’	1/11
Note: some respondents selected multiple answers.	

- A2.3 Responses to the poll demonstrated that a majority among respondents from the Developer Forum considered achievement of sustainable movement, for example through delivery of the STC, presented a significant challenge / priority.
- A2.4 During the subsequent workshop discussion respondents expressed the following views:
- i. that the ‘biggest challenge’ and ‘priorities for delivery’ are not necessarily the same, noting however that the STC was both a priority for delivery and a substantial challenge;

- ii. all areas are ‘priorities’ with it necessary to find a balance, however noting the additional challenge with transport being the existing deficit in infrastructure;
- iii. the complexity of delivery of the STC is partly due to its scale and interaction with developments, this affects the confidence of developers to invest in delivery of sites;
- iv. that delivery must be considered at a strategic level not left to piecemeal engagements;
- v. greater engagement with developers is invited through collaborative working to establish plans for infrastructure delivery particularly where developers are required to deliver this on the ground;
- vi. that the IDP must acknowledge the challenges and the priorities, however, in the desire to solve problems updates to the IDP will establish approaches that affect developers.

A2.5 Based upon the feedback received, accepting that only a small number of representatives chose to engage in the discussion, the HGGT Authority partners would be supported in focussing significant efforts into understanding the infrastructure, and other, needs necessary for achieving the active and sustainable mode targets. Feedback also supports the principle of the IDP, and its updates, as a means to look at matters at a strategic level and, through future reviews, to further consider how ‘priorities’ or ‘challenges’ are identified. As identified by the respondents this may require the IDP to identify new or changed approaches for which they welcomed greater collaboratively engagement on approaches and strategies in the future.

Question 2: “Do you consider the range of information contained in the IDP update to be useful to landowners, Promoters and Developers when planning for Infrastructure Delivery for new developments in the Garden Town?”

**Question 2 Poll result:**

Available responses for selection	No. of respondents
‘It is a useful ‘snapshot in time’ – It will make it easier for me to plan my development’	4/9
‘It is too detailed – I prefer to work out the infrastructure needs of my development as I plan it’	2/9
‘It is not detailed enough – I need more certainty in order to plan my development and am happy to help develop it’	2/9
‘None of the above statements represent my view’	1/9

A2.6 During the subsequent workshop discussion respondents expressed the following views:

- i. would rather (HGGT) just provide the detail. “We might not like it. We might kick off against it, but I think we’re crying out for the detail”, or at least able to work in partnership to deliver that detail;

- ii. details should include the role of local authorities both as planning authority and landowner and the views of highway authorities on the delivery of sites and costs;
- iii. the whole point is to deliver houses in the right place, the cost of infrastructure has implications for this which need to be understood in order to work on solutions;
- iv. detail and clarity required but must also be deliverable with certainty where viability is considered;
- v. it is one thing to establish factual details such as costs or timescale but the IDP should not stray into policies or approaches. What evidence is there for some of the assumptions? why something is required by a certain date or why it cannot be provided in a different way? If the evidence isn't there the IDP should not prescribe a solution / feel a way forward;

A2.7 The initial conclusion is that the current balance of information presented in the IDP update appears to be supported according to the views of the Developer Forum based on the results of the poll: with 4 out of 9 supporting the current detail which is also the middle ground between the contrary views advocating either greater or lesser detail.

A2.8 The workshop brought out views reflective of the fact that the IDP is not simply a shopping list of infrastructure but, as its title indicates, it is intended to be a **plan for infrastructure delivery**. In this the Developer Forum members raised the importance of providing certainty but also flexibility as well as of understanding viability against the Local Plan focus of delivering new homes, including affordable homes.

A2.9 The IDP seeks to avoid the potential contradiction in terms of providing both certainty and flexibility through:

- i. Certainty: When undertaking the IDP update, stakeholders were asked to set out why infrastructure was required and views on how the infrastructure might be funded and delivered, these views are provided in the pro forma and reflected in the IDP schedules and represent the current best thinking. This is not a 'wish list' as will generally be consistent with the Local Plan Policies and related Guidance. This should mean that there are few surprises for Landowners, Promoters and Developers and should act as a guide to the range of infrastructure needs to be investigated as they work with stakeholders and the local planning authorities to prepare masterplans and planning applications;
- ii. Flexibility: The IDP update is not 'planning Policy' and has not been subject to examination in the manner of a Local Plan or Infrastructure Levy, furthermore the information it contains can be at very different stages ranging from high level feasibility or standard formula requirements through to detailed studies and cost plans. It therefore remains for Landowners, Promoters and Developers to work with stakeholders and the local planning

authorities to determine the specific infrastructure needs that must be met as individual masterplans and planning applications are prepared. It is accepted these may prove different.

A2.10 A Developer Forum member specifically cited concerns as to changes to the approach to the STC with developers now identified as having partial delivery responsibilities (for on-site works and accesses / connectors between their developments and the wider STC network) - in their view 'a change in Policy' had occurred. This is not the interpretation of the Local Authorities. Policy, as established in the Local Plans is: developments meet their infrastructure needs / mitigate their impacts; they must achieve the mode share targets; and they must facilitate a mode shift across the HGGT. For the STC the position is articulated below:

- i. Principle: in accordance with the National Planning Policy Framework (NPPF) the Local Plans set out policies<sup>1</sup> that require developments to provide for necessary infrastructure to make the development acceptable in planning terms;
- ii. Need: technical evidence prepared to support the preparation and examination of the Local Plans identified that the significant scale of HGGT growth can only be delivered if new developments achieve a high share of journeys by active and sustainable modes and facilitate a significant shift to active and sustainable journeys within the existing HGGT area – this need is captured in Policy<sup>2</sup>;
- iii. Strategy: the STC network was demonstrated as the infrastructure solution to facilitate the mode share/mode shift targets – the STC infrastructure approach is also captured in Policy<sup>3</sup>;
- iv. Feasibility of Concept: the HGGT IDP 2019 reflected the STC network infrastructure need associated with supporting all growth, high level costs were presented to be funded by contributions from all developments, with delivery by the Highway Authorities;
- v. Development of Concept: the HGGT IDP update reflects work undertaken to develop the concept with revised costs for various elements of the network as well as other identified funding sources including the Housing Investment Grant (HIG) and Towns Fund. Developer contribution levels are maintained (subject to indexation) with the residual funding gap identified in order to seek new funding or to be met through the Rolling Infrastructure Fund (RIF). Delivery expectations are updated with Highway Authorities maintained as delivering sections of STC within the existing Harlow transport network area but developers identified as responsible for delivering their respective accesses/connections to that network. The single network approach is retained with the principle that contributions be equal from all developments, meaning reduced contributions where developers deliver parts of the STC.

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<sup>1</sup> East Herts District Plan (EHDP) policies DEL1 and DEL2; Harlow Local Development Plan (HLDP) policy IN6; Epping Forest District Local Plan (EFDLP) (Draft) policies D1, D2, D3, D4 and D5.

<sup>2</sup> EHDP policy GA1; HLDP policy HGT1; EFDLP (Draft) policies SP4 and T1.

<sup>3</sup> EHDP policies GA1 and GA2; HLDP policies HGT1 and SIR1; EFDLP policies SP4 and SP5.1.

- A2.11 Policies do not generally dictate how the infrastructure needs/mitigation of impacts are delivered as this is normally agreed at application stage. Nevertheless it is common-place that Developers rather than Highway Authorities deliver the transport accesses into new development sites, though this is rarely if ever stated in or considered to be 'Policy'. The IDP update seeks to provide the 'certainty' sought by the Developer Forum, by reflecting the latest understanding of the STC network as well as bringing clarity on delivery responsibilities reflecting the Highway Authorities view that active and sustainable transport connections into new developments should generally be treated no differently than highway accesses. This is already the case for the allocation of the Gilston Area where the Developer is taking responsibility for delivering the part of the STC across the Stort Valley, as referred to as the Central Stort Crossing.
- A2.12 The IDP update is a 'snapshot in time'. The understanding of, and plan for delivery of, infrastructure needs will be subject to change. Engagement undertaken as masterplans and planning applications are prepared will seek solutions that support sustainable development of the allocations. The IDP and the planning process it fits within, which ultimately involves decisions by Committee is intrinsically 'flexible' as it is open to other material considerations.
- A2.13 The 'viability' of developments have also been taken into account through maintaining the STC contribution value identified in the IDP 2019 (subject to indexation) despite the rise in estimated costs for the network overall. This has been balanced against the funding secured from HIG and Towns Fund with other funding sources to be explored to address any residual funding gap with the funding risk mitigated by the future expected creation of the RIF.
- A2.14 Whilst the Developer Forum Briefing Note was circulated to the entire Forum and the Briefing Event had a large number of attendees, the participation in the workshops was disappointingly limited with only four active contributors. Furthermore, only three written submissions were received, all were received by the Authorities after the requested deadline but have nevertheless been taken into consideration in the preparation of this report to the Board. The written representations were from: David Lock Associates on behalf of CEG Ltd and Hallam Land management Ltd, promoters of Latton Priory allocation; from Quod on behalf of Places for People, applicants of the Gilston Park Estate (Villages 1-6) of the Gilston Area allocation; and from Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey who are promoting land at West Katherines within the Water Lane area allocation. The HGGT Developer Forum Members were invited to submit written submissions to the draft HGGT IDP to conclude the fact checking process with the suggestion that this be by answering the question:

Question 3: "Do you consider the IDP update to reflect the future infrastructure needs of the Garden Town based upon evidence available at this time?"

A2.15 The written submissions are addressed in the table below with officer comment provided indicating where a change has been accepted. Comments were raised on a number of matters, some minor errors in text within the document and schedules were identified which have been corrected and a revised cost was provided for the Stort Valley Crossing by Quod on behalf of Places for People which has been duly updated.

A2.16 In accordance with the process set out to the HGGT Developer Forum in the briefing note this summary will be included in full as an appendix to the HGGT IDP when the update is published.

## Schedule A2.A – Summary of written comments from HGGT Developer Forum with Officer response

Matter Raised	Specific Query	Officer Response
<p>ENGAGEMENT</p>	<p>“However, HLM and CEG are concerned that the nature of the consultation process falls short of that which might reasonably be expected. For instance:</p> <ul style="list-style-type: none"> <li>• The period for responses to the Forum documents and consultation event is effectively just two weeks – until 25th November (as set out in the Briefing Note, albeit HLM and CEG are grateful for the assurances that submissions after that date will be fully considered);</li> <li>• The ability to influence the contents of the IDP appears to be extremely limited “when responding with new information please note that changes to the identified IDP infrastructure requirements may only be possible where suitable evidence is demonstrated” noting in addition of course consultees are afforded just two weeks to assemble such evidence;</li> <li>• Important costing information being absent such as the costings of sections of the Sustainable Transport Corridor (STC) network being absent or unjustified; and</li> <li>• The limited time available for commentary is exacerbated by the substantial changes or “moving of the</li> </ul>	<p>No changes actioned: Developers were contacted twice inviting comments: firstly at the start of the update process and again at the end of the process for fact checking, all comments received up until 22 December 2022 have been accepted and duly considered.</p> <p>The IDP is a collation of information to form a technical evidence document. It is therefore necessary for infrastructure information to be supported with certain details.</p> <p>Cost evidence has been included for much of the STC network with the absence of the accesses into the developments of East Harlow, Latton Priory and Water Lane. No costs for these have currently been provided by the respective developers, local authority partners working in cooperatively with those developers have commissioned a study that will</p>

	<p>goalposts” in certain areas of the IDP since 2019 – for instance in the passing of responsibility for the delivery of offsite elements of the STC network to the developers of each of the proposed garden communities.”<sup>4</sup></p>	<p>help inform these parts of the STC network.</p> <p>Responsibility for delivery of the STC is covered below.</p>
	<p>“The IDP update states that it has been undertaken through joint working of ARUP and officers of the HGGT partnership. However, until now, there has been little or no developer input. The absence of a clear evidence base that explains the substantially different approach and the absence of information available or provided on costs give rise to the view that the infrastructure requirements required do not appear to be reasonable, proportionate to the development or required to make the development acceptable.”<sup>5</sup></p>	<p>No changes actioned: Developers were contacted twice inviting comments: firstly at the start of the update process and again at the end of the process for fact checking, all comments received up until 22 December 2022 have been accepted and duly considered.</p> <p>Evidence for the infrastructure projects has been appended to the IDP and was provided to the Developer Forum with the IDP report and schedules for comment.</p>
APPROACH	<p>“The updated IDP suggests that existing use values should be applied when valuing land put towards a community benefit and serving other sites. It is inappropriate for the IDP to try to determine land value by making reference to existing use value. All it ought to do is recognise that the land has a value and that this value is to be determined by the respective developers.”<sup>6</sup></p>	<p>No changes actioned: The IDP schedules do not include estimations for land values. The IDP report identifies that it is not for the planning system to ‘equalise’ costs between landowners. Where developers need to agree such details the authorities would encourage developers to agree a suitable collaboration agreement.</p>
STATUS OF THE UPDATED IDP	<p>“It is concerning that this IDP document will be the basis that all planning applications will be benchmarked. There are discrepancies</p>	<p>No changes actioned: no specific discrepancies were identified by the</p>

<sup>4</sup> 9th Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

<sup>5</sup> 35th Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

<sup>6</sup> Quod on behalf of Places for People, December 2022.



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	between the assumptions made and there still remain significant gaps in the information.” <sup>7</sup>	respondents therefore no changes are able to be considered.
	“The Consortium has been consulted at various stages of the production of the Garden Town Strategic Viability Assessment as well as the Garden Town Infrastructure Delivery Plan. However, the previous points raised have not been addressed and these comments are ongoing and still remain.” <sup>8</sup>	No changes actioned: The HGGT IDP was published in 2019 along with the Strategic Viability Assessment. Comments received at that time were duly considered. If concerns over the IDP update exist these need to be specified in order to be considered.
	“Our previous comments submitted to the IDP process and strategic viability have not been addressed and still remain.” <sup>9</sup>	
	“Additional clarity is required as to the status of this document and how it relates to the emerging Epping Forest Local Plan.” <sup>10</sup>	No changes actioned: The Epping Forest Local Plan is supported by an appropriate IDP which has been considered when updating the HGGT IDP and it makes reference to the current published version of the HGGT IDP. It is not possible for the Examination of the Epping Forest Local Plan to give consideration to the an updated HGGT IDP until such document has been published. The Epping Forest Local Plan policies recognise that the understanding of infrastructure needs will change and identifies that IDP will be updated accordingly during the life of the Plan.
	“CEG and HLM are equally concerned that the treatment of the IDP as a live document is also	No change actioned: An Infrastructure Delivery Plan is by its

<sup>7</sup> Para 3.4, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>8</sup> Para 1.2, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>9</sup> Para 3.2, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>10</sup> Para 3.5, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.





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inconsistent with the approach being pursued in relation to the Local Plan. This can be seen in the Main Modifications and Further Main Modifications to the Local Plan. The wording of the MMs and FMMs appear to intrinsically link the IDP with the Local Plan significantly raising the level of concern generated by the substantive change in the IDP Update to the delivery of the STC network.

The Main Modifications (July 2021) (MM18) included a new paragraph, following 2.118, which referenced the HGGT IDP and that it identifies how developer contributions from the Garden Communities are expected to be apportioned, and what collection mechanisms can be utilised by the Councils to assist in funding the infrastructure items which serve more than one Garden Community. Rightly that main modification referred factually to the IDP and that it was a live document to be regularly updated. That element of MM18 appears to have been removed by the MMs published in October 2022.

Now MM21 proposes to amend section C of Policy SP5 in relation to Latton Priory such that a new provision is to be added into the policy requiring that “new development should deliver and/or contribute towards the delivery of infrastructure where this is necessary and fairly and reasonably related to the development having full regard to the Infrastructure Delivery Plan schedules and the wider infrastructure objectives”.

Moreover, MM106 proposes to add to Policy DI ‘Delivery of Infrastructure’ part A of a new similar reference as follows; ‘New development must be served and supported by appropriate

nature and as recognised in Policy a ‘live’ document reflecting at a point in time the best available evidence for potential infrastructure needs. Policies make it clear that developments must make appropriate provisions for infrastructure. It is entirely appropriate for Policies to provide direction to reference an IDP when considering the infrastructure needs of a development as well as take account of any other material considerations at the point that an application is determined.



on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan' and the further Main Mods amends the word 'Plan' to 'Schedules'. New text is then added in FMM106 that; 'In assessing the need for particular kinds of infrastructure, full regard will be had to the Infrastructure Delivery Plan Schedules'. It is noted that this FMM has been added in relation to Action 44 of the Inspector's note, however, his suggested wording did not include the word 'full'. This was deliberate as his comments set out that 'whilst regard should be had to the infrastructure delivery schedule, the issues arising from any particular site might in practice require deviation from it'.

The concern of CEG/HLM is that the suggested wording and inclusion of the word 'full' gives undue policy weight to the content of the IDP Schedules in determining planning applications. This is contrary to the advice of the Inspector who clearly highlighted that 'as with a number of policies, this [policy DI] treats the infrastructure delivery schedule as if it were part of the development plan, with contributions towards the items on the schedule "expected". But the schedule is not part of the plan. Infrastructure delivery and contributions should relate to the particular development proposed in accordance with the CIL regulations'.

This additional wording unreasonably attempts to elevate the status of the IDP and enshrines what it says into policy. This brings a lack of clarity and transparency into the requirements which can be stipulated and then changed through updates. It therefore places an

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	<p>additional and unreasonable burden and level of uncertainty to developers.</p> <p>This is particular emphasised by the very limited opportunity for engagement and, even more so, lack of rigorous scrutiny of the IDP.”<sup>11</sup></p>	
	<p>“In conclusion, the new and amended information now presented in the IDP, published without an evidence base, causes significant concerns to CEG and HLM due to significant implications the requirements in the IDP would have on the viability and therefore, deliverability of the strategic site of Latton Priory. The changes in the Transport Schedule in particular fundamentally change the approach to the delivery of STCs. This new approach requiring developers to deliver sections of STC is being adopted by officers as though it is planning policy although it is outside of the Plan making process.</p> <p>CEG and HLM remain willing to work with the partners and find alternative means to ensure the delivery of the Garden communities.”<sup>12</sup></p>	<p>No change actioned: The IDP update includes an appended evidence base which has been provided to the Developer Forum. Policies make it clear that developments must make appropriate provisions for infrastructure, however, they do not typically identify how that infrastructure should be delivered, this is a matter to be resolved between the developer and the relevant infrastructure stakeholders. The IDP sets out how this delivery might be achieved based on engagement with infrastructure stakeholders. Local Authorities welcome the engagement with developers to seek infrastructure solutions to support sustainable development.</p>
<p>IDP VIABILITY</p>	<p>“It is with concern that the Strategic Viability Assessment is not to be updated as part of the IDP Update. As costs are adjusted within the Plan and various projects included or discounted, this will have cost and viability implications to each site.”<sup>13</sup></p>	<p>No change actioned: Whilst costs have changed the overall apportionment of costs to developments has remained comparable with levels identified in the existing published HGGT IDP</p>

<sup>11</sup> 14<sup>th</sup> – 20<sup>th</sup> Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

<sup>12</sup> 57<sup>th</sup> – 58<sup>th</sup> Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

<sup>13</sup> Para 2.1, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.



“The IDP Update states that “Figures identified in the updated IDP have been considered against those tested in the Strategic Viability Assessment in the context of changes to development values and construction costs. Whilst costs have changed, they remain similar to those tested in 2019 and as such it is considered that the Strategic Viability Assessment can continue to be relied upon. Viability may need to be considered further through the assessment of planning applications or review of Local Plans in due course.”<sup>14</sup>

“It is considered that this statement should be adjusted to acknowledge the change in market conditions and costs. The IDP is a snapshot in time and will constantly evolve and change as the Garden Town and development proposals progress, and therefore cannot be material to viability of a proposal at the time of a planning application.”<sup>15</sup>

“It should be acknowledged within the IDP that construction costs are continually increasing which has an impact on build costs, revenues and the viability assessment of each proposal. It is acknowledged that this is a ‘snap-shot’ in time. However, due to a high level of uncertainty in relation to infrastructure costs and a number of variables which are not yet fixed until further detailed work is carried out, both for development sites and the Garden Town as a whole, then there are a high number of unresolved matters which will impact the IDP and viability as the developments progress.”<sup>16</sup>

and below levels tested in the Strategic Viability Assessment. Advice has indicated that, as at 1<sup>st</sup> quarter 2022 the base date of the IDP update, the existing viability evidence remains relevant as cost increases during that period have broadly been balanced with or exceeded by increases in residential values. Indexation applied to costs as identified take account of the changes to construction costs in the period. Viability post -1<sup>st</sup> Quarter 2022 is not considered in this IDP update. Where viability issues arise for developments these can be addressed through viability assessment as set out in the HGGT ‘How To’ Guide to Planning Obligations, Land Value Capture and Development Viability.

<sup>14</sup> Para 2.3, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>15</sup> Para 2.4, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>16</sup> Para 2.2, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

“It is concerning that the Strategic Viability Assessment is not to be updated following the changes in this updated IDP. There are significant changes in the costings included in the IDP as well as market conditions which need to be assessed and taken into account.”<sup>17</sup>

“CEG and HLM are concerned however that this position – the treatment of the IDP as a live document that in effect can be updated as required - takes no account of the key role that the IDP plays in identifying the development, infrastructure and section 106 costs that have been fed into the viability assessment work that the Council has had to undertake to support the Local Plan. Local Plan viability evidence is based on the 2019 IDP. Substantial changes to the IDP – as proposed in the Update – may directly affect the viability assessment of the Local Plan and of individual proposals.”<sup>18</sup>

“The original IDP (2019) was produced concurrently with the Strategic Viability Assessment, which considered the wider deliverability of the HGGT. The updated IDP states that figures in the updated IDP have been considered against those tested in the Strategic Viability Assessment in the context of changes to development values and construction costs and it concludes that whilst costs have changed they remain similar to those tested in 2019.

This statement is somewhat surprising owing to the well publicised increases in both development construction costs including materials, especially since the pandemic. CEG

<sup>17</sup> Para 3.1, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>18</sup> 15th Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

and HLM consider that HGGT should publish, alongside the IDP, the updated assumptions in relation to full range of costs that have been or potentially would feed into an updated viability assessment – IDP costs and development costs.

Moreover, it states that updated figures have been tested, however, as has already been set out, there are also a number of unknown costs which have been added into the IDP, with no figures against them and therefore, the question would follow as to what figures have been assumed to be tested (if they have at all) and therefore, the extent to which there can be confidence in the viability and deliverability of the strategic sites particularly the untested additions of further costs and requirements including in relation to the timing and means of delivery of infrastructure.

This statement is also made in the context of the findings reported in the original IDP of the Strategic Viability Assessment which showed that 'whilst the Councils can be confident of the deliverability of the Garden Town, there are challenges with the delivery of large scale development associated with both the level of infrastructure required and the timing of delivery and/or contributions (ref to Section 12, paras 12.137-12.139 of the Strategic Viability Assessment), and that some of the sites are more 'marginal' than others'. This text has now been omitted from the updated IDP.

The IDP does refer to the option of considering viability further through the assessment of planning applications. However, this should not be a reason to underplay or set aside costs and viability issues at the plan/IDP stage

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	<p>If the full burden is placed on developers to deliver whole sections of the STC, this could have fundamental implications on the viability of development.”<sup>19</sup></p>	
IDENTIFIED GROWTH	<p>“The headline growth figure (17,685 at section 4.1) has not been updated despite the inclusion of an additional 1,769 units which take the total to 19,454 units. We assume this an error.”<sup>20</sup></p>	Error noted and corrected.
	<p>“It is noted that the IDP now refers to the Water Lane allocation as a whole rather than as separate sites as previous (West Katherines and West Sumners were detailed separately previously). However, there needs to be acknowledgement that any planning applications for these sites are likely to come forward separately but in compliance with a joint Masterplan document. As such any viability assessment is likely to be undertaken separately given the different characteristics of each site and proposed development.”<sup>21</sup></p>	No change actioned: Water Lane represents a single strategic allocation in the Epping Forest District Plan, for this reason it has been included in the HGGT IDP update as a single development site. Considerations on the masterplanning and planning applications for the allocation are matters to be raised with local planning authority.
	<p>“As outlined in our 2019 reps on the existing IDP, the updated IDP fails to properly grapple with who the strategic infrastructure (which is comprised of the two crossings and STCs) serves. First, it is contradictory to only consider plan period (up to 2033) growth but then include the 7,000 homes that are expected to come forward in the Gilston Area post 2033. Second, it unduly increases the infrastructure burden on the 19,454 units to not consider all of the beneficiaries of the strategic infrastructure. The IDP needs to make</p>	No change actioned: The HGGT IDP does consider the nature of infrastructure and identifies where projects perform a strategic function. The IDP is an infrastructure plan to support the scale of growth and change currently planned for the Garden Town therefore it considers the needs of allocated developments and gives recognition to the likely windfall development that might occur in the plan period as

<sup>19</sup> 51<sup>st</sup> – 56th Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

<sup>20</sup> Quod on behalf of Places for People, December 2022.

<sup>21</sup> Para 2.9, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.





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	<p>assumptions about the likely post plan growth when allocating how the costs of this strategic infrastructure should be properly shared. These assumptions can be revisited alongside the actual costs as part of the 2 year updates to the IDP. In addition, contributions should not only be coming from new housing but from future employment sites and other sources. The updated IDP does not recognise the benefit of the new strategic infrastructure to these wider sources. It is necessary (particularly in relation to the Central Stort Crossing) to relieve existing and anticipated problems, but it is also needed to enable the wider Garden Town to achieve the 50% mode share target. Assigning the whole of the total cost in the way that the IDP currently does is disproportionate and so has a magnifying effect in terms of the impacts on affordable housing delivery in the allocations that are the focus of what should properly be a more widely spread burden.”<sup>22</sup></p>	<p>supported by the Plan policies. It would be inappropriate for the IDP to seek to plan for or take account of future growth that is yet to be considered. The full 10,000 homes at Gilston are taken into account as the East Herts District Plan has allocated the development at that scale, therefore it is appropriate to consider the infrastructure needs of the whole development including any part of it that might be delivered after 2033. The central Stort Crossing is part of the STC network, however, it is also an essential infrastructure element supporting the delivery of the Gilston Area as it will facilitate active and sustainable access to the allocation, as such, the development is expected to deliver the crossing works as works in lieu, similar approaches are proposed for the other new garden communities. The allocated new employment sites are located within the new garden communities from which contributions are being sought. Windfall employment development will be assessed on an individual basis.</p>
<p>EVIDENCE</p>	<p>“It is unclear as to what basis is being used for the various cost estimates included in the IDP and what the justification is for the contribution from each site. Clarity is required and further information for our review.”<sup>23</sup></p>	<p>No change actioned: evidence has been appended to the HGGT IDP and made available to the Developer Forum.</p>

<sup>22</sup> Quod on behalf of Places for People, December 2022.

<sup>23</sup> Para 3.3, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.



TOPICS		
<p>STEWARDSHIP</p>	<p>“PfP has no objection to the inclusion of SI for stewardship, however, the items referenced for transport include infrastructure that should be adopted. It is not appropriate to ask future owners of the Gilston Area or other strategic sites to cover the maintenance costs of highway drainage, bus lanes, street light and furniture etc which are part of the highway authority's core functions.”<sup>24</sup></p>	<p>No change actioned: The IDP requires consideration be given to the stewardship of all new infrastructure. It does stipulate the form that stewardship might take or how the consideration may be demonstrated which could include adoption. No costs have been included or apportioned to developments for this stewardship.</p>
<p>TRANSPORT PROJECTS</p>	<p>“It is noted that there is an expectation within the IDP that in relation to the provision of the Sustainable Transport Corridors, that developers will deliver on-site and off-site works (Ref: STC-WL and STC-LP). These costs would be significant and there are substantial obstacles with delivering such infrastructure on third party land beyond the control of the applicant. We have persistently raised the challenges with delivering the STC in our responses to all evidence base documents and Local Plan consultations as well as during engagement with stakeholders. These challenges and implications to viability are not acknowledged in the IDP.”<sup>25</sup></p>	<p>Schedule text error noted and corrected, no further changes actioned: The IDP identifies the need for the STC accesses into the new developments and the Highway Authorities’, expectation that new developments should deliver the STC where it passes within their site through the masterplan and delivery and should deliver the active and sustainable accesses to the developments, in the same way that they would be expected to deliver their highway accesses.</p>
	<p>“The STCs are set out in the IDP as essential infrastructure in relation to the delivery of the Garden Towns but there are limited solutions provided as to how these may be comprehensively delivered when a number of parties need to reach agreement on complex</p>	<p>The challenges to delivery of specific infrastructure projects are not currently reflected in the IDP though these comments are duly noted. The Authorities welcome engagement with the respective developers to develop solutions to such issues. It</p>

<sup>24</sup> Quod on behalf of Places for People, December 2022.

<sup>25</sup> Para 2.6, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

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<p>land acquisition matters to secure the delivery of this key infrastructure.”<sup>26</sup></p>	<p>should be noted that such challenges will exist irrespective of which body</p>
<p>“By way of summary, CEG and HLM’s concern is the fundamental change in approach proposed in the IDP Update regarding the delivery of the STC network and, in particular, the assignment of responsibility for the delivery of parts of the STC network to the developers of Latton Priory (and of other garden communities). This impacts the delivery of Latton Priory.”<sup>27</sup></p>	<p>is to deliver the infrastructure projects though powers may be available to Authorities if proven necessary to seek compulsory acquisition of land.</p>
<p>“There are some key additions in relation to the delivery of parts of the Sustainable Transport Corridor (STC) network which require particular detailed and further comment.</p> <p>The previous IDP included row TR28 as ‘essential’ (not critical) infrastructure) with identified funding sources listed as HIF/Developer Contributions (S106) with no mention of direct developer delivery which for Latton Priory resulted in a cost of £7,875,066.</p> <p>This provided a transparent and robust basis for developers to understand and factor into their developments and a fair and reasonable approach through apportionment of contributions towards delivering the overall STC network which was to be delivered by the HGGT partners. CEG/HLM were and remain supportive of this approach.</p> <p>The radically different approach now advocated in the updated IDP now includes an expectation that the developers of Latton Priory (and not</p>	<p>Contributions toward the STC network remain in accordance with the current published IDP, subject to indexation, and allowance is now shown for works to be delivered in lieu where direct delivery is necessary such as works to deliver the STC access into new developments. [ST1][ST2]</p> <p>Delivery expectations are updated with Highway Authorities delivering sections of STC within the existing Harlow transport network area, but developers identified as responsible for delivering their respective accesses / connections to that network and the on-site STC. The single network approach is retained with contributions being equal from all developments, meaning reduced contributions are negotiated where developers directly deliver parts of the STC.</p> <p>References to the East Harlow and the Hospital STC connections in the schedule in the rows pertaining to the Water Lane and Latton Priory</p>

<sup>26</sup> Para 2.8, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>27</sup> 6<sup>th</sup> Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.



the HGGT partners) will deliver on site and offsite STC connection works. In full the IDP Schedules detail the following project under STC-LP:

“Southern STC continuation into and through the Latton Priory new garden community, including:

- High Quality Walking, Cycling and Public Transport routes to connect to Southern STC at Latton Bush Centre/Commonside Road;
- Continuation of the STC on-site to serve the new neighbourhood(s) with on-site Hubs;
- Continuation of STC to connect with the B1393/M11 Junction 7.

The IDP schedules further, newly, advise that ‘Delivery of STC connection between Latton Priory new garden community and Southern STC currently expected to be required between 2024-26 to support occupation of development. Phasing of on-site works currently unknown’.

The schedules now include significantly more reference to the STC network and a recurring column for all the HGGT sites stating;

- ‘STC contribution of £8,226 per dwelling. Reduction for STC works in lieu (£TBC) £8,637,300. Value of contribution illustrative pending confirmation of value of STC works to be delivered in lieu’.

The accompanying note describes this as clarification of developer responsibility for

STC connections are errors. Text has been corrected.

[Latton Priory Link Road costs have been removed as this is considered to primarily form the required development site access, costs for which have been removed from the IDP as being intrinsic to the developments. [CM(3)]ST4]

The STC network is maintained as a single infrastructure requirement, however, due to its scale and spread sections of the network can be identified separately for purposes of design, costing and phased delivery. The principle that all developments contribute to the delivery of the STC, as necessary to support the overall cumulative needs and address the overall cumulative impacts of the growth, is maintained.

The STC network, due to its scale and spread cannot be delivered as one construction project it will therefore be necessary to deliver this in phases. Understanding of phasing will be required to be developed with the aim of supporting the achievement of the mode share and mode shift objectives. As the STC is a carriageway based infrastructure solution interim arrangements for services can be accommodated on existing highway where necessary and achievable. However, the physical accesses into developments

delivery of STC accesses into new garden communities as part of respective site access arrangements as works 'in lieu' contribution to delivery of the STC network.

The cost notes for the elements set out for Latton Priory are not at all clear:

- In relation to the off site section of the STC network the schedules – presumably with an error in the site location (but unclear) refers to “cost of provision to east of Harlow [sic?] currently unknown indicative costs of £10m included”
- In relation to the link to the hub on site – this is dismissed as an on site development costs.
- With regard to the continuation of the STC link – this may or may not be addressed by the reference of a £2.9m cost applied to all garden community sites for links to the hospital – albeit it is as likely that there is an additional unspecified cost. [CM(9)] [ST10]

Unhelpfully the costs in the original 2019 IDP for the provision of the link road through Latton Priory to London Road – estimated then as £5million – have now been ignored.

The overall impression – is of a significant increase in costs for infrastructure delivery to facilitate the provision for transport at Latton Priory. The suggestion of in lieu payments for any off site works is welcome notwithstanding that the costs of delivering the link to Common side Road – appears to be being estimated to be £10million – and in excess of the pro rata'd contribution to the STC Network as a whole.

for the STC will be vital as these are necessary to allow the necessary services and connections to be achieved even where interim provisions are in place in the wider network. The local authorities welcome engagement with developers to develop infrastructure solutions to support the sustainable development of each site.

The approach to accommodating growth through mode share and mode shift to be facilitated Partly through the delivery of the STC network is set out in Policy, it is therefore a Policy requirement that these be achieved in order that the cumulative growth strategy is supported.

A cost has been provided for an interim on-road scheme. Design work to identify interventions required and associated costing for these, will be completed in Autumn 2023, and therefore this interim cost approximation is based from officer engagement. A longer term aspiration remains to deliver a sustainable route as set out within the Local Plan, through a rapid transit route through the green wedge. Some upgrading of existing walking and cycling routes in the Green Wedge may be sought as part of a package of southern STC contributions.

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As presented, there is a lack of costs provided and transparency to what represents a complete shift in approach but is a position already being adopted by officers without any evidence or further policy backing. This clearly causes issues for developers in understanding what costs to factor into their development and gives rise to further uncertainty that costs continue to change.”<sup>28</sup>

“The previous IDP was clear in explaining that for the STCs to be effective in achieving the modal split targets for the Garden Town, they will need to work as a network rather than piecemeal interventions. It also explained that ‘the network is considered to represent a single strategic item of essential infrastructure, with the cost of the works apportioned to all the strategic sites across the Garden Town (p30). The apportionment was set out as being based upon the number of dwellings that each site is contributing to the Garden Town’s growth and that contributions would be pooled and used to deliver the STC network, which will be likely to be delivered in phases for practical reasons of delivery and funding.

In contrast, the updated IDP appears to be breaking down the STC into piecemeal sections and placing the onus on the developers of each respective strategic site for sections of the STC that provide the links to their sites – irrespective of land use controls, deliverability and effectiveness of provision.”<sup>29</sup>

Contributions will be collected from developers as the scheme progresses and planning applications come are assessed. |

[CM(5)][ST6][ST7][CM(8)]

<sup>28</sup> 25<sup>th</sup>-34<sup>th</sup> & 36<sup>th</sup> Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

<sup>29</sup> 37<sup>th</sup>-38<sup>th</sup> Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

“Irrespective of the concerns regarding costs (and notwithstanding in lieu provisions) set out in the section above, there are a number of key issues associated with developer direct delivery. This includes issues already explained in our Planning Strategy Note issued to EFDC dated 13 October 2022 but in summary, relate to:

- Lack of policy justification – this division of delivery and breakdown into piecemeal sections is not explained in the emerging EFDC Local Plan or The HGGT Transport Strategy or the Sustainable Transport Corridor Study;
- Direct developer delivery on the current indicative route would require significant land assembly which involves risk and delay. There is no clear commitment by the Council to use compulsory purchase powers if so required;
- Reliance upon Harlow Council to positively determine a planning application and in a timely manner; and
- No clear and consistent detail on costings are available and no consideration has been given to the impact on viability of this development relative to its scale”<sup>30</sup>

“The updated IDP states that ‘STCs are required to support the overall mode share and mode shift targets necessary to deliver the HGGT Vision and maintain a safe and functioning highway network, as such, all developments are expected to contribute to delivery of the network’. It states ‘the connections of the STC into the four new

<sup>30</sup> 40th Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.



garden communities are identified as part of the overall network but the responsibility of the respective new garden community developers due to the need for their early delivery to facilitate sustainable development of each site’.

CEG and HLM have not seen and do not understand the evidence, or rationale that follows, that means that the developers should deliver off site infrastructure as opposed to the original intention of HGGT partners. HLM and CEG do not understand why delivery should pass to the site developers even if it were accepted that early delivery of the STC was appropriate. Nor does HLM/CEG understand how the delivery of limited sections of the STC network is effective in the absence of the delivery of the wider network by HGGT partners.

As per the original IDP, the STC needs to work as a network rather than piecemeal interventions, however, the central sections of the STC, for example from the town centre to Latton Bush/Commonside Road, under STC-S is described as ‘Phasing of the Southern STC currently unknown’ and to be delivered by ECC/Developers. The lack of certainty and timing of the delivery of this section undermines any value in delivering piecemeal sections of the STC network.

The reference to ‘early delivery’ of the STCs appears to undermine the intent of the fMM which states that this should be commensurate with the phasing of development and there does not appear to be any benefit, rationale or evidence for the connections into the garden communities to be delivered early when the timing of the central part of the network is

unclear and uncertain. In addition, the STC within Latton Priory is centrally positioned and not easily connected to the first phases of the development which clearly has to start at an edge of the site (west or east).

Real benefits to modal split can only be achieved through the creation of the full STC network. Without certainty on the delivery of the other parts of the network, a piecemeal approach would have limited benefits to the objectives of achieving modal shift.

Therefore, it is considered sensible to discuss the possibility of interim solutions to work towards achieving the modal split targets for each of the garden communities ahead of the delivery of the full STC network, which needs to be coordinated and phased to bring about the maximum benefits with sensible trigger points in relation to development and the delivery of the rest of the network discussed. These interim solutions could evolve to adapt to the delivery of the STC.”<sup>31</sup>

“STC (Sustainable Transport Corridor Network): The IDP explains at page 30 that "the STC are required to support the overall mode share and mode shift targets necessary to deliver the HGGT Vision and maintain a safe and functioning network, as such, all development are expected to contribute to delivery of the network". However, the costs of this infrastructure is not being shared by all new development in the Garden Town but on a select few housing sites only. It is wrong that an employment site does not have any to make any contribution as it would, presumably, have

<sup>31</sup> 44th-49th Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.

<p>greater reliance on the STC network than a single dwelling as it will be attracting staff and customers to the Garden Town.</p> <p>The connection of the STC into the four new garden town communities is also identified as part of the overall network but the cost is now considered the responsibility of the respective new garden community developers "due to the need for their early delivery to facilitate sustainable development of each site". This change in approach is not supported by any evidence and appears to place a disproportionate burden on the new garden communities as the costs of delivering part of the STC is not offset against its per dwelling charge (although we note the IDP appears to contradict itself by stating that for Water Lane (STC-WL) that it will deliver the on-site and off-site STC connection works in lieu of cost). The impact of the STC definition change is even larger on the Gilston Area because the northern section of the STC has also been carved out and now included as part of the CSC scheme, meaning that other housing sites are not contributing to this cost towards it.</p> <p>The advice of PfP's transport consultants (Vectos) is that the Gilston Area could achieve the required mode share without the wider STC being in place. For that reason, the total contribution being sought from the Gilston Area, both in terms of on-site delivery and cash payment, is not justified."<sup>32</sup></p>	
<p>"The total costs for transport infrastructure in the IDP is £635m with the Western STC costing £58m, the Eastern STC costing £40m,</p>	<p>The total cost for transport infrastructure in the IDP have been revised following engagement with</p>

<sup>32</sup> Quod on behalf of Places for People, December 2022.

the Northern STC is £38m and Southern is £63m. These costs are significant and limited justification has been provided as to how these costs have been derived. We are aware that initial design options work has been undertaken in relation to the STC junctions, which we are yet to be consulted on. However, we are unaware of comprehensive costings of the STCs and how these costings have been justified.”<sup>33</sup>[CM(11)] [ST12] [CM(13)]

transport officers, and now total £585m (subject to indexation). These costs have been included following comprehensive engagement with transport officers, and evidence of the costs have been appended to the IDP and were made available to the Developer Forum.

The recosting of the Western STC, and Eastern STC Schemes reflect changed designs, and full reports will be available Autumn 2023.

The Northern STC costs have been evidenced within the IDP, and are based upon ECC detailed design as published for public engagement in November 2021.

A cost has been provided for an interim on-road scheme. Design work to identify interventions required and associated costing for these, will be completed in Autumn 2023, and therefore this interim cost approximation is based from officer engagement. A longer term aspiration remains to deliver a sustainable route as set out within the Local Plan, through a rapid transit route through the green wedge. Some upgrading of existing walking and cycling routes in the Green Wedge may be sought as part of a package of southern STC contributions.

<sup>33</sup> Para 2.7, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

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	<p>Contributions will be collected from developers as the scheme progresses and planning applications come are assessed.</p>
<p>“The Main Modifications (July 2021) proposed additional new paragraphs to be included in the preamble to policy SP4. This included new paragraph after paragraph 2.117 which included the text; ‘in order to maximise the promotion of use of sustainable transport measures, it will be necessary for key elements of sustainable transport provision to be available when Garden Communities are first occupied’.</p> <p>Following concerns raised by the Inspector in his 16 June 2022 Note where he advised that the main modification was not clear enough as to what elements of sustainable transport will need to be provided at first occupation and that it was unclear whether such a requirement has been viability tested, Action 7 suggested this is replaced by one which seeks appropriate sustainable transport provision commensurate with the phasing of development.</p> <p>As a consequence, the further Main Modifications (Oct 2022) amended the wording to read ‘in order to maximise the promotion and use of active and sustainable transport modes, it will be necessary for sustainable transport provision, including connection into the Sustainable Transport Corridor network, to be commensurate with the phasing of development of Garden Communities.’”<sup>34</sup></p>	<p>No change actioned: comments noted, the current indication from infrastructure stakeholders is that the active and sustainable accesses into sites should be delivered in order to support the occupation of the development. Developers should engage with the local authorities to find solutions to infrastructure delivery necessary to support sustainable development.</p>

<sup>34</sup> 41<sup>st</sup> - 43<sup>rd</sup> Para, David Lock Associates on behalf of CEG Ltd and Hallam Land Management Ltd, November 2022.



<p>“Whilst we welcome the inclusion of additional sites/growth of 1,769 units and contributions being sought from all to help deliver the STC, this should be extended to funding contributions beyond the STC, namely the ESC. As we have noted previously, this pool of contributing development is still too small - wider growth/sites ought to be included to cover post plan and employment growth. This would ensure that the burdens on development are both reasonable and proportionate.”<sup>35</sup></p>	<p>The Eastern Stort Crossing is a strategic infrastructure project, however, it is considered to be primarily triggered to meet the additional capacity needs of the four new garden communities, the smaller allocations within the Harlow area will have a negligible impact on highway capacity across the Stort Valley and as such it is considered unlikely that such impact could be modelled to demonstrate a material impact sufficient to support developer contributions being sought.</p> <p>The approach to apportioning the ESC has been updated, reverting back to a roof tax basis, between each of the strategic sites, and the existing PAH site.<sup>[CM(14)]ST15]</sup></p>
<p>“PFP considers the 78% allocation of the Eastern Stort Crossing costs to the Gilston Area and the level of the Gilston Area STC Contribution (comprised now of STC-GA (b) and (c) and a cash contribution of £46,065,600) disproportionate. As explained below, the updated IDP also fails to reduce the level of the STC contribution by 22% of the final ESC costs. It is inconsistent to allow some contributions to be reduced by works in lieu and then not recognise the forward funding of the ESC by the Gilston Area developers as being works in lieu which should reduce its overall STC contribution. Also, it is unclear why there is a reference to only a "partial reduction" for the</p>	<p>Forward funding of the Eastern Stort Crossing has been facilitated through the award of the Housing Investment Grant (HIG).</p> <p>The Gilston Area Villages 1-6 developer will be the recipient of these HIG monies, the amount of contributions are a matter of negotiation linked to the receipt of HIG and therefore may be different to the arrangements for other developers who do not receive HIG.</p>

<sup>35</sup> Quod on behalf of Places for People, December 2022.

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<p>Gilston Area as opposed to a straight "reduction" for other sites. This affects the reasonableness and the proportionality of the burdens proposed and again has a magnifying effect on delivery of wider Local Plan objectives.”<sup>36</sup></p>	<p>As negotiated between EHDC, HCC, and the Gilston applicants, planning consent sets the ESC contribution levels, which are consistent with the roof tax approach used in the 2019 IDP, including the existing PAH site. [JSHoH&amp;GCI6][ST17] Each of the contributing sites have their contributions set on a roof tax basis, and the contributions set out within the Gilston Village 1-6, and Village 7 Heads of Terms have been used. Shortfalls from Gilston are part of the scheme funding gap. [CM(18)]</p>
<p>“The updated IDP properly recognises that Village 7 should be responsible for 15% of the Gilston Area costs in relation to the Central Crossing (STC-GA) and Eastern Crossing (TR3/TR20), however the text in the table needs to be updated to make clear that Village 7 is to "repay 15% of the project costs" irrespective of the level of funding available to assist with the project. Part of that 15% will be paid into the RIF, based on the actual amount drawn-down towards the relevant project. This principle also applies to the contributions made by other sites external to the Gilson Area in connection with the Eastern Crossing (TR3/TR20). For example, if the 22% figure was accepted (which for the avoidance of doubt it isn't), then it is to be 22% of the actual costs of the ESC that are to be paid by the other strategic sites and part of that 22% will be paid into the RIF, based on the actual amount drawn-down for the Eastern Crossing project. It is wrong to confuse apportionment by</p>	<p>The IDP is a 'snapshot in time' it represents the current understanding based upon the current evidence. It is accepted that evidence such as costs may change and this will need to be taken into account when determining planning applications and any associated legal agreements where appropriate.</p> <p>The IDP has been prepared following the award of the HIG monies and therefore reflects this basis. If HIG monies are not available then this would constitute a change in evidence that might need to be taken into account when determining planning applications and any associated legal agreements where appropriate.</p>

<sup>36</sup> Quod on behalf of Places for People, December 2022.





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reference to HIG funding, which is not guaranteed, as the crossings will still need to be delivered in a no-HIG world.

On a similar note, where a figure is specified alongside the 15% proportion for Village 7, it needs to be clear that Village 7 is responsible for 15% of actual delivery costs, which may be different from the figure specified in the IDP.”<sup>37</sup>

“TR3 (Second Stort Valley Crossing): PfP dispute there is evidence to justify this 78% having regard to tests noted above. Vectos on behalf of PfP provided a note to ECC in March 2021 that explained why the supporting justification used at that point was inadequate or inappropriate. ECC has not responded.

For reasons outlined above, we also do not agree with the limited number of sites that are contributing to the ESC costs. The benefits far exceeds the 4 strategic sites in addition to the Gilston Area and it is critical to the success of the STC, which the HGGT partners are seeking contributions from more than the 4 strategic site.

Analysis of the trips that will use the ESC highlights that a significant proportion (between circa 40% and 60% depending on location in the completed development scenario) of the trips that will use the STC are re-distributed background trips i.e. trips that were already on the network but have diverted to use the ESC. This is in addition to the new trips associated with the other (non-Gilston) local plan sites. This re-distribution of trips helps to facilitate

The Gilston Village 1-6 and Village 7 Heads of Terms include Central Stort Crossing Works including pedestrian and cycle bridge, and Eastern Stort Crossing Works (including Edinburgh Way/River Way Junction Improvements) which both state direct delivery by VI-7 (VI-6 Delivery/ V7 Occupation and Financial Contribution Obligation equivalent to 15% of actual costs).

As set out above, the approach to apportioning the ESC has been updated to reflect a roof tax approach, between each of the strategic sites plus the existing PAH site. [CM(19)] [ST20]

<sup>37</sup> Quod on behalf of Places for People, December 2022.



<p>the delivery of the wider STC network which can unlock future growth.”<sup>38</sup></p>	
<p>“STC GA (Northern STC continuation into the Gilston Area new garden community): Whilst existing vehicular capacity will stay broadly the same:</p> <ul style="list-style-type: none"> <li>• there is an existing capacity issue and some congestion will be alleviated;</li> <li>• the costs include replacing the existing bridge deck which is a maintenance point;</li> <li>• the STC GA delivers benefits for existing communities; and</li> <li>• is "vital to achieve the mode share targets within the Garden Town" (see 3.4.3).</li> </ul> <p>As a result, its purpose is wider than solely the Gilston Area and so it is not correct to allocate it a full 100% of the costs.</p> <p>The cost of this item is £62m in the updated IDP for Village 1 to Village 6. The cost in the previous IDP was £30m. The updated cost is also significantly higher than the Dadswell estimate, which is £54m. It is unclear what assumptions have been made in reaching the figures used, and evidence needs to be provided by HGGT to back up the cost estimate used. PpP will review this information and make further representations if needed.”<sup>39</sup></p>	<p>Cost of CSC amended no other change actioned: The STC is a single network, however, parts of that network are also required to deliver active and sustainable connections into the new garden communities and as such also form part of the development access strategy. The Central Stort Crossing forms the STC sustainable access necessary for the Gilston Area. A reduction of the STC contributions from the Gilston Area has been set out, as partly agreed through the Housing Investment Grant award.</p> <p>IDP cost for Central Stort Crossing was based upon information provided by Quod on behalf of Places for People on 12 May 2022, no notification of an amendment of costs had been provided. IDP schedule has now been updated to reflect scheme cost of £54,000,000 as advised. [CM(21)]ST22]</p>
<p>“The measures in ST1 (New development Green Travel Plan measures and monitoring) are illustrative examples only and the costs of such will fall within ST2.</p>	<p>No change actioned: the figures set out represent those identified by the Highway Authorities, any change will be necessary to be indicated as</p>

<sup>38</sup> Quod on behalf of Places for People, December 2022.

<sup>39</sup> Quod on behalf of Places for People, December 2022.

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<p>ST2 is a maximum figure only, with only approx. 50% of the total assumed as being necessary at this point in time based on the costs of implementing travel plans (£500 per dwellings), monitoring and the bus subsidy (expected to be £6.4m for the full Gilston Area).”<sup>40</sup></p>	<p>having been agreed with the relevant stakeholders.</p>
<p>“AT6 (Cycling improvements at Route 2 of the LCWIP ie Gilston Area - Parndon Mill - Town Centre): It is considered that this cost should also be attributed to Gilston Area Village 7, because residents of Village 7 will also use this route. It should also be clarified in the text that the delivery by the Gilston Area does not include a Toucan Crossing of Elizabeth Way.”<sup>41</sup></p>	<p>No change actioned: it has been identified that the Gilston Area Villages 1-6 would deliver this route, Village 7 would deliver the connection to Roydon.</p>
<p>“AT11 (Walking and cycling connections and enhancements between new garden communities and surrounding neighbourhoods and villages): Delivery of (a) and (b) is agreed. As item (b) (Hunsdon cycle link) is provided by Villages 1-6, it should not be delivered by Village 7 – edit to the schedule required. Furthermore, Village 7 should contribute 15% of the costs of the Hunsdon Cycle link as it represents a Gilston Area wide benefit. Also, the links to be provided to/from Villages 1-6 have been agreed, hence the phrase: “Other connections to be identified at Masterplan/Application stage” should specifically not apply to Villages 1-6 and a note should be added to the schedule to that effect.”<sup>42</sup></p>	<p>No change actioned: the comment indicates that Village 7 is partly responsible for securing the delivery of the Hunsdon link therefore the schedule remains correct. Masterplanning for the Gilston Area continues therefore the note regarding other connections is maintained.</p>
<p>“AT12 (Harlow Town Railway Station Capacity assessment and potential new Northern</p>	<p>No change actioned: the feasibility is required to be undertaken to better</p>

<sup>40</sup> Quod on behalf of Places for People, December 2022.

<sup>41</sup> Quod on behalf of Places for People, December 2022.

<sup>42</sup> Quod on behalf of Places for People, December 2022.



<p>Access): The maximum contribution for the Gilston Area has been fixed based on a preliminary scheme and is to fund feasibility and potential implementation of the northern station access at Harlow Town Railway Station. The nature of the scheme and costs could increase if Network Rail was to be willing to fund such. As such the phrase “Additional Contributions may be required subject to need and feasibility being demonstrated” should be amended to make clear where the addition contributions would be coming from. The inclusion of contributions from additional sites is welcomed. Station and rail capacity were considered as part of assessment of the Village I-6 planning application and no need for any capacity enhancements were identified. Hence “assessment of station user capacity” should not apply to Village I-6.”<sup>43</sup></p>	<p>understand what works may be required and their basis of need. Current wording of schedule considered appropriate in this context.</p>
<p>“TR4 (Hertfordshire Public Highway improvements): The potential of the Gilston Area to make a regulation I22 compliant contribution to these items has been agreed but insufficient information has been provided to date to enable PfP to analyse and agree the current figure in the updated IDP.”<sup>44</sup></p>	<p>No change actioned: noted.</p>
<p>“TR5 (Essex Public Highway improvements): This is assumed (and is stated in the IDP) to be direct delivery rather than a contribution, therefore the cost should be removed.”<sup>45</sup></p>	<p>No change actioned: cost has been provided. In general costs of off-site works are included in the IDP even where direct delivery is indicated.</p>
<p>“TR6 (Gilston Area new garden community public highway access works): This item should include Village 6 access costs as this access will</p>	<p>No change actioned: at the time of update the Village 6 access has not been identified as agreed by HCC</p>

<sup>43</sup> Quod on behalf of Places for People, December 2022.

<sup>44</sup> Quod on behalf of Places for People, December 2022.

<sup>45</sup> Quod on behalf of Places for People, December 2022.

	<p>be needed to deliver Policy GAI objectives for the Gilston Area. The Concept Framework, which was adopted by EHDC in 2018, shows an access from the A414 to Village 6.”<sup>46</sup></p>	<p>Highway Authority or East Herts District Council. The Concept Framework Council report indicates that such matters are subject to further engagement.</p>
<p>EDUCATION PROJECTS</p>	<p>“ED1 (Early Years Provision): Pfp have committed to delivery of a nursery class within each primary school at GPE. A floorspace allowance has been made for a potential standalone nursery or crèche (up to 300sqm GEA) in all villages in addition to this, however, delivery is dependent on private operators taking this up. No separate allowance has been made for external space at this stage.”<sup>47</sup></p>	<p>The IDP is a ‘snapshot in time’ of potential infrastructure requirements, and as per the agreed Gilston Heads of Terms, contributions will be sought for 300sqm per village for Gilston Villages 1-6, and a minimum of 275sqm for Village 7, with no specified external floorspace provision.</p>
	<p>“ED2 (Primary School provision): The principle of the proposed costs being informed by the DfE Scorecard is accepted, however the application of a 10% uplift for sustainability is not accepted because the DfE scorecard figures will reflect actual practice in school design, which will increasingly take into account sustainability requirements over time. In addition the cost of sustainable design measures is likely to reduce over time as these become mainstream.</p> <p>It should be noted that the proposed proportions attributed to Villages 1 to 6 and Village 7 in the IDP for education may not be reflected in actual delivery at the Gilston Area as this will be subject to the practicality of delivery on site, and reconciled between the developers through equalisation provisions.”<sup>48</sup></p>	<p>No change actioned: requirement is as set out by HCC Education Services. It is understood that actual provision and actual costs may vary, the IDP is a snapshot in time of the potential infrastructure requirements.</p>

<sup>46</sup> Quod on behalf of Places for People, December 2022.

<sup>47</sup> Quod on behalf of Places for People, December 2022.

<sup>48</sup> Quod on behalf of Places for People, December 2022.

<p>“ED6 (Secondary School provision): As for the comment on primary schools, the principle of the proposed costs being informed by the DfE Scorecard is accepted, however the application of a 10% uplift for sustainability is not accepted for the reasons above.”<sup>49</sup></p>	
<p>“ED7 (Off-site school transport and temporary Secondary School accommodation and revenue support to mitigate impact of early Secondary Education provision): PfP note that transport costs are subject to demand and will only be payable as required based on a per pupil basis.”<sup>50</sup></p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements.</p>
<p>“ED8 (Special Education Needs): The proposed provision for SEN at GPE is set out in para 3.3.14 of the Development Specification, which states:</p> <p>“Appropriate facilities for Special Educational Need (SEN) will be made available in the Village Development within existing school sites, capacity for which will be met within the maximum education and community floorspace allowance. This this will enable those children with a SEN for whom specialist provision in a mainstream school is appropriate to be education in a Specialist Resource Provision class base or SEN unit within a mainstream school (at no significant additional capital cost). . Contributions will be paid to secure offsite Special School places for those children that need a higher level of SEN. There will be insufficient children within the Gilston Area (estimated as being 1.3% of the total child yield)</p>	<p>No change actioned: requirement is as set out by HCC Education Services. The IDP is a ‘snapshot in time’ of potential infrastructure requirements. Agreement with HCC has not been demonstrated at this time in order to support this change.</p>

<sup>49</sup> Quod on behalf of Places for People, December 2022.

<sup>50</sup> Quod on behalf of Places for People, December 2022.

	to generate the need for a new Special School within the Village Development.” <sup>51</sup>	
HEALTHCARE PROJECTS	“HE1 (Princess Alexandra Hospital (PAH) Secondary Health Care Services): The schedule states that contributions may be necessary from the Gilston Area subject to identification by Herts & West Essex Integrated Care System. As you know, PfP disagree in principle that contributions should be sought from the Gilston Area for acute healthcare and does not consider that they constitute mitigation for development under the terms of reg 122.” <sup>52</sup>	The IDP has been updated to reflect the outcome of the landmark case of ‘R (University Hospitals of Leicester NHS Trust) v Harborough District Council (Holgate J, 13 February 2023)’ which considered that new development does not constitute for mitigation for development under the terms of ref 122. Contributions are no longer being sought by HE1.
	“HE2 (GP Surgeries / Primary Health Care Services) and HE3 (Community and Mental Health and Well-Being Services): In the Development Specification PfP have budgeted for the floorspace and costs associated with an integrated facility to cover primary healthcare needs, plus mental health and community health floorspace, to serve the needs of residents of the Gilston Park Estate.” <sup>53</sup>	No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements.
	“HE4 (Community Diagnostics Hub), HE5 (New or Extended Dentist’s Surgeries) and HE6 (New or Extended Pharmacy Services): The delivery of these services would be brought forward by commercial operators and would not be subject to contributions from development sites. Therefore they should be removed from the IDP.” <sup>54</sup>	No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements it is not solely for the purposes of identifying financial contributions.

<sup>51</sup> Quod on behalf of Places for People, December 2022.

<sup>52</sup> Quod on behalf of Places for People, December 2022.

<sup>53</sup> Quod on behalf of Places for People, December 2022.

<sup>54</sup> Quod on behalf of Places for People, December 2022.



	<p>“HE7 (Adult Care Services): The schedule states that 110 Extra Care units – including 40% affordable housing are to be delivered at GPE. While extra care units are likely to form part of the housing mix at GPE, the quantum of affordable housing is subject to development plan policy and the provisions of the OPA s106 agreement and this should be made clear in the schedule.”<sup>55</sup></p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements.</p>
EMERGENCY SERVICES	<p>“ESI (Hertfordshire Emergency Services Hub): The IDP appears to suggest that the Gilston Area will provide a 0.6ha site as well as a £1.4m contribution. PfP offered a 0.6ha site via the Village 6 access, which was the only suitable site available at the Gilston Park Estate, however, this was not accepted by EHDC/HCC, and therefore the contribution for PfP will revert to a £1.4m contribution towards the cost of a hub should a suitable site is found elsewhere.”<sup>56</sup></p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements based upon the information provided by the relevant infrastructure stakeholders. No demonstration of alternative agreement has been provided at this time to allow this change.</p>
COMMUNITY FACILITIES	<p>“CF1 (Community Halls and multi-purpose spaces): PfP have committed to delivery of a multi-functional community centre of at least 1,000sqm GEA within Village 1. In addition, PfP will work with school operators to offer community use of school facilities. No allowance in floorspace or cost terms has been made for separate community facilities to be provided in villages.”<sup>57</sup></p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements.</p>
	<p>“CF2 (Youth Facilities): The description of the floorspace does not reflect agreement reached between PfP and HCC during the planning application process, as set out in para 3.3.21 of</p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements based upon the information provided by</p>

<sup>55</sup> Quod on behalf of Places for People, December 2022.

<sup>56</sup> Quod on behalf of Places for People, December 2022.

<sup>57</sup> Quod on behalf of Places for People, December 2022.

<p>the Development Specification and should be updated. In summary:</p> <ul style="list-style-type: none"> <li>• Up to 460 sqm GEA of dedicated space for youth facilities within Village 1, to be additional to and physically separate from any school building;</li> <li>• A minimum of 520 sqm GEA of floorspace to which young people will have dedicated access at set times of the week outside of school hours. This space may 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;</li> <li>• Dedicated access to a Multi-Use Games Area at set times of the week. This may be on a school site with appropriate access arrangements or on a suitably managed site, co-located with the dedicated youth facilities.”<sup>58</sup></li> </ul>	<p>the relevant infrastructure stakeholders. No demonstration of alternative agreement has been provided at this time to allow this change.</p>
<p>“CF3 (Library provision to serve the Garden Town): PfP dispute the evidence to justify this figure having regard to reg 122 tests and has been consistent in this position. As noted in the revised IDP material, evidence does not yet exist on the need for an additional/expanded facility and further feasibility work is required. A Gilston Area wide contribution of £1.9m (split 85/15%) has been proposed in the GPE application, subject to evidence of need being provided at a future point.”<sup>59</sup></p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements based upon the information provided by the relevant infrastructure stakeholders. No demonstration of alternative agreement has been provided at this time to allow this change.</p>

<sup>58</sup> Quod on behalf of Places for People, December 2022.

<sup>59</sup> Quod on behalf of Places for People, December 2022.

OPEN SPACE PROJECTS	<p>“OS5 (Stort Valley Green and Blue Infrastructure): The cost identified for the Gilston Area is £7.6m. PfP dispute the evidence to justify this figure having regard to reg 122 tests HGGT will be aware of the ongoing discussions between Pfp and EHDC on this matter. Pfp and TW have evidenced an appropriate of £3m which can be applied across the Stort Valley, as determined by EHDC working in collaboration with the Catchment Partnership and wildlife trust.”<sup>60</sup></p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements based upon the information provided by the relevant infrastructure stakeholders. No demonstration of alternative agreement has been provided at this time to allow this change.</p>
	<p>“It is also noted that reference is made within the IDP that up to 13ha of SANG land is required as part of the Water Lane allocation. No further detail is provided, but in accordance with the Epping Forest Local Plan and the Epping Forest Green Infrastructure Strategy, this SANG requirement relates solely to West Sumners due to the site’s location within the Zone of Influence. This clarification should be included within the IDP to provide certainty in the future.”<sup>61</sup></p>	<p>No change actioned: Water Lane is considered as a single development site for the purposes of the IDP.</p>
UTILITIES PROJECTS	<p>“UT12 (Household Recycling and Waste facilities/services): Pfp dispute the evidence to justify this figure having regard to reg 122 tests and has been consistent in this position. Pfp have proposed £1.4m for this item, as was requested in the previous IDP, and subject to EHDC demonstrating that there is a viable scheme.”<sup>62</sup></p>	<p>No change actioned: the IDP is a ‘snapshot in time’ of potential infrastructure requirements based upon the information provided by the relevant infrastructure stakeholders. No demonstration of alternative agreement has been provided at this time to allow this change.</p>

<sup>60</sup> Quod on behalf of Places for People, December 2022.

<sup>61</sup> Para 2.10, Pegasus Group on behalf of Martin Grant Homes, Persimmon Homes and Taylor Wimpey, December 2022.

<sup>62</sup> Quod on behalf of Places for People, December 2022.

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