

## **Hunsdon Eastwick and Gilston Neighbourhood plan group (The Group)**

### **Response to East Herts and Places of People consultation on the Concept Development Framework over the period 25<sup>th</sup> July to 8th September 2017 (and for Group to 30<sup>th</sup> September)**

#### **1 Introduction**

The Group welcomes this consultation but must reiterate our great disappointment with the way in which the Concept Development Framework (CDF) has been prepared and the level and extent of community engagement which has been undertaken to date.

Whilst being a properly constituted Neighbourhood Plan Group (so recognised by East Herts through the designation of the neighbourhood planning area on 1 September 2015) the CDF, as published in September 2016, was prepared without any consultation with the Group at a time when we were grappling with the early stages of our neighbourhood plan. This is highlighted in our representations on the Local Plan Regulation 19 Consultation which were submitted to the Council in December 2016.

We are also surprised that this formal consultation with the Group and residents is being undertaken on the September 2016 document rather than any amended version which takes into account the work we have engaged with and comments we have made since that time. We note that East Herts submitted the CDF to the Planning Inspector in December 2016 as part of the Local Plan Evidence Base but 8 months later on is only now undertaking consultation on that document with local communities. This feels like a failure of due process, particularly as the consultation has been undertaken during the August holiday period.

The CDF document expressly states that it will be developed *collaboratively* with the communities prior to the EiP but there has to date been no effective collaborative working on the CDF (as required by Policy GA1) and it remains as originally drafted by the development's promoters. We are also aware that the combined local authorities have been granted funding from DCLG to prepare a Vision for the area and this work is now underway; this we believe should be completed before the CDF is finalised, not the other way round.

We understand the intention is to finalise the CDF before the EiP session relating to the Gilston area in November. The CDF is a substantial and far-reaching document which will set the framework and principles for development and change in the area over the next 30 years. Given the importance of this document, we do not believe that this timescale allows for effective collaborative working with the community (and further modification of the draft document) as required by Policy GA1. Starting a formal consultation on it over the August holiday period when the community is preoccupied with preparations for the EiP feels to many like an attempt to 'go through the motions' of a consultation whilst not taking into account the comments made already and with no real likelihood of the document being modified in response to the current consultation in advance of the EiP. The emerging Vision work, as funded by DCLG, seems to offer a much more robust approach as a first stage, and we cannot understand why the consultants working on the Vision have been advised to only give outline consideration to Gilston's proposed 7 villages rather than to give the proposals full and due consideration as part of the wider Vision. This seems to us to be driven by the desire to speed up a badly organised consultation on a flawed document

In the absence of such collaborative discussion, we have decided to take the initiative and explore directly with the wider local community which aspects of the CDF, in our collective view, would support a high quality development, respectful of our communities and well integrated in our countryside and where modifications or further amplification may be appropriate. We believe the most effective way of doing this is to hold a community workshop to see what might be identified for agreement as 'common ground', alongside of course things which we feel should be amended or removed from the CDF at this stage. Our hope is that this will constitute a constructive and helpful basis for a more active and on-going dialogue on the CDF over the coming months with the Council and the promoters.

Given the challenging timescales, our response to the consultation on the CDF will therefore be in two parts. This document provides an interim response and comments on more strategic matters raised by the draft CDF. We will make a second submission with more detailed comments on the contents of the CDF and suggested modifications following the community workshop which is being held on Saturday 23rd September.

## **2 Background**

We feel it is appropriate to refer to our recent discussions with the Council and promoters. At the Group's inaugural meeting with East Herts and the developers in October 2016 the Group, inter alia, recorded:-

- The Group did not support the development concept but was engaging as East Herts were proposing to abandon its long-standing policy position supporting the Metropolitan Green Belt; this remains our position;
- Our concern over the lack of **any** consultation in preparing the CDF;
- That the Community needed support from, and funding for, technical specialists given the scale, scope and implications of the CDF. (NB this was eventually agreed by the promoters in April 2017 and an appointment has been made part way through the consultation period.) We are, therefore, having to brief the appointed consultant within the short formal consultation period remaining, although an extension to the consultation period has, thankfully, been agreed by East Herts. We have also sought funding for more broadly based support. This has been declined but adds, in our view, unreasonable pressure on our community as we have simultaneous consultations and responses due on very important matters relating to the future of our community. As our District Council has decided to support the land owners in these matters the community feels that it has the most limited support in contrast to the well-funded promoters and the Council as supported by substantial DCLG funding. The community is currently working to very onerous timescales in respect of the following and this is giving rise to significant pressures:-
  - Our formal submission to the Inspector for the EiP
  - Our response to the consultation on the CDF document
  - The outline Planning pre application consultation
  - The Vision work consultation

The Group has engaged with the Council and the owners/promoters of the proposed development site at a series of seminars but many of the agreed actions remain outstanding and questions raised on the CDF have not been addressed. We must therefore question the merits of a formal consultation on a document which has already been

acknowledged by the promoters as being in need of review and modification. We have recently been advised that solicitors are developing legal agreements but that East Herts and the Development Promoters are unwilling to tell us what these agreements cover and whether our representations have been addressed – we simply have not been given any feedback so the promise set out in the CDF of “collaboration with the local community” on its content appears again to have been over-looked by the Council and site promoters.

In June 2017 at a steering group meeting organised by East Herts we were consulted on a brief put to the market some 6 months earlier for the appointment of consultants to prepare a Vision for the wider Harlow and Gilston projects, badged as a Garden City/village concept. A leading firm of architects, Allies and Morrison, has been appointed to undertake this review. We have made telephone representation, and latterly been invited to attend a briefing session with them but given the proposed scale of the Gilston project we would expect a higher level of engagement especially as we believe the brief given to them did not reflect the undertakings about the type of development now being proposed for Gilston. A professional Programme Manager has also been appointed by the combined authorities. The number of separate initiatives being undertaken by different bodies adds to the confusion and uncertainty for local communities and we are very concerned about the apparent lack of coordination and inconsistencies in the timescales involved. The development promoters’ legal adviser has echoed the Group’s suggestion that the promoters’ undertakings on a range of highly important matters should be embodied into formal documentation ahead of the EiP. We have asked about progress on this agreement as well as what the agreements will cover as they are intimately linked to the Council’s proposals to allocate the Gilston Area under Policy GA1. The promoters’ undertakings, are set out in the very broadest terms within the CDF but we have not had responses to our requests for fuller information; clarity about these undertakings forms a fundamental part of this consultation and the proposition being made and will affect our response to the CDF.

### 3 Interim Comments

Ref	Issue	Proposed Response
1	The <b>consultation is premature</b> because East Herts have not prepared or set out, as the relevant planning authority, their view of what the master plan and concept should be. This is further complicated by the fact that East Herts, along with other authorities, have commissioned a high level architectural Vision piece of work for the wider area using government funding. This visioning work may have implications for the CDF and it seems to us therefore that this work should precede the CDF consultation not follow it. The CDF should not be finalised before the visioning work is completed. Moreover, the purpose of the consultation and the status of the CDF after the consultation has not been made clear. We assume the CDF would need to be endorsed by the appropriate	<ul style="list-style-type: none"> <li>• The current consultation should be seen as part of an ongoing process of engagement with the community before the CDF is finalised.</li> <li>• The purpose and expected outcomes of the consultation and timescales for further consultation to finalise the CDF should be clarified.</li> </ul>

	Committee before it is finalised.	
2	<p>The CFD document is the same one produced by the promoter's with East Herts in October 2016. <b>There was no consultation with the Neighbourhood Plan Group or the communities directly affected</b> and the document has been prepared with no meaningful community engagement. Comments and notes produced since its publication a year ago have not been taken into account in the current consultation document.</p> <p>The consultation has been rushed and held over the summer holiday period. Leaflets promoting the consultation failed to get delivered to many within the immediate community affected by the scheme.</p>	<ul style="list-style-type: none"> <li>• East Herts commits to developing a meaningful dialogue with the community as indicated in the CDF and Policy GA1.</li> <li>• Review CDF to take account of community responses to draft CDF.</li> </ul>
3	<p>Despite our belief in the development concept being flawed we have been willing to attend seminars with East Herts and the Development Promoters in view of the support East Herts are now giving to releasing the Green Belt for development. At a seminar, the promoters' architects agreed that images and other illustrative material in the CDF may not effectively reflect the core concept of 7 separate villages built in open countryside. It therefore seems reasonable to expect that the illustrative material would have been reviewed, or better still omitted, before the start of the consultation. We are disappointed that the current consultation has been commenced without evolving the early work and addressing our previous concerns. This further compounds our concerns about the commitment to collaboration with the community in developing the CDF.</p>	<ul style="list-style-type: none"> <li>• On-going dialogue with the community.</li> <li>• The CDF should be modified to reflect previous comments and responses to the current consultation.</li> <li>• Further comments to be submitted following the community workshop on 23<sup>rd</sup> September.</li> </ul>
4	<p>The CDF anticipates substantial new infrastructure to support the proposed project but <b>offers no detail or assurance that this infrastructure will be delivered</b>. For example a new Stort River crossing is proposed but not detailed, even in outline, and we have seen no</p>	<ul style="list-style-type: none"> <li>• Further clarification and legal confirmation required regarding funding of necessary infrastructure and</li> </ul>

	<p>programme which shows how this will be delivered and in the last week have discovered (rather than being told) that the land needed will be acquired through the use of compulsory powers with an assumption that this will be funded by the development promoters although the route shown seems to carelessly divide our community.</p> <p>The Developers have indicated that they will agree to a <b>'land value capture model'</b> and <b>enter into legal agreements committing them to funding of the necessary infrastructure but have not specified how this will work, despite repeated requests for more information.</b> The Promoters' legal advisor has stated that such agreements need to be in place before the EiP (which supports our contention) but we understand there has been no progress. On this basis there is no assurance that the infrastructure referred to in the CDF will be delivered; the areas infrastructure is already overloaded and we believe cannot cope with added development pressures without new infrastructure which any developers must provide before they start adding more pressure to already overloaded systems.</p>	<p>the timescale for delivery.</p>
5	<p>The CDF has been discussed, in general terms with the community for nearly a year and the need for modifications has been acknowledged. We are concerned that the CDF goes far beyond the principles required by Policy GA1 and will not deliver the development objectives. These issues will be further addressed at the community workshop.</p>	<ul style="list-style-type: none"> <li>• Further comments on the spatial framework and development principles to be submitted following the community workshop on 23<sup>rd</sup> September.</li> </ul>
6	<p>The CDF document offers <b>no explanation of how development works will be managed</b> so that the existing communities will not be adversely affected by the project. We have frequently raised this as an issue and have not had any response. The CDF needs to provide clarification of how the adverse impacts of the development will be managed and claimed benefits for existing communities secured.</p>	<ul style="list-style-type: none"> <li>• CDF requires amplification.</li> </ul>

7	<p>Section 6 says that the scheme will deliver ‘early’ but ignores <b>the need for the infrastructure to be in place before any development starts to avoid adding additional stress to the already overloaded infrastructure</b>. (NOTE, Page 50 of the CDF discusses vehicle movement models without any reference to the current serious congestion. AND Page 69 of the CDF (Learning from Harlow) states, “use growth to the north of the town to support investment into its (Harlow) essential infrastructure and sustainable regeneration”). This appears to ignore the essential requirement that substantial improvements need to be made to the infrastructure <i>before</i> any development take place in Gilston. East Herts have commissioned, along with neighbouring councils, work from Arup on the overall project framework and this should inform the CDF.</p>	<ul style="list-style-type: none"> <li>• The CDF needs to be reviewed in the light of the Arup work on project and programme management.</li> </ul>
8	<p><b>The governance of the proposed ‘undeveloped land to be passed to the community’ needs to be detailed.</b> We agree that this land, alongside other community assets, should be passed to the local Community BUT not East Herts. It has been suggested that these land transfers will not be made until after the project is complete in 35 years time. We do not believe this is the correct approach and we are awaiting further discussions on this matter. Whilst this goes beyond the scope of the CDF, it is such an important aspect of the development that some further detail is required in the document than is currently provided.</p>	<ul style="list-style-type: none"> <li>• Amplification of the CDF to provide further details of proposed governance arrangements.</li> <li>• The Promoters and East Herts need to engage with and resource the Community to enable them to engage in the establishment of a suitable Community Land Trust.</li> </ul>

9	<p>At the seminars with East Herts and Development Promoters we proposed a different <b>governance structure for delivering Gilston as a development concept</b>. We recognise the wider “Garden City” within the sub regional context but this proposal is to develop 7 villages and an aspiration for 10,000 new homes so is, in its own right, a massive and highly complex undertaking requiring significant specialist skills. The Community was invited to put an alternative proposal forward and did so in a strategy paper in January 2017 but have yet to have a response from East Herts as a part of the consultation process. Our proposals make the point that East Herts is not established as a delivery authority for a project of this complexity and specialist expertise will be required. The development of these new settlements is very different to the simultaneous proposals for the urban extensions to Harlow.</p>	<ul style="list-style-type: none"> <li>• Amplification of CDF to provide clear principles for delivery and governance of the new villages.</li> </ul>
10	<p>We are concerned about much of the visual imagery contained within the CDF and remain of the view that amendments are required. For example, out of date maps have been used which misrepresent the context for development and the relationship of the built up area of Harlow to the proposed development. This will be discussed in further detail at the workshop on 23<sup>rd</sup> September.</p>	<ul style="list-style-type: none"> <li>• Proposed modifications to CDF to be submitted after workshop on 23<sup>rd</sup> September.</li> </ul>
11	<p>The proposals are not driven by a masterplan vision; instead they appear to be driven by the promoters joint land ownership. The Gilston area allocated under Policy GA1 includes land which is intended to remain as open space. We are particularly concerned about the long term protection of land which is shown within the CDF as open land but is proposed to be removed from the Green Belt. Other local landowners are or can be anticipated to be seeking additional green belt releases and therefore the approach to the development concept lacks a coherent master planning approach as it appears to be driven just</p>	<ul style="list-style-type: none"> <li>• Further comments to be submitted after workshop on 23<sup>rd</sup> September.</li> </ul>

	by two landowners' aspirations. A coherent masterplan is required for the area.	
12	Detail within the CFD document and its plans raise a number of questions of, and serious concerns about, detail and accuracy. For example; the future status of existing properties; proposed Rights of Way and changes to existing Rights of Way (even though they are on private property currently outside the scope of the CDF); treatment of existing roads.	<ul style="list-style-type: none"> <li>• Further comments to be submitted after workshop on 23<sup>rd</sup> September.</li> </ul>
13	We believe there is the opportunity to think more creatively about the management of woodland and the overall landscape strategy.	<ul style="list-style-type: none"> <li>• Further comments to be submitted after workshop on 23 September.</li> </ul>
14	<p>There is a need for further detail about the transport strategy and how more sustainable transport modes will be promoted. We are concerned that the promoters' aspirations as set out in the CDF will not be met. The CDF states:-</p> <ul style="list-style-type: none"> <li>○ Page 112 - any improved bus strategy will be introduced in a phased manner (this appears to be an aspiration rather than a given). There is almost zero bus provision in the area and if development goes ahead, bus provision needs to be introduced at the start of the development.</li> <li>○ Page 114 - Rail Strategy appears to rely on the current provision being "generally sufficient" and any improvements being dependent on the Train Operating Company and Network Rail with no proposal that the developers should contribute to any improvements.</li> <li>○ Page 116 - the "principal landowners will assist with the funding of the works (roads) to the extent that is appropriate" – but no details are provided on what is appropriate to accommodate the proposed 10,000 new homes, built in the Green Belt so representing new demand for infrastructure capacity, this is highly relevant given existing infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• The CDF should include further information and clarification about the funding, delivery and phasing of necessary infrastructure provision.</li> <li>• Further detailed assessment is required.</li> <li>• There is a need for greater certainty regarding the funding and phasing of infrastructure provision.</li> </ul>



	<p>constraints.</p> <ul style="list-style-type: none"> <li>○ Further concern with the lack of detail &amp; commitment in the CDF is raised in Appendix 2 which states “delivery of main physical or social infrastructure items will be identified through specific development triggers .... and ”additional work will be required to determine who should be responsible for delivering the various infrastructure items”.</li> </ul>	
15	<p>The CDF infers the proposed development will enhance Harlow’s regeneration without any evidence to support this statement. Nor does it demonstrate how the land value capture model will provide the funds needed to meet the infrastructure necessitated by the Gilston proposal; we are told that the proposal is to drive a new trunk road through the middle of our community. We assume this is because it would be cheaper to do that than other options.</p>	<ul style="list-style-type: none"> <li>• The CDF needs to be informed by the Visioning Work for the wider area and not considered in isolation.</li> </ul>
16	<p>In several places the CDF refers to the ‘redevelopment’ of the Gilston area. As the area is a greenfield site within the Green Belt, this is a mis-representation.</p>	<ul style="list-style-type: none"> <li>• Amend CDF.</li> </ul>
17	<p>The CDF is unclear about housing numbers and does not provide sufficient clarity about the phasing of development</p>	<ul style="list-style-type: none"> <li>• Requirement for clarification of development requirements and phasing.</li> </ul>
18	<p>Policy GA1 states that the CDF will identify ‘phasing’ and the draft CDF states that information on development viability and phasing is provided in the document. However, in practice, the CDF does not provide any information about development viability and how the development and associated infrastructure will be phased. Although referred to on the contents page, the appendices including the Delivery Strategy have not been provided as part of this consultation. As stated in point 14, we are concerned about the ability of the promoter (as has been asserted) to fund all necessary infrastructure through a land value capture model. Without this</p>	<ul style="list-style-type: none"> <li>• Further information required on delivery strategy and development viability.</li> </ul>

	information it is difficult to comment on the CDF.	
20	The CDF appears to have been written as a supporting document to the developers' masterplan – not as a strategic framework for development in accordance with Policy GA1. There is no reference to emerging planning policy or to the Council's expectations for the site. If East Herts intend to adopt or endorse the document as a Council document, it needs to be clear how the document will be used by the Council for Development Management purposes.	<ul style="list-style-type: none"> <li>• Amend CDF to more clearly reflect Council's policy and position and to explain how the document will be used.</li> </ul>

#### 4 Summary

We are of the general view that further work needs to be undertaken in consultation with the community before the CDF can be finalised. In particular, we need further time to work with our recently appointed advisors to enable a more constructive and on-going dialogue with the Council and development promoters to take place.

This document sets out our interim comments on the CDF and we will submit further more detailed comments and proposed modifications following the community workshop on 23rd September. In particular, we would wish to highlight the following general points:

1. The community should be fully engaged in developing the vision for the Gilston area and preparation of the CDF in accordance with Policy GA1.
2. The CDF should contain a chapter on how the development will be managed and the impacts on existing communities will be mitigated.
3. The boundary of the CDF has been closely drawn around the promoters land ownership and we feel this does not represent good planning. Areas covered by Policy GA1 are excluded. A wider planning view is needed to make sure that any development is seen as soundly based.
4. The Development Promoters have stated the need for legal agreements on their strategic undertakings – we agree. While this is a matter for detailed negotiation between East Herts and the development promoters we need to better understand the principles of what is within the heads of terms as it directly impacts on our communities. The community will want to be assured that the proposed Community assets will be managed in perpetuity by an appropriately funded body and that funding can be secured for all necessary infrastructure. In this regard, greater clarity is required regarding the commitment of the promoters to the funding and phased delivery of infrastructure.
5. Given the scale of development proposed in the Gilston area, the Community should be fully engaged in the visioning work which is currently being undertaken for the wider area. We are of the view that the visioning work should be completed before the CDF is finalised.

6. The community needs reassurance regarding the viability and phasing of the development and infrastructure provision and that this can be delivered in an appropriate form.

We trust you will find our interim comments helpful and look forward to a more collaborative dialogue with the Council and promoters regarding the key areas of concern and proposed modifications before the CDF is finalised.

**Hunsdon, Eastwick and Gilston Neighbourhood Plan Group**

17<sup>th</sup> September 2017