

East Herts District Plan 2011 - 2033

Matters and Issues, Part 2.

Preamble

It is important to read the accompanying Inspector's Note, which sets out details of the organisation of the Examination and the hearings.

After the hearing statements have been received and the number of participants is known I will issue a final timetable and agenda for the hearings. Please note that if I consider that any matter has been satisfactorily addressed in the written statements it may not be included in the agenda for the hearings. The questions below are therefore likely to be refined and/or reduced in extent for the hearings.

A number of landowners and developers seek to promote sites that have not been allocated in the submitted plan. It is the purpose of the Examination to consider the soundness of the submitted plan, not to consider sites that have not been allocated ("omission sites"), and time will not be allocated to omission sites in the hearings.

Site Allocations

Chapter 5 - Bishop's Stortford – policies BISH1 - BISH12 (inclusive)

Issues

1. What is the basis for planning to accommodate between 3,729 and 4,142 new homes at Bishop's Stortford?
2. What is the overall amount of employment and retail floor space to be allocated in Bishop's Stortford (this should be added to policy BISH1)?
3. How and why was the planned level chosen ahead of other options? Is the site selection methodology robust and transparent?
4. What is the current position with the Bishop's Stortford Town Centre Planning Framework upon which town centre allocations rely? Can the Council confirm that as a supplementary Planning Document the Town Centre Framework will not set policies, as these must appear in the Local Plan?
5. Are the allocations BISH4 and BISH6 available for development? Can they be relied upon to deliver housing in the expected timescales - for example BISH6 II indicates that 150 homes will be delivered between 2017 – 2022?
6. BISH5 – is this the best option for Bishop's Stortford having regard to loss of Green Belt?
7. Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?

Chapter 6 – Buntingford – policies BUNT1 – BUNT3 (inclusive)

Issues

1. Will there be sufficient housing to meet the needs of Buntingford over the plan period?
2. Sites with planning permission which have not been commenced should be included as allocations?
3. Is the plan flexible enough to ensure that sustainable housing development, in addition to that already allowed, can come forward in Buntingford over the plan period?
4. Is BUNT2 the best site for a new school and is it deliverable?
5. Will the overall amount of employment floor space in BUNT3 be sufficient to meet the need of the district? Are the employment sites identified in BUNT3 the best options to meet this need?
6. Is there a conflict between the Plan settlement boundary for Buntingford and that of the neighbourhood plan?

Chapter 7 – Hertford – policies HERT1 – HERT7 (inclusive)

Issues

1. What is the basis for planning to accommodate 950 new homes over the plan period in Hertford?
2. What is the overall amount of employment and retail floor space to be allocated in Hertford (this should be added to policy HERT1)?
3. How and why was the planned level chosen ahead of other options? Is the site selection methodology robust and transparent?
4. Is the Plan sound in its choice of sites to be removed from the Green Belt?
5. Is the requirement for employment floor space justified in HERT2 and is this necessary to meet the need for employment land in the District?
6. Would the criteria set out in HERT3 be sufficient to protect the local environment, in particular Panshanger Park?
7. Would the employment sites in HERT6 be the most suitable sites, would they deliver the right amount of employment land to meet the identified need?
8. Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?

Chapter 8 – Sawbridgeworth – policies SAWB1 – SAWB5 (inclusive).

Issues

1. What is the basis for planning to accommodate 500 new homes at Sawbridgeworth?
2. How and why was the planned level chosen ahead of other potential options? Is the site selection methodology robust and transparent?
3. How does the Plan contribute towards meeting the employment needs of the District and those in Sawbridgeworth? Is the plan positively prepared in this respect?

4. Is the Plan sound in its choice of sites to be removed from the Green Belt?
5. SAWB5 – is a sports facility necessary and is there a realistic prospect of delivery?
6. Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?

Chapter 9 – Ware – policies WARE1 – WARE3 (inclusive)

Issues

1. What is the basis for planning to accommodate 1,000 new homes at Ware within the plan period?
2. What is the overall amount of employment and retail floor space to be allocated in Ware (this should be added to policy WARE1)? Would this meet identified needs?
3. How and why was the planned level chosen ahead of other options? Is the site selection methodology robust and transparent?
4. How and why was WARE2 chosen ahead of other potential options, particularly having regard to the alteration of Green Belt boundaries and demands on infrastructure?
5. Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?

Chapter 11 – The Gilston Area – policies GA1 and GA2

See Inspector note (c) below

Issues

1. The Gilston Area is a very large allocation with the potential to eventually provide some 10,000 new homes. What considerations led to its allocation? How and where did the loss of Green Belt and countryside fit into those considerations?
2. How was loss of the Green Belt and countryside taken into account in its designation as a Garden Town?
3. What progress has been made on the funding and delivery of necessary infrastructure?
4. Apart from infrastructure what other risks are there to delivery?
5. Monitoring the progress of such a large site and setting out actions to be taken should progress be delayed will be critical to the contribution the allocated site makes to the provision of housing. Therefore, what mechanisms have been put in place to manage progress? What are the trigger points where action will be taken if set milestones are not met? These should be included in the Plan to assist monitoring.
6. There are comprehensive documents setting out development aims for the area as a Garden Town, including the Concept Framework. What is the status of this document?
7. Page 23 of the Position statement sets out a work programme – has this been adhered to, when will delivery commence?

Chapter 12 – East of Stevenage – policy EOS1

Issues

1. How and why was the allocated site chosen ahead of other potential options particularly having regard to Green Belt boundaries, landscape character and demands on infrastructure?
2. Is it deliverable, having regard to the provision of the necessary infrastructure and facilities?

Detailed policies

Chapter 4 – Green Belt and Rural Area Beyond the Green Belt

Issues

1. GBR1 Green Belt. I have already set out in matters and issues for part 1 that a Neighbourhood Plan cannot alter the boundary of the Green Belt. Criterion II will therefore need to be changed to be sound.
2. GBR2 has not been positively prepared and the wording is not consistent with the National Planning Policy Framework (NPPF). It appears to incorrectly apply Green Belt considerations of 'inappropriate development' and 'exceptions', and provides unjustified limitations on development, such as criterion I, (e) – not materially larger. What is the justification for 'the rural area beyond the green belt' designation when settlement boundaries are defined? The policy should be reworded to be sound and conform to national guidance. It should not be phrased in a way that would prevent sustainable development coming forward.

Chapter 14 – Housing

Issues

3. HOU8 self-build housing – Criterion I, would the 200 unit site threshold and 5% proportion of dwelling plots for sale to self-builders be justified and appropriate? How would this apply to developments for flats?
4. HOU9 Gypsies and Travellers and Travelling Showpeople - Criterion I, would the additional pitches and plots shown in the table attached to the policy be in the right place to meet the needs of the travelling community?

Chapter 15 - Economic Development

Issue

5. ED1 Employment – How will changes to the GPDO effect the implementation of policies ED1 and ED2?

Chapter 16 - Retail and Town Centres

Issues

6. RTC1 – Retail Development - Criterion III, would thresholds down to 500sq.m be proportionate, having regard to paragraph 26 of the National Planning Policy Framework where the default threshold is 2,500sq.m?
7. How will changes to the GPDO effect the implementation of policies RTC3, RTC4 and RTC5?

Chapter 17 - Design and Landscape

Issues

8. DES1, Landscape character and DES2 landscaping. The reference to exceptional circumstances in both policies should be removed as it is unclear and unlikely to be effective. The policies should be reworded to explain that other material considerations including appropriate mitigation measures will be taken into account when considering the effect on landscape character/landscaping. DES1, Criterion III – the wording should be 'has regard to' rather than 'will be used to inform'. The Plan should not seek compliance with other untested or unexamined documents.
9. DES2 does not reflect the preceding explanatory text. For example paragraph 17.7.11 appears to set parameters that are not carried through into the policy.

Chapter 18 - Transport

Issues

10. TRA1 - Sustainable Transport. Criterion I (b) should be reworded to 'take account of' instead of 'comply' as it is not clear what is being required. The Plan should not seek compliance with other untested or unexamined documents.
11. TRA3 – Vehicle Parking Provision. Criterion I, The parking standards should be examined as part of the Plan, otherwise you should not be seek compliance for the same reason as TRA1. Criterion V, Further guidance should be given on the amount of charging points rather than 'on a site specific basis' otherwise how will a planning applicant know what to provide.

Chapter 19 - Leisure and Recreation

Issues

12. CFLR2 – Local Green Space. Further guidance may be helpful on what constitutes very special circumstances. Are the designations justified?
13. CFLR4 – Water based recreation. Criterion (b) should be reworded to 'take account of' instead of 'not conflict with' as it is not clear what is being required. The Plan should not seek compliance with other untested or unexamined documents.
14. CFLR6 – Equine development. The policy does not seem to reflect the preceding explanatory text. For example paragraph 19.7.3 sets out criteria for equine development but this is not followed through into the policy. The policy only relates to small scale equine development and does not seem to provide for larger scale equine development.

15. CFLR7 – Community Facilities. Is criterion V necessary? It does not appear to reflect Paragraph 89 of the National Planning Policy Framework.

Chapter 20 - Natural Environment

See Inspector's note b (below)

Issues

16. NE1 – International, National and Locally Designated Nature Conservation Sites. There should be a distinction between the hierarchy of sites in the policy and this should reflect their legal status and weight. Criterion III - is the requirement for a net gain in ecological units justified and proportionate for all development, particularly as Paragraph 20.2.9 seeks net gains as the starting position?
17. NE2 - Sites of Nature Conservation Interest (non-designated). The reader should be directed to the NPPF paragraph which sets out the hierarchy. Is the requirement for a net gain in ecological units justified and proportionate for all development?
18. NE3 – Species and Habitats. Criterion VI, the reference to exceptional circumstances should be removed as it is unclear and unlikely to be effective, unless they are defined. The policies should be reworded to explain that other material considerations including appropriate mitigation measures will be taken into account when considering the effect on species and habitats. Criterion VII, where is the evidence justifying a 10 metre buffer? The Council's suggested modification to 8 metres should be a main modification. This also requires justification as to why the modification is necessary in the interests of soundness.

Chapter 21 – Heritage Assets

Issues

19. HA1 – Heritage Assets. This should be reworded using the correct statutory tests. Criterion I is not technically correct. Criterion II is too simplistic as it misses out the guidance in NPPF paragraphs 132 and 133. There is no need for criterion III to be set out in a policy. The NPPF paragraph 130 covers this and is sufficient for the purposes of development management. Putting it into the explanatory text would be acceptable. In any event, is policy HA1 necessary as the remaining policies set out criteria for heritage assets?
20. HA4 - Conservation Areas. Criterion I (e) should say 'have regard to' rather than 'conform to' Conservation Area Character Appraisals. (f) preserve or enhance not 'and'.
21. HA7 – Listed Buildings. Criterion III should say preserve (delete and enhance).
22. HA8 - Historic Parks and Gardens. This policy is not positively prepared and should be reworded. Criterion I – the words 'materially harmful' should be removed as they are unlikely to be effective.
23. HA9 – Enabling Development. Criterion I should say 'having regard to' rather than 'in accordance with'. Criterion II (b) is not positively prepared. It should be reworded removing the words 'materially detract' for the same reason as set out above.

Chapters 22 and 23 – Climate Change and Water

Issue

24. WAT3 - Water Quality and the Water Environment, Criterion II, where is the justification for the 8 metre buffer strip?

Chapter 24 – Environmental Quality

Issue

25. EQ4 – Air Quality. Criterion II, could the strategy and action plan have an effect on delivery of the development proposed in the Plan as a whole? How have the strategic sites been assessed against this policy?

Chapter 25 – Delivery and Monitoring

26. Is the Plan flexible enough to cope with delayed changes to the expected rate of delivery of development to achieve the strategic aims?
27. Measures should be put in place to set out what actions the Council will take and when if development is slower than predicted. These should set out how development, particularly both housing and critical infrastructure, will be monitored and at what point the Council will take action and look for more sites to maintain supply.

Inspector's Notes:

- a. *Policies and text should not rely on standards or requirements set out in untested documents.*
- b. *Can I have the latest correspondence with Natural England? Do they have any outstanding objections? Is there a MOU with the Environment Agency which includes the agreed position on air quality?*
- c. *As part of the Council's statement, can I have a list of critical transport infrastructure for the Gilston Area, its likely progress, means of funding and possible risks to delivery.*