



East Herts District Council
District Plan

Examination in Public

Hearing Statement by

Andrew Martin – Planning Ltd

On behalf of

Countryside Properties (UK) Ltd

PART 2

Chapters 5 (Bishop's Stortford), 14 (Housing)
and 20 (Natural Environment)

October 2017



INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning Ltd (AM-P) on behalf of Countryside Properties (CP).
2. Bishop’s Stortford South is allocated in Policy BISH5 of the East Herts District Plan Pre-Submission Document (SUB/001) for release from the Green Belt and for a new residential-led mixed-use development, to accommodate approximately 750 new homes, land for a primary school with an early years facility, land for a secondary school, a neighbourhood centre, an employment area and other associated uses and infrastructure.
3. This Hearing Statement supplements and furthers formal representations made to the Plan in December 2016 and considers the Inspector’s Matters and Issues for Part 2 of the Hearing Sessions (ED127).

SITE ALLOCATIONS

CHAPTER 5 – BISHOP’S STORTFORD

(Q.1) What is the basis for planning to accommodate between 3,729 and 4,142 new homes at Bishop’s Stortford?

4. The basis for this level of housing provision at Bishop’s Stortford is a combination of: (i) the District’s objectively assessed need for housing (OAN); and, (ii) East Herts District Council’s (EHDC’s) chosen development strategy to meet that need.
5. These are matters that were discussed during the Part 1 examination hearings. In summary, EHDC has identified a revised OAN of 18,396 dwellings for 2011-2033 (as set out in its Updated Housing Topic Paper (ED121)) and proposes to meet that revised OAN via a development strategy that distributes new housing to the most sustainable locations, based on a range of criteria (as reflected in its Development Strategy Topic Paper (TPA/001) and other evidence base documents).
6. Bishop’s Stortford is the largest town in the District and provides an important sub-regional role in relation to its retail, leisure and employment offer. The Town is also highly accessible via the London Liverpool Street to Cambridge rail line and the M11 and A120 strategic highway corridors. With a defined “Principal Town Centre”, numerous areas of greenspace and a reputation for good schools, the Town is a sustainable settlement and a suitable location to accommodate part of the District’s OAN.
7. CP’s understanding is that a district-wide site sieving process, which sought to distribute new housing to the most sustainable locations and sites, arrived at the figure of circa 3,729 to 4,142 new dwellings for Bishop’s Stortford. The Sustainability Appraisal (SUB/004) confirms that the final development strategy is the most sustainable option, when considered against the reasonable alternatives.
8. It is also notable that 2,692 of these 3,729 to 4,142 new dwellings already benefit from planning permission, which reinforces the basis for much (i.e. up to 72%) of this provision.



(Q.6) BISH5 - is this the best option for Bishop's Stortford having regard to loss of Green Belt?

9. Bishop's Stortford is constrained on all sides by Green Belt (GB) and therefore any strategic growth of the Town (apart from the previously developed land and sites with planning permission already identified in the Plan) is likely to result in the loss of GB land.
10. BISH5 (i.e. Bishop's Stortford South) is the last undeveloped location within the Town's bypass, which is available and suitable for development, has strong connections to the Town's railway station, town centre and main employment area (including by two existing bus services), and does not perform a vital function as a Green Wedge or a Country Park.
11. BISH5 provides for a highly sustainable mix of development on-site, including but not limited to: approximately 750 new homes including affordable homes and homes for the elderly; a local centre; an employment area; land for a primary school and a secondary school; and, areas of public open space. The on-site provision of land for two new schools will help to address the Town's wider need for additional school places.
12. There is also scope to formalise open space within the site and to provide two new green corridors onsite – one along the route of the Hertfordshire Way and the other following the small brook / ditch which leads to the River Stort. New and enhanced planting can be provided to help screen built form from the wider GB to the south and west, and can seek to preserve the green character of the Hertfordshire Way and its long views to the southwest. Further information is set out in CP's Vision Document, submitted as Appendix A to their previous representations in December 2016. This demonstrates that BISH5 is both sustainable and deliverable.
13. The location of BISH5 on the edge of Bishop's Stortford and within the A1184 bypass will enable new development to fill a logical gap in strategic terms. Development of BISH5 will also establish a clearly defined southern edge to the town, with the A1184 acting as a strong defensible boundary to the GB, which can be permanent and endure far beyond the plan period – a key expectation in paragraph 83 of the National Planning Policy Framework (NPPF) (2012).
14. In summary, there are no other strategic growth options on the periphery of Bishop's Stortford that would: (i) meet the housing, employment and education needs referred to above; (ii) offer equivalent (or better) connectivity to existing services, facilities and infrastructure; and still, (iii) provide a strong defensible boundary to the GB, permanent and capable of enduring beyond the plan period.
15. CP considers that BISH5 is both the best option and the only realistic option for the strategic growth of Bishop's Stortford.

(Q.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?

16. CP considers that BISH5 is an appropriate and deliverable allocation. CP has an option agreement in place with the landowners to promote BISH5 for development and, subject to planning, to purchase and build out this site.
17. A Statement of Common Ground (SoCG) (ED132) has been agreed between CP and EHDC. This has regard to the quantum of development set out in Policy BISH5 and the anticipated utilities, infrastructure and facilities necessary to support that development. BISH5 can be brought forward



with relatively modest improvements / works to the local highway network to provide access and to the existing electricity, gas, potable water, telecommunications and foul water networks to serve the development.

18. ED132 also identifies an agreed list of off-site and on-site mitigation measures in respect of transportation, green infrastructure, education, childcare, libraries, health, local centre uses and other matters.
19. CP is currently working collaboratively with EHDC and other stakeholders on the preparation of a site-wide Master Plan. This will establish the principles for development at the site and will underpin a subsequent planning application.
20. Local environmental factors have been taken into account (and will continue to be taken into account) at every relevant stage of the planning process. CP's Vision Document (submitted as Appendix A to their previous representations in December 2016) considered potential topographical, public rights of way, transportation, noise, landscape and visual, ecological, archaeological and heritage factors and the bearing these could have on the form of development at BISH5. The current collaborative Master Plan work is further investigating these factors and is also having regard to surface water drainage, air quality and urban design considerations. Furthermore, all environmental factors will be assessed and presented in a formal Environmental Impact Assessment (EIA) when a planning application is made in early 2018.
21. In summary, there are no overriding or insurmountable infrastructure or environmental constraints to render development at BISH5 inappropriate or undeliverable.

DETAILED POLICIES

CHAPTER 14 – HOUSING

(Q.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?

22. CP raised concerns in their previous representations in December 2016 that Policy HOU8 may not be deliverable at Bishop's Stortford South (i.e. BISH5). CP were at the time unclear as to why such a policy requirement was being introduced, the justification for it and the reality of the policy aspiration. However, following further discussions with senior officers at EHDC, CP is now prepared to withdraw its objection to Policy HOU8.

CHAPTER 20 – NATURAL ENVIRONMENT

(Q.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.

23. CP raised two main concerns in respect of Policy NE3 in their previous representations in December 2016.
24. First, Criterion V and VI have the potential to restrict and frustrate development severely, including on many of the allocated sites in the Plan. CP's ecologists, Green Environmental Consultants, advise that 'Species and Habitats of Principal Importance' (under Section 41 of the Natural Environment and Rural Communities Act 2006) includes hundreds of species and even where they do not warrant particular protection, mitigation or compensation, a strict interpretation of Criterion V and VI would almost certainly sterilise part of many of the allocated sites in the Plan.
25. Accordingly CP welcome the Inspector's advice that "*reference to exceptional circumstances should be removed*" from Criterion VI and that "*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*". CP also welcome the proposed modification to Criterion VI in SUB/002, following a request by Hertfordshire County Council's (HCC's) Ecology Team, which refers to appropriate mitigation and compensation measures being employed "*where commensurate to their relative importance according to the mitigation hierarchy, legal protection or other status*".
26. Subject to the above changes being carried forward into a final version of Policy NE3, by some form of modification, CP is prepared to withdraw their objection to Criterion V and VI in Policy NE3.
27. Second, Criterion VII requires a minimum 10-metre buffer each side of any river or stream, where development is proposed. This is excessive and is inconsistent with Policy WAT3, which only seeks an 8-metre buffer alongside "*main rivers*" and an appropriate buffer alongside "*ordinary watercourses*". It is noted that EHDC has proposed a modification in SUB/002 to change 10-metre to "*8-metre*". However, this modification does not go far enough and would still result in Policy NE3 being excessive and inconsistent with Policy WAT3, which only seeks "*an appropriate buffer*" for other more minor watercourses (i.e. those that are not main rivers).
28. As a result, CP wishes to maintain its objection to Criterion VII in Policy NE3 until such time that the wording is amended fully to reflect the more flexible approach set out in Policy WAT3.

SUMMARY

29. CP is promoting a new residential-led mixed-use development at Bishop's Stortford South, as allocated in Policy BISH5 of SUB/001.
30. In respect of Chapter 5 (Bishop's Stortford), CP supports the decision to direct between 3,729 and 4,142 new dwellings to the Town and particularly to allocate BISH5 (i.e. the Bishop's Stortford South site) for residential-led mixed-use development. There are no other strategic growth options on the periphery of Bishop's Stortford that would: (i) meet the Town's housing, employment and education needs; (ii) offer equivalent (or better) connectivity to existing services, facilities and infrastructure; and still, (iii) provide a strong defensible boundary to the GB, permanent and capable of enduring beyond the plan period. The Plan's evidence base, including SoCG ED132, serves to demonstrate there are no overriding or insurmountable infrastructure or environmental constraints at BISH5.



31. For Chapter 14 (Housing), CP has held further discussions with senior officers at EHDC and is now prepared to withdraw its objection to Policy HOU8.
32. For Chapter 20 (Natural Environment), CP wishes to maintain its objection to Criterion VII in Policy NE3 until such time that the wording is amended fully to reflect the more flexible approach set out in Policy WAT3.

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