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East Herts District Plan

Public Examination (Part 2)

Chapter 11
“Gilston”

Submitted by Sellwood Planning

on behalf of

B Surridge and P Head

October 2017

Regulated by RICS

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1.0 **Introduction**

- 1.1 Mr R SurrIDGE and Mr P Head are the freeholders of 2.34 hectares of land at Pye Corner bounded by Fiddlers Brook Road to the west and the ‘Plume of Feathers’ public house to the south, as shown red on the Land Registry Plan in *Appendix 1*.
- 1.2 My clients support the identification of the Gilston area as a strategic Green Belt release in the submitted District Plan. However, serious concerns have been raised in the submitted objections (804 and 806) that the process of defining the new Green Belt boundary and the boundary of the Gilston Development Area have failed to reflect the guidance in the NPPF and NPPG. In essence, EHDC appears to have defined the proposed Green Belt boundary by reference to the land controlled by the Gilston Consortium and not on the basis of what would contribute a robust, long term and defensible Green Belt boundary.
- 1.3 At the Part 1 session on Matter 5 (Green Belt), it was indicated that notwithstanding the questions for the Part 2 sessions, participants would have the opportunity to test the soundness of the proposed Green Belt boundaries in the submission District Plan. In view of this, the remainder of this Statement focusses on the soundness of the proposed Green Belt boundary around the Gilston area.

2.0 **“Is the boundary to the Gilston Area appropriately defined having regard to Green Belt purposes and the need to use readily recognisable physical features that are likely to be permanent?”**

- 2.1 Much of the response to this point is already contained in the Sellwood Planning statement on Matter 5 (Green Belt). For that reason, it is not reiterated here, but remains as evidence before the public examination.
- 2.2 The concern of Mr SurrIDGE and Mr Head relates solely to the proposed outer Green Belt boundary to the south of the Gilston area. For ease of reference, *Appendix 2*

contains page 16 of the Gilston Settlement Appraisal (SSS/008) which shows the proposed Green Belt boundary. It can be seen from this that the proposed Green Belt boundary follows the line of the A414 and Eastwick Road for around 4.5 km with the exception of only two points :

- at Gilston Village (Pye Corner) where it runs up Fiddlers Brook Road and around the Surridge / Head land and
- around a small group of houses on the northern side of Eastwick Road to the east of Gilston.

2.3 *Appendix 3* is page 7 of the Gilston Concept Statement (SSS/014) which shows the land controlled by the principal landowners in the Gilston Consortium. This discloses that the Green Belt boundary along the A414 / Eastwick Road precisely reflects these land ownerships. This is clearly a matter of concern. It will be recalled that the PBA Green Belt Review (GRB/001) found that the Green Belt at Gilston served strong Green Belt purposes. However, at paragraph 4.7.6, PBA issued a note of caution

“If this idea (ie. Gilston) is to be pursued, the development has to be properly conceived and well planned, beginning with the District Plan, rather than flowing entirely from the aspirations of landowners”.

2.4 So, what is the evidence to support the specific deviation of the proposed Green Belt boundary away from the strong boundary provided elsewhere by the A414 and Eastwick Road? The evidential position can be summarised below :

- The Harlow Strategic Sites Assessment (HSSA : HOP/003), identifies the Head / Surridge land plus adjacent housing as ‘Site C’ (p59). Area C is categorised as ‘potentially suitable’ for development and is coloured orange. This same categorisation was also given to Area E to the west, which is land controlled by the Gilston Consortium
- The Gilston Settlement Appraisal (SSS/008) draws on the HSSA and concludes

“Site C is another small site that lies immediately adjacent to Gilston Village. As with Site B, the assessment identified that development would not result in

a significant impact on the Green Belt or the wider landscape. The proximity of the site to listed buildings and a Scheduled Ancient Monument was noted although it was considered that any impacts could be mitigated. Again, it was concluded that the site is ‘potentially suitable’ if viewed as part of a wider development in conjunction with Site A”.

- Having reported this positive assessment of Site C, paragraph 8.10 then states that **“it is the view of the Council that Sites A and E should be allocated for development”**.

2.5 The only reason provided in SSS/008 why Site C was not allocated can be found at paragraph 8.13 where it is stated

“Similarly, it is considered that development of Site C would have an unacceptable impact on the character of Gilston village. Again, while development of Site A will also have an impact, the Concept Framework includes measures to ensure a landscape buffer is provided in order to maintain the integrity of Gilston village as a separate settlement. This is also the case with Eastwick village”.

2.6 This reasoning is flawed for two reasons. First

- The individual HSSA assessment sheets for Site C (Appendix 2 to the Surridge / Head Matter 5 Statement) state the following conclusion under ‘Landscape Impact / Spatial Opportunities and Constraints’

“This area is on the fringe of an existing settlement so with correct landscaping could have a minimal landscape impact”

“Development unlikely to have an effect on landscape character”.

2.7 The second evidential flaw is that the submission plan does not consider it to be necessary to retain Eastwick village in the Green Belt to maintain a buffer. If this is the conclusion for Eastwick, why does the same reasoning not apply to Gilston and the Surridge / Head land?

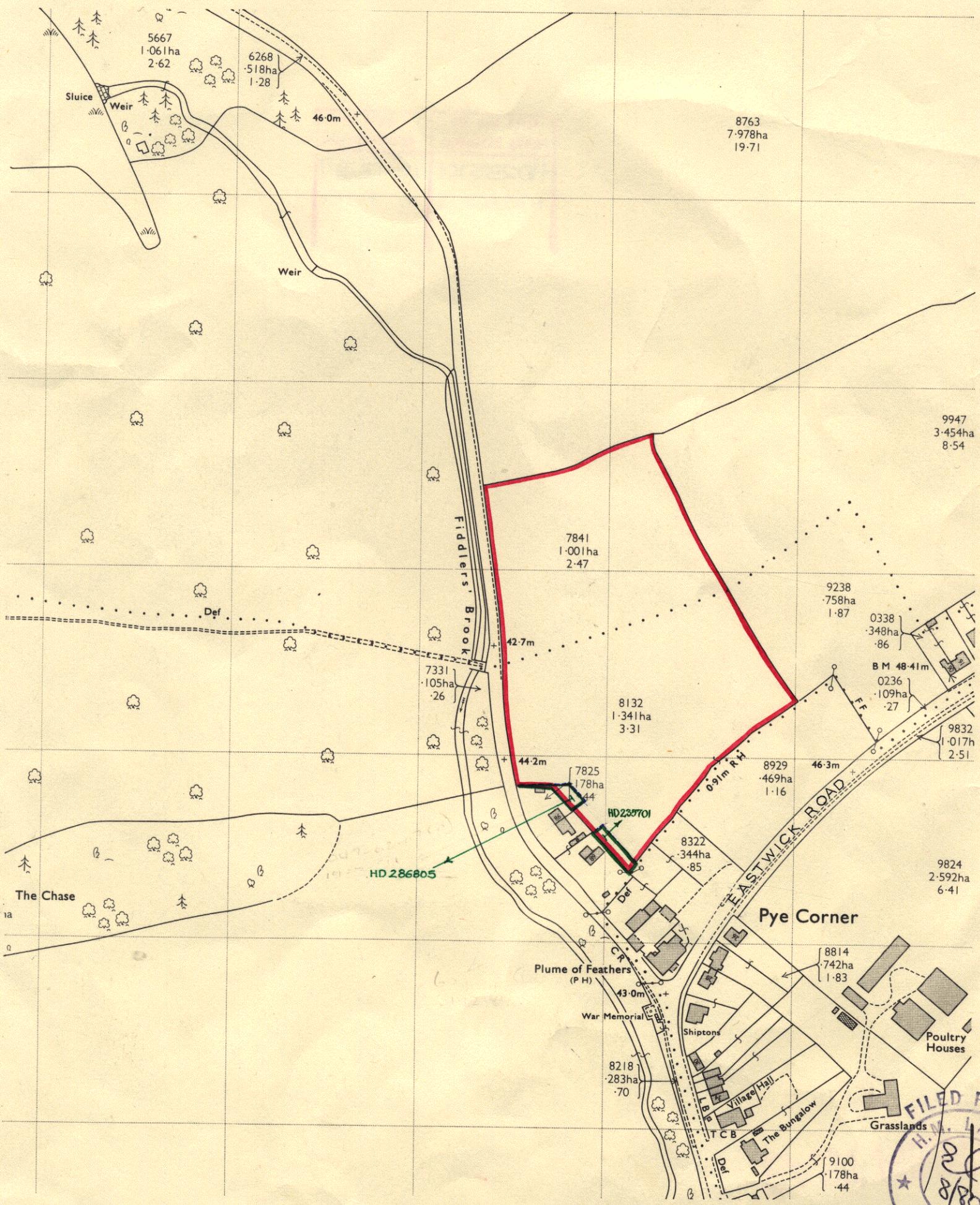
- 2.8 It is considered that in the process of focussing on the release of the Gilston Area, the Council has neglected to apply a ‘common sense test’ to the resulting Green Belt boundary. The test for this public examination is whether a Green Belt boundary which excludes the Surreidge / Head land complies with the NPPF. If it does not, it fails the soundness tests.
- 2.9 Looking at the advice on the definition of Green Belt boundaries, paragraph 85 of the NPPF states
- do not include land which it is unnecessary to keep permanently open – the Surreidge / Head land, like Eastwick Village does not need to be kept permanently open and this was the conclusion of the HSSA
 - define boundaries clearly using physical features that are readily recognisable and likely to be permanent – the clear, permanent boundary is the A414 / Eastwick Road which the Council has selected as the most appropriate line for the rest of the 4.5 km southern boundary of the Gilston Area.
- 2.10 The evidence on the correct definition of the Green Belt boundary around the Surreidge / Head land can be found in the conclusions on Area C on page 33 of the HSSA (HOP/003) see *Appendix 4*
- “However, no significant Green Belt impact would result from the development of this small site representing a single field in close proximity of wider growth in the north and proximity to an area of search for a second Stort Crossing”.**
- 2.11 The Surreidge / Head land makes no logical sense as a detached parcel of Green Belt land north of Eastwick Road. This was the conclusion of the HSSA and the Council’s only stated concern for a buffer with Gilston village can be addressed by other means, it does not need to be retained in the Green Belt. This would make the treatment of Gilston consistent with Eastwick village, which is excluded from the Green Belt but will have a buffer.

2.12 For all the above reasons, the proposed Green Belt boundary at Gilston is unsound. The remedy is to run the new Green Belt boundary along the consistent, clear, permanent line of the A414 / Eastwick Road.

Appendix 1

Land Registry plan

H.M. LAND REGISTRY		TITLE NUMBER	
		HD 128604	
ORDNANCE SURVEY PLAN REFERENCE	TL 4412	SECTION	Scale 1/2500
COUNTY HERTFORDSHIRE	DISTRICT EAST HERTFORDSHIRE		© Crown copyright



Appendix 2

Gilston Settlement Appraisal (extract)

boundaries. In general, the Council's approach through the District Plan is to only release those areas from Green Belt that are directly required in order to deliver growth. With regards to the Gilston Area, the proposed approach to Green Belt is identified in Figure 6 below.

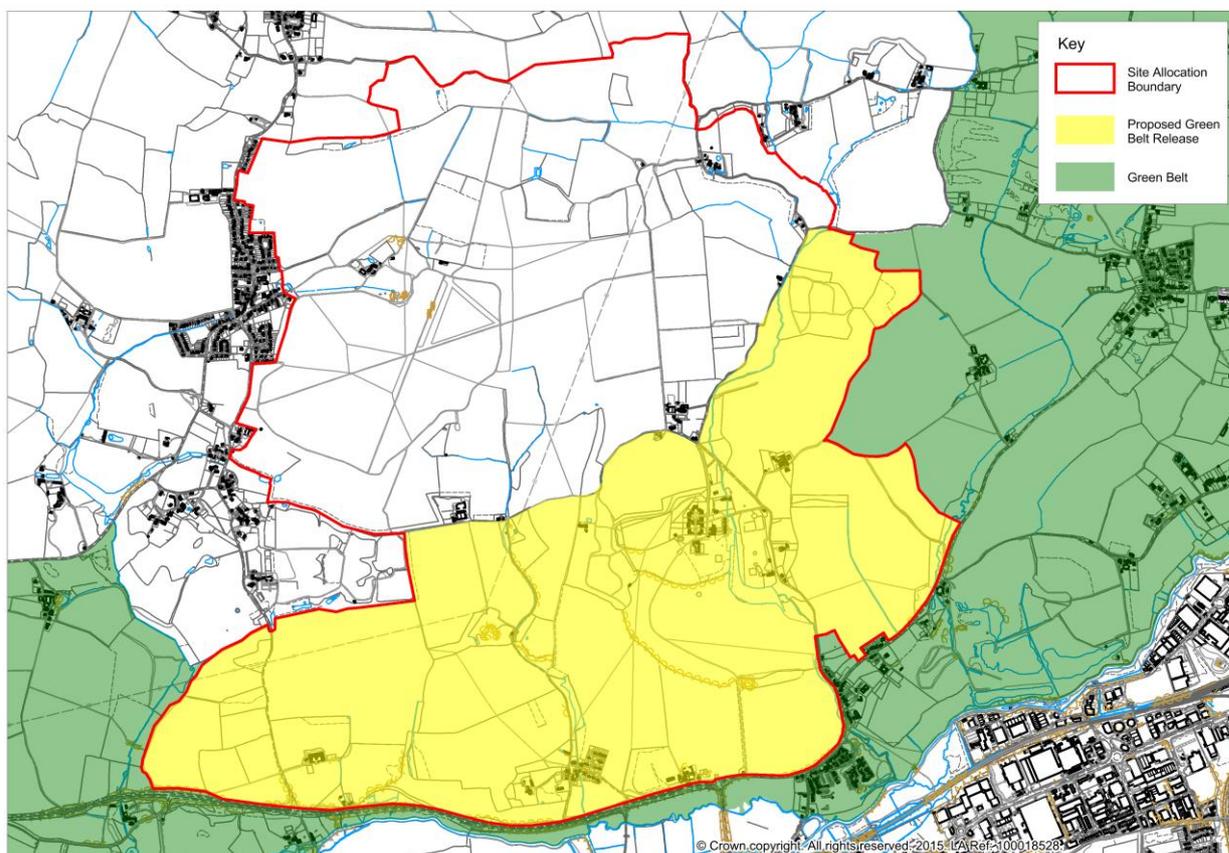


Figure 7: Proposed Green Belt release

9.2 Given anticipated build out rates, as identified in Section 6 of this Settlement Appraisal, it is expected that approximately 3,000 homes could be delivered in the Plan period, with the remainder coming forward after that date. However, paragraph 85 of the NPPF requires that local planning authorities 'satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period'. It is therefore necessary for the District Plan to remove the area of Green Belt required to deliver the full scheme of 10,000 homes, thereby ensuring that boundaries do not need to be reviewed again in this location within the next Plan period.

9.3 It is recognised that this approach leaves a narrow strip of Green Belt between Harlow and the Gilston Area (although Figure 6 does not show the extent of the Green Belt to the south of the River Stort, within the administrative area of Harlow). However, this situation is not unusual when considering the extent of the Metropolitan Green Belt as a whole. This

Appendix 3

Gilston Concept Statement (extract)

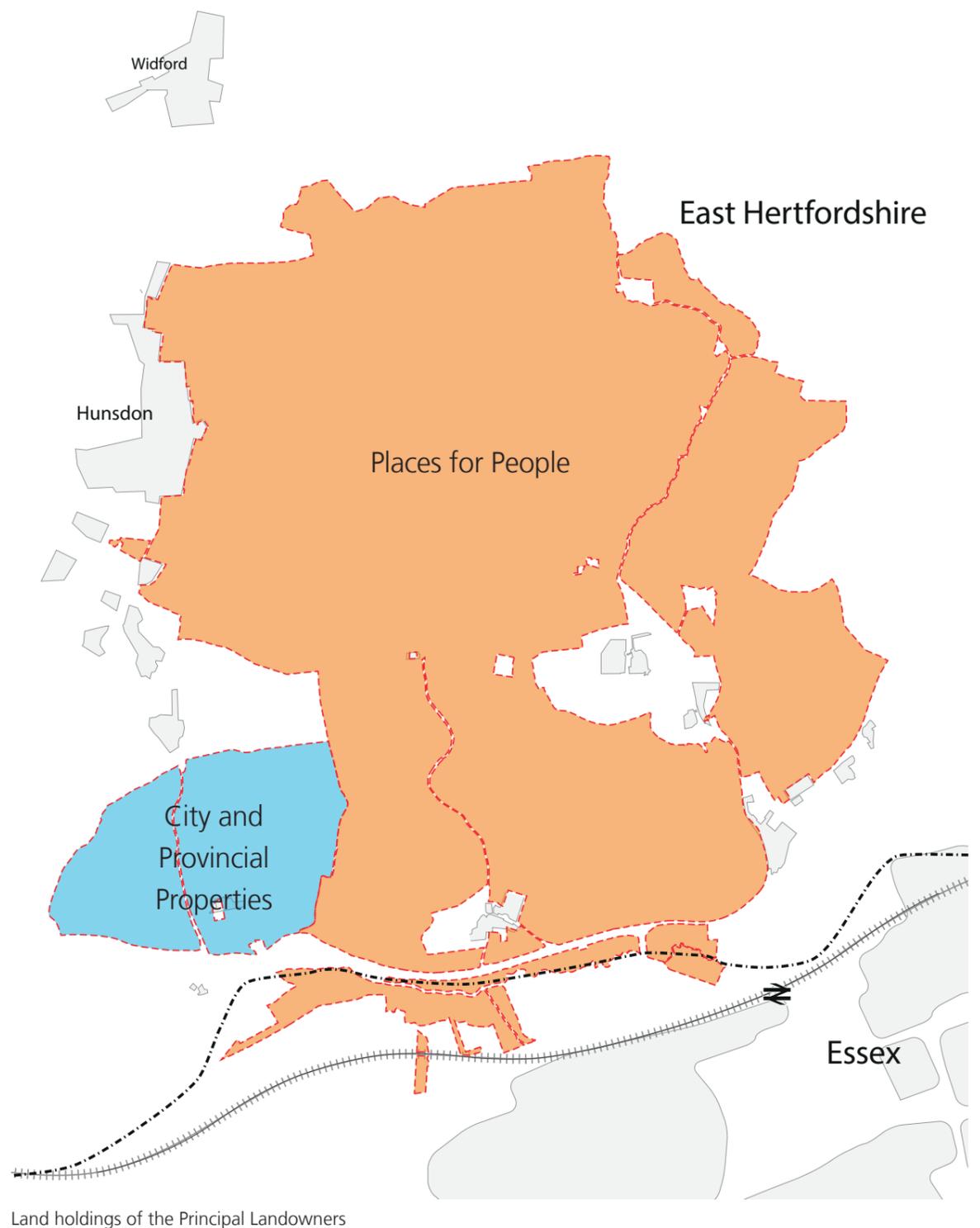
PARTNERSHIP WORKING

The Principal Landowners and East Herts are working collaboratively to prepare this Concept Framework. This collaboration has established a shared vision and a series of development objectives that are embraced by both groups to support the objectives of both districts within their respective Local Plans.

The Advisory Team for Large Applications (“ATLAS”) have been fully engaged from an early stage of the project as a facilitator providing both spatial planning and project management advice. ATLAS have supported joint working between the Councils and with the Principal Landowners, as well as the scoping and preparation of the Concept Framework and supporting evidence base.

It was agreed between the parties that during the preparation of the Concept Framework joint working sessions would be arranged with relevant officers and members from the Councils to ensure a comprehensive understanding of the proposals for the Gilston Area in the form of a Site Allocation, aiding the production and agreement of the document.

This Concept Framework deals solely with matters relating directly to the Gilston Area ie place making principles, direct site access, green infrastructure, etc. Wider planning matters concerning the greater Harlow area, including the potential for a new Junction 7A on the M11, relocation of the Princess Alexandra Hospital and other growth locations are being initially considered in other cross-boundary forums including via officer joint working, the Co-operation for Sustainable Development Board, etc.



Land holdings of the Principal Landowners

Appendix 4

Harlow Strategic Sites Assessment (HOP/003) (extract)

Site C Land North of Pye Corner

Site size ~2.5 hectares

Promoter's indicative capacity - 50 units

Density – Not identified

Environmental context: The site is close to sensitive habitats being located within 400m -1km to Harlow Marsh LNR and Lowland Fens (Priority Habitat Inventory). However, no effect as features and species could be retained or due to distance of local wildlife sites from site/BAP priority habitats from site. A small area of high risk of surface flooding can be found in the centre of the site, with a medium risk of surface flooding on the southern boundary of the site.

Geo-environmental: No issues identified.

Landscape and Green Belt: East Herts LCA characterises the area as having Moderate Character and Moderate Condition. East Herts LCA indicates that built development and land use change in the corresponding landscape area (81) has not created significant landscape impact. This area is on the fringe of an existing settlement so with correct landscaping, could have minimal landscape impact. The Green Belt Review, rates the site as having “Very Low” suitability for development, and that “Land is Fundamental to the Green Belt” (Site ref. 52). However, no significant Green Belt impact would result from the development of this small site representing a single field in close proximity of wider growth in the north and proximity to an area of search for the second Stort crossing.

Heritage: The site is within 50m of listed buildings and within 500m of a scheduled monument, with potential to mitigate any impacts on setting. No statutorily designated historic assets within the site. However cluster of grade II listed buildings to the south of the site in Gilston village. Need to consider impact on setting of listed buildings.

Transport & accessibility: Small site which on its own is unlikely to have a material impact upon the Harlow town network or SRN (strategic road network). A low impact but isolated from services.

Regeneration potential: In general, development in this location would help to address barriers in access to housing and services experienced locally. The site is physically close to Harlow Town station and town centre, thus likely to enhance its vitality and viability; also very well located for the enterprise zones, existing industrial estates and the rail corridor, although slightly further from the M11 than some other sites. However, small size of site means regeneration potential is only moderate and it is reliant on integration with Site A.

Infrastructure capacity and provision of local services: Likely to have little impact.

RATING: POTENTIALLY SUITABLE

The site only really makes sense in strategic terms if viewed as part of a wider development in the north with Site A.