



# **East Herts District Plan**

## **Examination Hearing Statements**

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### **Matter 1: General Issues**

## Matter 1: General Matters

### Issues:

#### **Question 1**

***Has the Council complied with the duty to co-operate in the preparation of the Plan? Who has the Council engaged with in terms of housing, transport, alteration to the Green Belt, biodiversity, transport and other strategic issues? When did this engagement begin, has it been active and ongoing and what form has it taken? Specifically how has the Council engaged with other local authorities outside the joint market area?***

#### **Question 2**

***In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this been addressed? Are there any matters to resolve?***

*The Council considers that these two issues are linked and can therefore be covered by a single response.*

1. Yes, the Council considers that it has complied with the duty to co-operate in the preparation of the Plan and carried out these duties in a constructive manner.
2. The approach taken to meeting the requirements of the Duty to Co-operate is documented within the Duty to Co-operate Compliance Statement (SOC/001). As identified within the West Essex and East Hertfordshire Strategic Housing Market Assessment (HOP/001), East Herts shares a 'best fit' housing market area with Harlow, Epping Forest and Uttlesford Districts. In order to help facilitate ongoing and constructive co-operation in the West Essex/East Herts area, the Co-operation for Sustainable Development Board (Co-op Board) was established in 2014. The Co-op Board comprises the following authorities:
  - The West Essex/East Herts housing market area partners (East Herts, Harlow, Uttlesford and Epping Forest Councils);
  - Hertfordshire and Essex County Councils;
  - Broxbourne Borough Council;
  - Chelmsford City Council;
  - Brentwood Borough Council;
  - The London Boroughs of Redbridge, Enfield and Waltham Forest.

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3. The Greater London Authority (GLA) has 'observer status'. Other organisations are also engaged through the Co-op Board, including the Corporation of London (Conservators of Epping Forest), the Lee Valley Regional Park Authority and the London Stansted Cambridge Consortium (LSCC).
4. The Duty to Co-operate Compliance Statement identifies the work that has been undertaken on strategic cross boundary issues through the Co-op Board. In particular, a significant amount of work has taken place in order to identify housing needs across the housing market area. This is explained within the Updated Housing Topic Paper (ED121) and the Council's response to the Inspector's Matter 2 (Development Strategy - housing). In order to identify the most sustainable solution to meeting housing needs across the housing market area, a Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area was prepared (HOP/002). This work took account of existing constraints within the respective local authority areas, including Green Belt. The development strategy contained within the District Plan reflects the findings of this study, including the need to review Green Belt boundaries in order to facilitate the delivery of sustainable growth across the housing market area. In addition, the Harlow Strategic Sites Assessment (HOP/003) was commissioned in order to assess the potential suitability of sites on the periphery of Harlow. A Memorandum of Understanding, which forms Appendix A to the Duty to Co-operate Compliance Statement, demonstrates agreement on the distribution of housing needs across the housing market area.
5. Ongoing engagement has also taken place in respect of establishing employment needs across the Functional Economic Market Area (FEMA). Again, this is explained further within the Employment Topic Paper (TPA/005) and the Council's response to the Inspector's Matter 3 (Development Strategy – employment and retail). The four authorities will be preparing a Memorandum of Understanding setting out how the needs of the FEMA will be met.
6. Transport modelling, led by Essex County Council, has also taken place in order to establish the impact of growth on the strategic highway network in the wider Harlow area. Work undertaken to date is included within the Examination Library (TRA/016 to TRA/019). The highways mitigation schemes required to support development were agreed through a further Memorandum of Understanding that forms Appendix B to the Duty to Co-operate Compliance Statement. These schemes also form part of the Infrastructure Delivery Plan (IDM/001) and are explained further within the Council's response to the Inspector's Matter 4 (Development Strategy –

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infrastructure). Essex County Council is in the process of undertaking further modelling in order to establish whether there would be a need to deliver a Harlow Northern Bypass beyond 2033. This work is expected to be completed prior to the Examination Hearings. The Council will ensure that the Inspector is kept advised of its progress. The current expectation is that a northern bypass will not be required within the Plan period.

7. A final Memorandum of Understanding, that forms Appendix C to the Duty to Co-operate Compliance Statement, demonstrates agreement with respect to managing the impacts of growth on Epping Forest Special Area of Conservation. Further work on this issue is now ongoing through the Co-op Board, with the involvement of Natural England.
8. In January 2017, the Government announced that it had elected to support an Expression of Interest from East Herts, Harlow and Epping Forest Councils for a Harlow and Gilston Garden Town. An updated Position Statement (ED123) provides detail on the bid. Since submission of the District Plan in March 2017, work on a number of topic areas have commenced in relation to the Garden Town. The Garden Town initiative will help ensure ongoing co-operation between the authorities and other organisations over the coming years.
9. In recent months the Co-op Board has also engaged with senior representatives from the Princess Alexandra Hospital in Harlow. The hospital, which is located on a highly constrained site near the town centre, faces a number of challenges in terms of ensuring that the buildings remain fit for purpose over the coming years. In order to resolve these issues, the preferred option of the Hospital Trust is to re-locate to a new site on the edge of the town. The hospital has recently submitted a Strategic Outline Case in order to apply for the necessary funding from Government. Joint working on this issue will continue over the coming months, particularly in light of the successful Garden Town bid. The East and North Hertfordshire Clinical Commissioning Group (CCG) has also been consulted as part of the plan making process. In particular, the CCG provided guidance on provision of health facilities in East Herts. This work has been included within the Infrastructure Delivery Plan (IDM/001).
10. In addition to working with Essex County Council on transport matters through the Co-op Board, East Herts has also engaged closely with Hertfordshire County Council. The modelling undertaken, known as COMET, has directly informed the development strategy for the District, most notably in relation to the capacity of the A414 in Hertford. The modelling forms parts of the evidence library for the Examination (TRA/001 and TRA/002). A Statement of

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Common Ground, that forms Appendix E to the Duty to Co-operate Compliance Statement, presents the areas of agreement in relation to transport. While, the County Council has not said that the District Plan is 'unsound' on transport matters, the representations made to the Regulation 19 consultation did suggest that the District Plan could better reflect the challenges associated with the strategic highway network, in particular the A414 in Hertford and the Harlow area (particularly associated with the Gilston Area development). East Herts would be keen to suggest main modifications to the Plan in order to better reflect the County Council's position. The amended wording will be detailed within the proposed Main Modification schedule, which will be presented during the Examination process.

11. Regular engagement has also taken place with Hertfordshire County Council as the Local Education Authority (LEA). Through representations made to the Regulation 19 consultation, the LEA suggested that the District Plan was 'unsound' in a number of areas. These are detailed below.

### A deliverable site has not been allocated for a new First School in Buntingford.

12. A site has been allocated within the District Plan in order to deliver a First School (Policy BUNT2). However, at present, the preference of the County Council is to locate the First School on land to the east of London Road on a site that has received planning permission for development. This preferred site is located on land that has permission for employment space, and the identification of this site for education purposes would not therefore result in a reduction in housing numbers. There would be a small reduction in existing employment provision, although schools do provide employment opportunities. Negotiations are currently ongoing between the County Council and the developers, and as such this issue will be resolved through the identification of a main modification as part of the Examination process.

### Reserve Secondary School Site, Hadham Road

13. This site in Bishop's Stortford was identified in the District Plan for 163 dwellings. The County Council, as landowner, has objected on the basis that it should be identified for 247 dwellings in order to reflect the planning application that they had submitted to the District Council. Following the recent approval of this application on appeal, and in order to address this issue, East Herts will be proposing a main modification to the Plan. The figure of 247 dwellings is already reflected within the revised trajectory included in the Updated Housing Topic Paper (ED121).

### Education requirements for various sites

14. The LEA objected to the wording of site specific policies in so far as they related to educational requirements. These sites were North and East of

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Ware (WARE2), Gilston Area (GA1), East of Welwyn Garden City (EWEL1) and the Bishop's Stortford High School site (BISH6). Concern was also raised with regard to the fact that Land North of Sawbridgeworth (SAWB4) was identified within the District Plan as coming forward in 2022-2027, thereby not contributing financially towards the expansion of Mandeville Primary School. In order to address these issues, East Herts will be proposing main modifications to the Plan. In addition, the approach to village growth contained within the District Plan was considered to be unsound on the basis that not allocating sites for development provides uncertainty with regards to schools planning. However, the Council considers that the approach taken to allow Neighbourhood Plans to allocate sites for housing in villages is reflective of the Government's localism agenda. In addition, Table 10.1 in the District Plan identifies the minimum quantum of dwellings that Neighbourhood Plans should deliver for those villages identified for a 10% growth in housing stock. This issue is likely to remain as an outstanding issue.

15. The LEA also indicated that it had objected to North Herts Council's Regulation 19 local plan consultation on the basis that suitable provision had not been made for secondary education to serve the Stevenage Education Planning Area from sites in and around the Stevenage area. While, the LEA has not objected to East Herts on this issue, the Council is committed to working with them, as well as Stevenage and North Herts Councils, in order to identify a solution to this issue.
16. East Herts considers that the majority of the LEA's objections can be dealt with through main modifications to the District Plan, and in the case of secondary education in the Stevenage catchment, through ongoing discussions with the relevant organisations. A Memorandum of Understanding will be prepared prior to the Examination Hearings in October in order to address these issues.
17. The issue of secondary education in Stevenage will also be reflected within separate Memoranda of Understanding with North Herts and Stevenage Councils. North Herts Council considered that the District Plan did not provide for a sufficient level of development in order to meet needs within the joint functional housing market area, which includes part of East Herts District, as identified within the North Herts and Stevenage Strategic Housing Market Assessment. This functional housing market area has also been identified within the Council's updated work on objectively assessed housing need (ED112) and is further considered in the Council's response to Matter 2, Question 10. It has since been agreed that providing a greater quantum of development within this location, beyond the 600 homes East of Stevenage, would not have been a sustainable solution, and that development that has been permitted in Buntingford in recent years will help to meet the needs

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within the shared functional housing market area. This agreement will be detailed within the Memorandum of Understanding prior to the Examination Hearings. It is not considered that there are any further outstanding issues to address with North Herts Council.

18. Stevenage Council objected to the District Plan on the basis of:
  - Lack of secondary school capacity;
  - Insufficient transport mitigation measures to cope with development East of Stevenage;
  - Lack of reference to Stevenage neighbourhood or design principles within Policy EOS1.
  
19. The first point will be addressed as referenced in paragraph 17 above. In addition, the Memoranda of Understanding with Stevenage Council will commit both authorities to work together, with the County Council, in order to ensure that sufficient highways mitigation has been identified to support development in that location. In relation to the third point, East Herts will continue to engage with Stevenage Council as part of the masterplanning of the East of Stevenage site, during which such detailed matters will be considered.
  
20. Co-operation with Welwyn Hatfield Borough Council has taken place from an early stage in the plan making process. Joint working continues to take place in relation to Land East of Welwyn Garden City (EWEL1), given the fact development in this location will take place on both sides of the district boundary. Two Memoranda of Understanding have been signed concerning the site and these have been submitted to the Examination (ED106 and ED107). Co-operation will continue to take place with Welwyn Hatfield beyond the plan making process through more detailed masterplanning work.
  
21. With regards to biodiversity, the Council has worked collaboratively with the Hertfordshire Local Nature Partnership (LNP). The LNP Board comprises elected Members and officers from various organisations including Hertfordshire County Council, Herts and Middlesex Wildlife Trust, Hertfordshire Health and Wellbeing Board and the Environment Agency. The LNP has confirmed that the District Plan conforms to the six guiding principles for planning for biodiversity and the natural environment. The Council's Statement of Accordance (ED109), and the LNP's response (ED110), have been submitted to the Examination. In addition, the Council has co-operated closely with Lee Valley Regional Park Authority throughout the plan-making process.

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22. In representations made to the Regulation 19 Pre-Submission consultation, Natural England objected to the Council's Habitats Regulation Assessment (HRA). In particular, Natural England objected to the conclusion that proposed development would not have a significant effect on the integrity of the Epping Forest Special Area of Conservation. In order to address this objection, the joint working authorities in the West Essex and East Herts housing market area have sought to implement the agreed Memorandum of Understanding on air quality issues. While this work is still ongoing, the authorities are committed to working with Natural England in order to reach agreement on this strategic issue in the context of wider growth within the housing market area. Despite these concerns, Natural England has confirmed through its response to Matter 1, Issues 1 and 2 that, in their view, the Council has complied with the Duty to Co-operate in relation to the biodiversity aspects of the plan.
23. The Council has liaised with the Hertfordshire Local Enterprise Partnership (LEP) throughout the plan making process. In representations made to the Regulation 19 Pre-Submission consultation, the LEP confirmed that they are generally supportive of the proposed development strategy and consider the District Plan to be 'sound'.
24. The Council has also co-operated with other bodies under the auspices of the Duty to Co-operate on issues that are not considered to be strategic including Historic England and the Environment Agency. Memoranda of Understanding will be agreed with these bodies as appropriate. Following adoption of the District Plan, the Council is committed to continuing the co-operation that has taken place with various organisations on both strategic and site specific issues.

### **Question 3**

***Has the Core Strategy been the subject of suitably comprehensive and satisfactory Sustainability Appraisal and if not, what else needs to be done?***

1. Yes. The Plan has been subjected to several stages of Sustainability Appraisal. The Sustainability Topic Paper (TPA/002) describes how the Plan has incorporated the sustainability appraisal principles throughout the Plan-making process. Table 1.1 of the Paper sets out how each step undertaken through the 'stepped approach' was designed to reflect the depth and breadth of a SA, using the SA Framework as a basis for the appraisals undertaken. The Settlement Appraisals (SSS/002 to SSS/010) also incorporate SA principles.

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2. The following four stages on scoping and environmental reports together comprise a full and comprehensive Sustainability Appraisal:
  - Sustainability Appraisal Scoping Report, 2010 (SUB/007)
  - Sustainability Appraisal Report of the Issues and Options District Plan, 2010 (SUB/006)
  - Interim Sustainability Appraisal Report, 2014 (SUB/005)
  - Sustainability Appraisal of the East Herts District Plan, 2016 (SUB/004)
3. In addition, work was also undertaken with the Council's Housing Market Area partners (Epping Forest, Harlow and Uttlesford Councils) to explore options for meeting housing needs in the wider sub-region. This study was undertaken by the same consultants who prepared each East Herts SA and followed the same format and process of a Sustainability Appraisal, comprising an appraisal of alternative options for the distribution of development across the HMA:
  - Sustainability Appraisal of Strategic Options for the West Essex and East Hertfordshire Housing Market Area, 2016 (HOP/002)
4. Each stage of Sustainability Appraisal has been undertaken in line with the procedures prescribed by the Environmental Assessment of Plans Regulations 2004, which transposed into national law EU Directive 2001/42/EC on Strategic Environmental Assessment. Each stage of SA therefore incorporates the Strategic Environmental Assessment requirements and has been subject to consultation alongside each stage of the Plan.
5. The Plan has also been subject to a comprehensive Habitat Regulations Assessment in accordance with Article 6 of the EC Habitats Directive 1992, as interpreted into British law by the Conservation of Habitats and Species Regulations 2010. In response to comments made by Natural England to the Regulation 19 District Plan Consultation, a draft update to the HRA has been prepared which will be submitted to the Planning Inspector. Amendments are shown as Track Changes.
6. Appendix 1 of this Statement is a working draft of a proposed governance report which has been prepared in line with the commitments set out in the Memorandum of Understanding relating to Managing the Impacts of Growth within the West Essex/East Hertfordshire HMA on Epping Forest Special Area of Conservation (Appendix C to SOC/001). This draft was agreed for inclusion in this Statement on 14<sup>th</sup> September 2017. Work is progressing on the development of evidence required to underpin the emerging mitigation strategy.

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7. The Council anticipates the need to make modifications to the Plan as a result of the examination process. Depending upon the type and scope of the modifications, the amended Post-examination Plan will need to be subjected to a final stage of Sustainability Appraisal. If necessary, the Plan will also need to be subjected to a Habitat Regulations Assessment.