
Report to East Herts Council

by Christine Thorby MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 09 July 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the East Herts District Plan 2011-2033

The Plan was submitted for examination on 31 March 2018

Examination hearings were held between 3 October 2017 and 30 January 2018

File Ref: PINS/J1915/429/1

Abbreviations used in this report

AA	Appropriate Assessment
CLG	Former Department for Communities and Local Government
DtC	Duty to Co-operate
EHDP	East Herts District Plan
FEMA	Functional Economic Market Area
GB	Green Belt
GLA	Greater London Authority
HIPP	Hertfordshire Infrastructure and Planning Partnership
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LPA	Local Planning Authority
LSCC	London Stansted Cambridge Corridor
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MoU	Memorandum of Understanding
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
WGC	Welwyn Garden City
WH	Welwyn and Hatfield Council

Non-Technical Summary

This report concludes that the East Herts District Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. East Herts Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six week period. In some cases I have amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Revised OAN and housing requirement;
- Revised housing land supply;
- Revised employment and retail figures and sites;
- Rewording policies to ensure they are positively prepared;
- Adding or deleting policies and explanatory text to guide development;
- Setting new monitoring regime to include triggers and action taken.

Introduction

1. This report contains my assessment of the East Herts District Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The East Herts District Plan pre-submission consultation 2016, submitted in March 2017 is the basis for my examination.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies are likely require further corresponding changes to be made to the policies map.
7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. The Council prepared a 'Duty to Co-operate Statement' which summarises how they co-operated with other Local Planning Authorities (LPAs) and with the additional bodies prescribed in Regulation 4 of the 2012 Regulations.
10. Collaboration has been carried out with the surrounding LPAs to establish the joint Housing Market Area (HMA) and Functional Employment Market Area (FEMA) of West Essex and East Hertfordshire. Following this, the joint market area authorities of East Hertfordshire, Harlow, Epping Forest and Uttlesford District have been extensively involved in the preparation of the Strategic Housing Market Assessment (SHMA) and employment market area assessments.
11. A Co-operation for Sustainable Development Board (Co-op Board) was established in 2014 comprising the West Essex/East Herts market area partners, Hertfordshire and Essex County Councils, Broxbourne and Brentwood Borough Councils, Chelmsford City Council and the London Boroughs of Redbridge, Enfield and Waltham Forest, with the Greater London Authority (GLA) having observer status. The co-op board also engaged with the Corporation of London (conservators of Epping Forest), the Lee Valley Regional Park Authority and the London Stansted Cambridge Consortium. The Council is also a member of the Hertfordshire Infrastructure and Planning Partnership (HIPP). The Duty to Co-operate statement sets out the comprehensive work undertaken by the co-op board and HIPP on strategic issues, including housing, social and transport infrastructure, employment and environmental impact.
12. Regular engagement with North Hertfordshire, Stevenage, and Welwyn Hatfield Councils has taken place on all strategic issues from an early stage in Plan preparation. Essex County Council and Hertfordshire County Council have worked with East Herts Council on cross boundary transport modelling and infrastructure. There are number of Memoranda of Understanding (MoU) and Statements of Common Ground (SoCG) with the HMA partners, surrounding authorities and other stakeholders on strategic issues which are the result of extensive pre-submission co-operation.
13. Overall, I am satisfied that, where necessary, the Council has engaged comprehensively, constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 8 main issues upon which the soundness of the Plan depends. Under these

headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the overall development strategy is soundly based and presents a clear spatial vision for the District, appropriate to the needs of the area

15. The vision statement and objectives (Chapter 2) provide a high level strategy for East Hertfordshire (East Herts) setting out social, economic and environmental priorities to deliver sustainable development. This includes planning positively to deliver the homes and jobs needed in the area, the necessary transport and social infrastructure and protection of the environment as sought by the National Planning Policy Framework (NPPF). East Herts lies in the London Stansted Cambridge Corridor (LSCC) and the Plan includes a separate vision for the corridor, recognising its importance to economic growth. The vision seeks sustainable growth at greater Harlow and Bishop's Stortford as well as investing in and delivering key road and rail infrastructure throughout the area to support the economic ambitions of LSCC.
16. The development strategy (Chapter 3) builds upon the existing settlement pattern with new housing and employment allocations directed towards the District's five main towns of Bishop's Stortford, Buntingford, Hertford, Ware and Sawbridgeworth. Three strategic areas for development are also proposed next to Stevenage, Welwyn Garden City and Harlow, towns which adjoin, but are, outside the District. The villages are significantly constrained with poor services and public transport, and, therefore, will only provide for limited growth. The general approach towards directing growth to existing urban areas where there are good facilities and public transport opportunities, and limited development in less accessible areas is consistent with the overarching aim of the NPPF to provide sustainable development.

The five main towns of the District

17. The Strategic Housing Land Availability Assessment (SHLAA), SA, Settlement Appraisals and Supporting Document demonstrate that the highest level of growth (over 4,000 homes) can be supported in Bishop's Stortford. This is the largest town where many of the major services and facilities are located and there are fast rail services into London and Cambridge. It is also close to the M11 and Stansted Airport, which is a major employer. The level of development sought, including for employment would support the LSCC aim for promoting growth in the area.
18. Hertford and Ware, are the second and third largest towns. They have significant employment bases, good roads and public transport links. The supporting documents provide a robust evidence base for the allocation of 950 homes, employment land and associated infrastructure in Hertford which are spread across brownfield sites and urban extensions. Ware is a sustainable location for the provision of 1,000 homes during the Plan period with scope for 500 to come forward after (or towards the latter end) of the Plan period. This would be a large urban extension as brownfield land has been exhausted in the town. Sawbridgeworth has a more limited number of services and facilities. In addition, the road network is constrained. Having regard to these factors it would be a suitable and sustainable location for around 500 homes.

Buntingford has limited services, infrastructure and poor transport links. However, the level of development already committed through the approval of planning applications is over 1,000 homes. Because of its poor infrastructure, no further housing sites are allocated.

Strategic sites adjoining Stevenage, Welwyn Garden City and Harlow

19. Stevenage and Welwyn Garden City (WGC) are large towns outside East Herts. Although they share strong housing and economic links with East Herts they are in separate HMAs. However, the SHMA shows that there is a need in East Herts for homes to the west of the District which would be served by the extensions to Stevenage and WGC. Both allocations are highly accessible locations, relatively close to the facilities and transport opportunities offered by Stevenage and WGC. The sites would support the provision of 1,350 homes to the East of WGC and 600 to the East of Stevenage. The East Herts element of the East of WGC allocation is part of a larger site with a section within Welwyn Hatfield District (WH). The WH Plan is some way behind the EHDP in its examination. However, the portion in East Herts sits independently of the WH element and would not be prejudiced or less effective if the WH site does not come forward.

The Gilston Area

20. One of the key provisions of the Plan is to locate a strategic area of development to the north of Harlow, (known as The Gilston Area), currently a rural area comprised of villages. This would eventually provide for 10,000 homes, with 3,000 sought in the Plan period. It would be part of a wider, comprehensive area of growth encompassing Harlow and Gilston. The site would have a long term effect on the surrounding area and as a significant strategic site, much of the work underpinning its development has been carried out through the Co-op Board with input from a wide range of Local Authorities and stakeholders. The background documents, including significant technical evidence, supports the allocation and demonstrates that whilst it would meet housing need in East Herts, an important factor is its contribution towards the regeneration of Harlow.
21. Harlow is a major settlement, with a range of high order services and employment opportunities, but it has not been performing well for many years. The allocation is part of a comprehensive growth strategy, seeking a significant role for Harlow in accommodating future area-wide growth. The Gilston Area would be a new community to the north of the city with associated infrastructure, employment and transport links, and this would support Harlow's long term prospects as a major settlement in the area. Progress has been made, with East Herts working with partners to secure investment in major infrastructure, increasing rail capacity on the West Anglia Mainline, maximising the opportunities for Crossrail 2, and various road improvements including a new junction on M11 (7a), which are all necessary to support the allocation. Gilston and Harlow area has been awarded Garden Town status by the Government and this gives access to funding to secure the necessary governance and package of measures to secure delivery, including associated infrastructure. However, the Gilston Area will be a distinct new place with its own community, designed carefully around Garden City principles. The detailed criteria for the site are addressed later this report.

The villages

22. East Hertfordshire is a mainly rural District with a dispersed settlement pattern of market towns and over a hundred villages and hamlets. EHDP identifies three categories of villages with the most sustainable category 1 villages supporting a 10% increase in housing numbers and a small number as windfalls in the category 2 villages. This approach leads to over 500 homes over the Plan period which will meet a local need and help to sustain the villages. The approach is supported by the SHLAA and the SA, directing development away from the villages to the most sustainable locations.
23. The development would come forward through neighbourhood plans, but the approach is not adequately explained. Modifications **MM/10/01, 09, 12, 13, 18, 19, 20** and **21** introduce explanatory text to policy VILL1 Group 1 villages, setting out the approach to neighbourhood plans and their role in bringing housing forward, necessary to make the policy effective. The modifications ensure that if development does not come forward by 2021 through a neighbourhood plan, the Council would consider identifying sites through a site allocations plan. This is necessary to make the policy effective. Modifications **MM/10/14, 15** and **17** explain the approach for category 2 and 3 villages, identifying where and how neighbourhood plans should bring forward development. A separate policy VILL4 neighbourhood plans is deleted as a result (**MM/10/21**).
24. The Plan is not clear on the likely numbers to come forward from category 1 villages and modifications **MM/10/02, 03, 04**, rectify this, updating existing figures by reference to each village. In order for the villages to accommodate growth it may be necessary for the settlement boundaries to change. The approach to village boundaries requires further explanation and **MM/10/05, 06, 07, 08, 10, 11** delete text and replace it with clear guidance.
25. Three of the villages are inset from the Green Belt. There is no certainty that the Green Belt boundaries would need to be changed in the future to accommodate growth. As set out in paragraph 59 of this report, GB boundaries can only be altered in exceptional circumstances, through the preparation or review of a Local Plan. Therefore, if the GB boundaries are to be altered at a later date, exceptional circumstances will need to be demonstrated and the alterations made through the review of a Local Plan. Modifications **MM/10/11, 12, 13** and **19** state that any future GB boundary changes would be included within a Site Allocation Plan which constitutes a Local Plan. However, I have amended the modifications to say 'if necessary' as this may be overtaken by changes to national policy. Similar modifications **MM/04/01, 02** and **03** are made to Green Belt policy GBR1 for consistency. The modifications are necessary to make the Plan effective in this respect.
26. Modification **MM/10/17** clarifies that small settlements would also fall within category 3 villages to make policy VILL3 clear and effective.
27. The level of development reflects the roles, needs, opportunities and constraints of the settlements and of the wider HMA, together with the aims of the LSCC. A very comprehensive and wide range of documents including SHLAA, SA, settlement appraisals, supporting documents, character,

environmental, Green Belt, transport and infrastructure studies, support the choices made. They show a comprehensive and well considered evidence base, leading to a preferred approach which has been tested. The impact on the Green Belt has been a key consideration in the development strategy and this is addressed later in my report. Other development options and sites were put forward but were less sustainable and those in the plan are, therefore, the best options for the District. The infrastructure required to support growth throughout the District has been considered in the Infrastructure Delivery Plan which I come on to later.

28. In summary, the EHDP represents a reasonable, pragmatic and soundly based development strategy for East Herts over the plan period, appropriate to the needs of the area and it would achieve the sustainable growth objectives sought by the NPPF.

Issue 2 – Whether the approach to the provision of housing is positively prepared, is appropriate to the needs of the area and is soundly based

Objectively assessed needs for housing and the housing target

29. The West Essex/East Herts HMA best reflects the relationship between where people live and work in the area. Policy DPS1 sets out an Objectively Assessed Need (OAN) for the HMA of 46,058 for the period 2011 -2033 (16,390 in East Herts for the plan period = 745 per year), informed by the 2012 based Department of Communities and Local Government (CLG) national household projections. The Plan indicates that this would rise after a two year review to 54,608 for the HMA (19,500 for East Herts) to take into account the more recent (2014 based) CLG household projections. However, this approach is not in accordance with the Planning Policy Guidance (PPG) which seeks LPAs to use the latest housing data as the basis for assessing need and the Plan is not sound in this respect.
30. To remedy this, an updated Strategic Housing Market Assessment (SHMA) has been undertaken (after submission of the plan for examination) which sets out a level of housing need of 51,878 for the HMA and 18,458 for East Herts (including slight adjustments during the examination). Modifications **MM/3/01, 02, 07, 08** and **22** update DPS1 and references throughout the plan with the revised numbers. The modifications are necessary to ensure that the OAN reflects housing need, is up to date and consistent with national policy and guidance.
31. *Migration assumptions.* The updated figures are robust. However, the 2014 CLG figures use migration trends from a 5 year period (2009-2014). The SHMA calculation uses trends from a 10 year period. This is because, prior to 2009, migration levels were rising consistently each year, but for part of the 5 year period (2013 – 2014) levels of inward migration were significantly raised. There was some speculation about why this had happened, but no clear cause and the figures across the HMA returned to previous levels from 2015 onwards. The higher level of migration cannot, therefore, be assumed to continue. The modelling of different migration scenarios shows that adopting the longer, 10 year, base period would establish a more robust migration trend and this would be a reasonable approach.

32. *Market signals.* The updated SHMA considers market signals affecting the HMA. This demonstrates that there are considerable housing market pressures in the HMA, with price and affordability indicators being higher than the national average, across all of the partner authorities. Of particular concern is affordability with worsening rates seen over the last few years. Census data also shows that 6.6% of households are overcrowded. Taking this into account a 14% market signal uplift is appropriate as a response to address market pressures. This equates to over 6,200 dwellings across the HMA. This has been tested through benchmarking with other Authorities demonstrating similar market signals, and the impact assessed on overcrowding and affordability. This shows that the uplift is reasonable and would make a considerable difference to overcrowding and affordability in East Herts.
33. The functional economic market area (FEMA) is aligned with the HMA and covers the same local authority areas. The SHMA concludes that evidence based on current commuting patterns, economic growth and the growth of the working age population jobs would align with workers (with some residual out commuting) and there would be no need for an uplift to OAN. There is some overlap with employment policy considerations for the market area. However, the conclusion is robust that there is no need for further adjustment to OAN or the housing requirement. On this basis, the full OAN across the HMA is 51,878 and 18,458 (839 per year) for East Herts.
34. A Memorandum of Understanding (MoU) has been signed that commits all four Local Authorities within the HMA to meeting their individual housing needs within their own administrative boundaries. The preparation of the MoU followed the completion of work which assessed the sustainability of strategic spatial options for meeting the overall OAN within the HMA. Constraints have been considered through the development strategy and Green Belt review and no further adjustments are made. No further adjustment is sought for affordable housing (see below). The final figure for the housing requirement is 18,458 for East Herts.
35. The PPG acknowledges that establishing the future need for housing is not an exact science and the housing requirement figure requires some reasoned judgments to be made. However, the approach is robust and the aforementioned modifications adjusting the figures throughout the Plan are necessary to make the Plan sound in this respect.

Affordable housing

36. The SHMA affordable housing identifies a need for around 11,800 affordable homes in the HMA over the period 2016 – 2033. For East Herts this is over 3,600 homes. The figure takes account of newly arising needs and the existing backlog and is equivalent to around 32% of the full OAN for East Herts. This figure is likely to be higher than the amount of affordable housing to be delivered through the application of Plan policy and other means. However, policy HOU3 includes a range from 35 – 40% (subject to viability) which will help to meet the affordable housing need. The 14% uplift to OAN will assist in bringing forward affordable housing and taking account of the viability assessment for the Plan and the expected rates of delivery (see below) no further uplift to the housing requirement is sought for affordable housing.

Gypsies and Travellers

37. The need of the travelling community has been carefully and robustly assessed and locations to meet identified needs have been allocated for the plan period. Policy HOU9 sets out the need for 5 permanent pitches for Gypsies and Travellers and 9 plots for Travelling Showpeople across the plan period and where they will be provided. It is justified by a range of studies undertaken in accordance with national Planning Policy for Traveller Sites (PPTS). For Gypsies and Travellers this would be met by the expansion of an existing site and within the larger proposed site allocations at East of Welwyn Garden City (EWEL1) and in the Gilston Area (GA1). For Travelling Showpeople, accommodation needs are met on the allocation East of Stevenage (EOS1), at the North and East of Ware (WARE2) and in the Gilston Area (GA1). The assessment and approach for site allocation accords with PPTS. The location of the sites within larger allocations is sought through the masterplanning process required by criteria in the policies. The provision would meet the need of the travelling community over the plan period and is justified.
38. In summary, subject to the MMs referred to, the approach to the provision of housing is comprehensive, positively prepared, appropriate to the needs of the area and consistent with national policy.

Issue 3 - Whether the approach towards the supply and delivery of housing land is positively prepared and soundly based

39. The numbers of new dwellings and their distribution are set out in Policy DPS3 as a table. However, the table does not correlate easily to the allocated sites, nor does it contain the most recent land supply numbers, altered throughout the process to take account of the revised housing requirement, planning permissions and other evidence. To remedy this and make the policy effective, modifications **MM/3/17, 18 and 19** correct the text (where relevant) clarifying the numbers of new homes expected from the allocations. Modification **MM/3/15** is necessary to update the windfall allowance (from 50 to 75) in line with an updated analysis of past performance.
40. The modified table demonstrates that through a range of allocated sites, windfalls, completions and commitments some 18,900 homes can be delivered across the plan period. This is in excess of the housing requirement and a very positive step towards the provision of homes to meet need. This is particularly important as there is an acute need for housing, given there has been persistent under delivery.
41. The additional capacity allows for some flexibility, recognising that delivery may be slower than predicted on some sites and ensuring to a greater degree that East Herts can meet the requirement. To ensure the plan is effective, modifications **MM/3/16, MM/9/04 and MM/9/05** are necessary, adding that additional capacity identified for beyond the plan period could come forward earlier on sites GA1 and WARE2.
42. The timescale for delivery of homes is set out in Appendix B; however the information is out of date. Modification **MM/A/02** updates the appendix with a detailed trajectory of development, together with capacities and timescales, including figures for the 5 year housing land supply. This is necessary to

ensure that the plan can be effectively monitored and provide homes to meet the need within the plan period.

43. Appendix B shows the component sources of housing supply; however, it does not provide the key assumptions relied upon to calculate the 5 year supply. To make the plan sound modifications **MM/3/09, 10, 11, 12, 13** and **14** rectify this, setting out the shortfall (1,790), 20% buffer and annual delivery rates. East Herts has been persistently under delivering and a 20% buffer is justified. Meeting the shortfall within the first 5 years would be difficult given the nature of the sites coming forward and the significant number of homes needed. A 10 year period to meet the shortfall and the 20% buffer for the 5 years from April 2017 would still ensure that greater delivery occurs in the first part of the plan period and can be met on the sites shown in Appendix B. This is a reasonable and realistic approach. On this basis, a robust analysis of sites shows that the Council can demonstrate a housing land supply of over 5.7 years.
44. The IDP demonstrates that there is a reasonable prospect of key infrastructure coming forward (addressed in detail later in the report). Sites with possible mineral extraction have been realistically timetabled in the trajectory (agreed with stakeholders) to ensure they are deliverable over the plan period. Monitoring and action to be taken if the sites do not come forward as planned is dealt with in the detailed policy section (issue 8) of this report. There is considerable evidence contained in various background documents, including SoCG with stakeholders, that the sites are deliverable.
45. In summary, subject to the MMs, the approach towards the supply and delivery of housing land is positively prepared, effective and consistent with national policy.

Issue 4 –Whether the plan sets out a strategy for employment and retail land which is positively prepared and soundly based

Employment

46. The FEMA authorities have worked together through the duty to cooperate to identify need and apportion the required land across the market area. A range of forecasts, assessments and land reviews support the employment need and distribution. The MoUs set this out clearly and robustly, indicating that each Authority will meet its own needs. The figures in policy DPS1 and in the preceding text do not accurately reflect the latest employment needs assessment for the FEMA, which includes the wider aspirations of the LSCC, and they are not sound. Modification **MM/3/03** updates the figures in the Plan setting out that around 10,800 jobs will be created in East Herts over the Plan period and that 19 – 20 hectares of land would be provided. The 19 – 20 hectares reflects the higher growth scenario and is a positive step towards meeting economic needs over the plan period.
47. The background studies show that the sites for employment are the best options when considered against a range of other sites. However, the land needed and the precise locations are not up to date in policy DPS1. Modification **MM/3/04** rectifies this identifying that some 8-9 hectares of new employment land is directed towards Bishop's Stortford, allocations BISH3 and BISH 5, and 5 hectares within the Gilston Area (GA1). The modification also

adds flexibility to the type and level of employment provision at Mead Lane (HERT2) which was restrictive. The modifications make the policy effective.

48. To ensure that there is greater flexibility to the provision of employment land, modification **MM/3/05** identifies the existing industrial and commercial area to the east of Welwyn Garden City as an employment area and updates the employment area at Pegs Lane. The land at Bishop's Stortford, Ware and The Gilston Area would come forward through the masterplanning process. The sites have good access and are in sustainable locations and there is a reasonable prospect of the land coming forward within the plan period to meet employment needs.

Retail

49. The East Herts retail and town centre study sets out the retail floorspace required for the Plan period. The spatial distribution across the settlements identifies what is needed and where. In line with the development strategy and retail hierarchy of the District, the greatest amount of floorspace is sought at Bishop's Stortford, Hertford and the other main towns. The floorspace is directed toward existing town centres as the most sustainable locations and in allocations where neighbourhood/local centres are sought. The Gilston Area alone could support approximately 9,000 sqm of retail floorspace, with 7 neighbourhood centres and this is to come forward through the masterplanning process.
50. The retail figures in the explanatory text and policy DPS1 are out of date. Modifications **MM/3/06** and **MM/3/07** corrects these to 7,100 square metres (sqm) convenience and 5,700 sqm comparison floorspace over the plan period and these are necessary for the policy to be effective.
51. In summary, subject to the MMs, the plan sets out a strategy for employment and retail land which is positively prepared and soundly based.

Issue 5 – Whether or not the plan sets out a strategy for infrastructure and transport which is positively prepared and soundly based

Infrastructure

52. The Infrastructure Delivery Plan identifies major infrastructure schemes required in order to support development. The main strategic transport schemes are to support development in the Gilston Area, Hertford and Ware.
53. Schemes for The Gilston Area are being progressed, including a new M11 Junction (7a) which has received planning permission and is expected to be delivered in 2021. A housing infrastructure funding bid has been put forward to assist with the sustainable transport corridors and second Stort Crossing and there is a reasonable prospect that these would be delivered.
54. Improvements to the A414, a main route in to Hertford and Ware area are needed to enable development to come forward towards the end of the Plan period. These are identified in Hertfordshire County Council's Transport Vision and have informed the preparation of the Local Transport Plan. The monitoring and delivery section deals with measures put in place to ensure

that if there are delays alternative solutions will be found to ensure delivery of the planned development.

55. Modifications **MM/3/20** and **MM/3/21** update policy DPS4 (Infrastructure requirements) and the explanatory text adding several criteria. They set out that the IDP will identify risks and this would enable better monitoring. They indicate that a bypass is sought as the improvement to the A414 as this would be the best solution for Hertford (modifications **MM/7/02** and **14** carry this forward into the Hertford chapter of the Plan), and that measures to promote sustainable transport should be included as part of the strategic infrastructure. These are necessary to make the policy effective.
56. The IDP clearly identifies the necessary social and community infrastructure (including health and education) to support development sought by the Plan. This has been carefully considered involving a wide range of stakeholders, viability and other assessments and there is a reasonable prospect of delivery.

Transport

57. East Herts has worked together with Hertfordshire County Council and Essex County Council on modelling the transport impact for the level and distribution of development sought by the Plan. There will undoubtedly be more traffic generated on smaller roads which may cause congestion and require further site specific engineering solutions. However, the development strategy positively seeks allocations that are self-contained, close to good public transport and which would reduce the need to travel by car. Impacts on the major road network have been identified and schemes set out in the IDP to mitigate where necessary to ensure that the local road network can cope with the capacity without risk to highway safety.
58. Overall, subject to MMs, the approach to the transport and infrastructure has been positively prepared and is consistent with national policy and guidance.

Issue 6 - Whether exceptional circumstances exist to justify the revisions of the Green Belt boundary

59. The Plan alters the Green Belt (GB) boundary, removing 15 areas, mainly for new homes. This is around 1,000 hectares (6%) of the District's GB and would provide sites for around 43% of the housing land supply. EHDP Policy GBR1 and the introductory paragraphs in Chapter 4 endorse the Green Belt (GB) principles set out in the NPPF, explaining that GB boundaries can only be altered in exceptional circumstances, through the preparation or review of a Local Plan.
60. The northernmost two thirds of the district are outside the GB. However, with the exception of Buntingford, the main settlements are located to the south and are surrounded by GB. Informed by a wide range of background documents including SHLAA and SA, a number of scenarios were tested to achieve the most sustainable options. The studies investigated the capacity of urban areas and non-GB land. For reasons of lack of access to services and facilities, and access to sustainable modes of transport, locating significantly more development outside the GB would not be a sustainable approach.

61. All options have been explored: brownfield land has been assessed and prioritised; significantly higher densities in urban areas have been discounted because of the harm to local character, and a much larger range of smaller sites in the GB has been discounted because they could not bring forward the infrastructure necessary to support the quality of development needed in the District. Additionally, neighbouring authorities are also reviewing their GB boundaries to meet their own needs. The studies are comprehensive and demonstrate that in the absence of any reasonable alternative, the release of GB land for development is needed for the Plan period and beyond to provide land for homes.
62. In summary, East Herts seeks to meet its housing requirement within the District, as do its HMA partners and there is no scope for the homes to go elsewhere. Housing need is acute and the supply and suitability of land outside the GB is constrained. Without release from the GB, there would not be enough homes to meet the needs of people within East Herts. As such, exceptional circumstances exist to justify the release of land from the GB.
63. A comprehensive GB review evaluates the sensitivity of land to any development and/or change having regard to its contribution to the purposes of the GB. Where the land makes a strong contribution it is identified as having a low/very low suitability for development. The search areas were for large sites around the main settlements and the main Group 1 villages in the District. The review also included areas to the north of Harlow (the Gilston Area), east of Welwyn Garden City and east of Stevenage.
64. Very few parcels of GB were found to have a high suitability for development or change within the GB review. Policies SAWB4 and BISH9 fall into this category and are allocated for development. Additionally, two small sites, the Leventhorpe School to the northwest of Sawbridgeworth and the Bishop's Stortford Football Club at Dunmow Road, Bishop's Stortford both have an urban character. A small (0.44 hectares) sliver of land sits between the High Street and residential areas at Watton-at-Stone. Although no development is proposed, removal from the GB would rationalise the village boundary and ensure a long term permanent boundary. There would be very limited harm in terms of impact on the GB from these sites. Benefits would be new homes, rationalisation of boundaries and there would be exceptional circumstances for their release. The remaining allocations are addressed below.

Green Belt Housing Allocations

65. *Bishop's Stortford - BISH5*. The GB review identified the site as having a low suitability for development. The SHLAA and SA demonstrate convincingly why alternative sites in the area were discounted. Through the Settlement Appraisal for Bishop's Stortford, informed by other studies, the impact on the GB has been considered against a range of factors. This includes the benefits of the site in providing key infrastructure to support the needs of the existing community as well as new residents with expanded/new schools serving education needs for the rest of the town. Land for around 750 new homes, associated retail, community and employment uses are sought, which would make a significant contribution to the District. The site is contained by existing residential areas and the strong urban feature of the southern distributor road, St James's Way, provides a clear and defensible boundary.

66. *Hertford - HERT3, HERT4 and HERT5*. The GB review identifies these allocations as having a low or very low suitability for development. The SHLAA and SA demonstrate convincingly why alternative sites in the area were discounted. Through the Settlement Appraisal for Hertford informed by other studies, the impact on the GB has been considered against a range of factors. This includes the benefits of HERT3 in providing land for around 550 homes, HERT4 for around 150 homes, and HERT5 for around 50 homes which would make a significant contribution to meeting housing need in Hertford. The sites are better located than the reasonable alternatives in terms of protecting the historic character of the town, access to facilities and deliverability and are sustainable, long term options for housing. I have added that there should be a defined and recognisable boundary to the landscape criteria (modifications **MM/7/08** and **MM/7/11**) necessary to mitigate impacts on the GB in accordance with the NPPF.
67. *Sawbridgeworth – SAWB2 and SAWB3*. The GB review identified these as having a low suitability for development. However, the aforementioned studies show that both allocations are better located than the reasonable alternatives, particularly in terms of proximity to services and facilities and the retail facilities in the town centre. The Settlement Appraisal balanced the impact on the GB against a range of factors and these are sustainable sites. The development of SAWB2 enables the expansion of Mandeville Primary School to facilitate the delivery of homes within the town. Together with SAWB4, in total, they provide land for around 500 homes which contributes significantly to meeting housing need.
68. *Ware - WARE2*. The GB review identified the land as having a very low suitability for development. Through the Settlement Appraisal for Ware, informed by other studies, the impact on the GB has been considered against a range of factors. The SHLAA and SA show that the allocation is the best option to enable a comprehensive, urban extension with improved transport links, in a location which would prevent coalescence with Hertford and ensure that Ware's unique historic character is maintained. It would bring forward 1,000 homes during the plan period with scope for 500 to come forward after (or toward the latter end) of the Plan period, a neighbourhood centre, employment and sports facilities. The allocation makes a significant contribution to meeting the needs of the district in a highly sustainable location. I have added (modification **MM/9/05**) that there is a defined and recognisable boundary to the GB to the landscaping criteria attached to the allocation necessary to mitigate impacts on GB in accordance with the NPPF.
69. *The Gilston Area - GA1*. The Gilston Area (north of Harlow) contains the single greatest release of land from the GB in the Plan, of around 590 hectares and is defined in the GB review as having a very low suitability for development. The allocation of the site is the result of joint working with surrounding LPAs over many years. Supporting significant growth around Harlow, a major settlement, is the best and most sustainable solution for the wider area. Harlow is surrounded by the GB, and to bring forward the necessary growth, GB release would be required. The SHLAA, Supporting Document, SA and other joint documents consider alternatives, and demonstrate that GA1 is the best option, to provide a self-contained community which maintains the principles of design for Harlow. As stated, a Garden Town is planned including 10,000 homes in East Herts, 3,000 of which are to be delivered within the plan period. The

area will provide a significant proportion of the District's housing needs, plus employment, retail, sustainable infrastructure, schools, health centres and public open space. The background documents balance the benefits against adverse impact and conclude that this is the most sustainable option for the area.

70. The revised GB boundaries for the Gilston Area only release as much GB as necessary to deliver housing, albeit that this is substantial. The amended boundary follows recognisable physical features such as roads, treelines/hedgerows and watercourses wherever possible. The boundary leaves a relatively narrow strip of GB between the built form of Harlow and the Gilston Area. However, when looking at the Metropolitan GB as a whole, this is not an unusual occurrence. Crucially, the remaining GB will perform an important function, preventing Harlow from encroaching further on the Stort Valley. I have added (modification **MM/11/10**) that there should be a defined and recognisable boundary to the landscape criteria necessary to mitigate impacts on the GB in accordance with the NPPF. This is a crucial strategic site for East Herts and the wider area, which is a highly sustainable, long term option contributing significantly toward meeting housing, employment and infrastructure need in East Herts.
71. *East of Stevenage - EOS1*. The GB review identifies this land as having a very low suitability for development. Stevenage is surrounded by the GB and to enable the necessary growth in East Herts, GB land is required. The SHLAA, Supporting Document, SA and Settlement Appraisal show that the allocation is better located than the reasonable alternatives, particularly in terms of deliverability and access to the transport network. In addition, the Stevenage GB review, character appraisals and other documents prepared by Stevenage Council were taken into account. A MoU between the two Councils forms part of the evidence base. The site is contained and defined by structural planting and would be mostly screened from views across the sensitive landscape of the Beane Valley. The criteria would ensure appropriate woodland management and reinforcement of the peripheral vegetation which will further mitigate impact. This site is important as it is relatively unconstrained with good access to the main road network and is able to deliver some 600 new homes (around 500 within 5 years). It will also deliver a site for Travelling Showpeople and local shopping facilities. It contributes significantly to meeting the need for new homes in East Herts.
72. *East of Welwyn Garden City - EWEL1*. The GB review identifies the site in East Herts as having a low or very low suitability for development. Welwyn Garden City is surrounded by the GB and to enable the necessary growth in East Herts, GB land is required. As with the above, the allocation is supported by a wide range of documents which show that the impact on the GB has been assessed against the benefits, and it is the best option for East Herts for access to the transport network and deliverability. The GB boundaries can be defined using physical features, which are readily recognisable and likely to be permanent. New infrastructure will benefit Welwyn Garden City, Hertford and nearby villages, and include a new secondary school. The site would provide around 1,350 homes in East Herts, serviced land for Gypsies and Travellers, a neighbourhood centre, employment land, and community and education facilities. It would be in a sustainable location and would contribute significantly towards meeting housing needs in East Herts.

73. In summary, there has been a rigorous process of balancing the importance of the GB and the impact of development against the benefits. In each case the sites are the best and most sustainable, long term options contributing significantly to meeting needs of the District. Careful design, suitable landscaping and planting will mitigate impacts on GB. There is an acute need for housing and not building on the GB would mean that people in East Herts would not have homes. Therefore, there are exceptional circumstances for removing these areas from the GB.

Issue 7 – Whether the allocations are positively prepared and effective, providing sufficient information to guide development

74. The allocated sites in the plan are arranged by settlement. Each allocation sets out criteria for development. The overall development for each settlement or on very large allocations is set at a minimum to ensure that development needed to meet the plan requirement comes forward. However, I accept that within each settlement or allocation, where there is more than one site, there should be flexibility, for some to exceed or other be slightly below the identified capacity, depending on site circumstances. To ensure flexibility the modifications referred to below change 'at least' on a range of sites to 'around'. Modification **MM/A/01** makes changes to Appendix 1 the key diagram of the allocations to align with other modifications in the Plan.

Bishop's Stortford

75. Policy BISH1 (development in Bishop's Stortford) sets out the level and type of development sought, which is justified by the development strategy. However, the figures are not up to date, due to recent planning permissions and not, therefore, sound. Modification **MM/5/03** updates the information for housing, indicating that a minimum of 4,426 homes will be provided over the plan period. The wording 'at least' for each allocation recommended in the modification is altered to 'around' to be more flexible. The modification also introduces employment and retail space which is necessary for the plan to meet these needs. Modification **MM/5/02** updates the key diagram with the correct numbers, to be effective.
76. BISH2 (Bishop's Stortford Town Centre Planning Framework) is modified (**MM/5/04**) deleting the word 'conform with' to 'take account of' the town centre framework (which is guidance only) to ensure flexibility and be positively worded.
77. BISH3 (Bishop's Stortford North). Comprises two large areas of land allocated for over 2,500 homes and associated infrastructure. Modification **MM/5/05** introduces the words 'a minimum of' to the housing numbers to positively assist with delivery of the housing requirement. 'At least' is changed to 'around' by the modification to add flexibility between the two areas of land that comprise the allocation. The modification also adds flexibility by removing restrictive criteria for the new secondary school to be positive and effective.
78. BISH4 (Land south of Hadham Road). This is allocated as a reserve site for a school if appropriate land could not be found on BISH3, otherwise for residential. Circumstances have changed with a recent planning permission for housing at the site and the identification of land on BISH3 for a school.

Modifications **MM/5/06** and **MM/5/07** delete the unnecessary text and replace with up to date information to ensure the policy is effective. The modification adds that public rights of way should be retained and enhanced, this is necessary to ensure connections to neighbouring areas are promoted consistent with other policies in the plan.

79. BISH 5 (Bishop's Stortford South) For the reasons given, modification **MM/5/08** is changed from 'at least' to 'around'. The criteria are not precise in terms of guiding development. This modification deletes and replaces or adds to text to add precision and ensure dual use of leisure facilities are provided, ecological connections are maintained and enhanced, and Wallbury Camp is taken into account in views. These modifications add clarity and precision to the text ensuring that the policy is positive and effective.
80. BISH 6 (Bishop's Stortford High School). There is a realistic prospect of the school moving during the Plan period and the policy identifies residential development of 150 homes would take its place. The policy is updated to be effective by modifications **MM/5/09** and **MM/5/10** to ensure that land remains for the expansion of Thorley Hill primary school and the school playing fields are retained as public open space. 'At least' is replaced with 'around' in the modification to be flexible and effective.
81. BISH7 (The Goods Yard). Further evidence shows that the site can accommodate 600 homes rather than the 400 set out in the policy. Modification **MM/5/11** updates the information. It also increases the range of uses to include community and leisure, in line with town centre policies and to meet the needs of residents. Without the modifications the policy would not be effective.
82. BISH8 (The Causeway/Old River Lane) and BISH9 (East of Manor Links). Modifications **MM/5/12** and **MM/5/13** are changed to 'around' instead of 'at least' for the reasons given. They add clarity to BISH9 regarding utilities, to make the policy effective.
83. BISH 10 (The Mill Site). The policy is not clear on the compatibility of future uses with the operation of the mill and other commercial uses. Modification **MM/5/14** adds that residential use would only be acceptable if the mill use ceased and/or commercial uses are not prejudiced. This site is not identified to bring housing forward during the plan period, and its purpose is to set criteria for any future, possible, large scale development submitted during the plan period. The modification would assist with this and is necessary for the policy to be effective. The modification also adds necessary clarity to the provision of a footbridge.
84. BISH11 (Employment in Bishop's Stortford). The explanatory text was restrictive and failed to identify Bishop's Stortford football club as a suitable site, (if they relocate) for employment use. Modification **MM/5/15** adds this to the text. This is not necessary to bring forward the employment, but is positive and offers long term flexibility to the range of potential employment sites in Bishop's Stortford.

Buntingford

85. BUNT 1 (development in Buntingford) is not sound as it does not indicate where new homes would be located. Although these all have planning permission, they may not be implemented. To make provision for the numbers of homes expected, modifications **MM/6/06** and **MM/6/04** add details of site locations and expected capacity/numbers of sites with planning permission. This would ensure that if the permissions are not implemented or lapse, residential development would be suitable on the sites. This is necessary to make the policy effective. Modifications **MM/6/02** and **MM/6/03** add clarity to the explanatory text to protect the open character of the countryside and to recognise the role of the existing neighbourhood plan, ensuring it is effective.
86. BUNT2 (First school allocation site). The policies in Buntingford relating to the provision of a school have changed and BUNT2 is not sound. Modifications **MM/6/01, 05, 07, 08, 09, 10, 11, 12, 13, 14** and **16** reflect the change. Two options for the school are considered in the EHDP and ongoing work has resolved the location on land to the east of London Road, which is justified and can be delivered. The modifications reflect these changes, including deleting text making reference to the incorrect site. The policies map is adjusted accordingly.
87. BUNT3 (Employment in Buntingford). There is no associated site location map for 'land north of Buntingford business park'. Modification **MM/6/15** adds the relevant map (to be updated in the policies map) to make this effective.

Hertford

88. Policy HERT1 (Development in Hertford) sets out the level and type of development sought from the allocations. Modification **MM/7/03** updates the information for housing, indicating that 'a minimum' of 950 homes will be provided over the plan period. The wording 'at least' for each allocation recommended in the modification is altered to 'around' to be more flexible. The modification also introduces employment and retail space which is necessary for the plan to meet employment and retail needs.
89. HERT2 (Mead Lane Area). The wording of the modification **MM/7/04** is changed from 'at least' to 'around' for the reasons given. The allocation criteria are updated in modification **MM/7/05** to widen the type of employment uses, ensure there is a buffer between employment land and residential land, address access arrangements and ensure the protection of heritage assets. The modification would ensure that the policy is effective and flexible.
90. HERT3 (west of Hertford). As before, modifications **MM/7/06** and **MM/7/08** are changed from 'at least' to 'around'. The size of the site has been increased by 0.66 hectares to ensure that an infiltration basin can be provided as well as transport links established with the adjoining area. Modification **MM/7/07** updates the map accordingly to make the policy effective.
91. HERT4 (North of Hertford) and HERT5 (South of Hertford). The wording of the modifications **MM/7/09, 11, 12** and **13** is changed from 'at least' to 'around' for the reasons given. Modification **MM/7/10** is necessary to delete explanatory text relating to minerals for HERT4 which was restrictive and confusing. This would make the policy effective.

92. HERT6 (Employment in Hertford) and HERT7 (Hertford Town Centre urban design strategy). Policy HERT6 requires some clarification to identify the Mead Lane site. Modification **MM/7/15** rectifies this, adding the allocation reference to make the policy clear. Modifications **MM/7/16** and **17** include 'or other town centre sites' in the explanatory text to HERT7 to make the wording more flexible. They change 'conform with' to 'take account of' the Town Centre Strategy, which is guidance only. The modifications are necessary to make the policies effective.

Sawbridgeworth

93. SAWB1 (Development in Sawbridgeworth) sets out the level and type of development for Sawbridgeworth. Policies SAWB2 (Land to the North of West Road), SAWB3 (Land to the South of West Road), SAWB4 (Land to the North of Sawbridgeworth) would bring forward some 500 new homes. Modifications **MM/8/03, 04, 06, 07, 10, 11** and **12** add the word 'minimum' to the overall quantity, but 'around' for each allocation to offer flexibility. The modifications are necessary to make the policies effective. Directing new retail to the town centre is added to SAWB1 (modification **MM/8/03**) to be consistent with national policy and other policies in the plan. Modifications **MM/8/05, 08, 09** update the map for SAWB3, removing a green area which incorrectly appeared as part of the allocation, which was unjustified. SAWB5 (Sports Pitch Provision) was unjustified as it could not be delivered. To ensure the plan is effective, modification **MM/8/13** deletes the allocation. There are no implications for sports and leisure in Sawbridgeworth, as other policies in the plan seeking open space and sports provision apply.

Ware

94. Policy WARE 1 sets out the level and type of development for Ware. There is a single allocation for Ware (WARE2) and, therefore, it is necessary for the words 'at least' to be inserted in front of the housing capacity (Modifications **MM/9/03, 04, 05**) to ensure that the development strategy can be implemented. The modifications update policy WARE1 by adding the retail and employment floorspace sought to meet these needs.
95. WARE2 is an urban extension for 1,000 homes, indicating that an additional 500 could come forward beyond the plan period. To add flexibility the words 'beyond the plan period' are deleted by modification **MM/9/04** as it is possible this could come forward earlier. **MM/9/02** makes the consequential changes to the key diagram. This would make the policy positive and effective. Modification **MM/9/05** also deletes other restrictive criteria requiring a masterplan before submission of a planning application. The modification also updates requirements for education, allotments and site infrastructure to ensure the infrastructure necessary to support the homes is in place. This is necessary to make the policy effective.

East of Stevenage

96. Policy EOS1 (land east of Stevenage) is an urban extension for 600 homes; the level and type are set out in the policy. 'At least' 600 homes is added by **MM/12/01** to ensure that East Herts meets its housing needs. Some criteria require clarification to be effective. Modification **MM/12/03** remedies this adding that provision towards secondary education would be sought and that a cycleway should be provided along Gresley Way. Modification **MM/12/04** updates the key diagram accordingly. This would make the policy effective. The modifications seek a landscape led development and the existing boundaries are retained and enhanced, recognising that the site is close to the sensitive Beane Valley. The modifications would ensure that the impact on the valley is mitigated and are necessary for effectiveness.

East of Welwyn Garden City

97. The allocation EWEL1 (land east of Welwyn Garden City) sets out the type and level of development expected including retail and employment, and infrastructure to support the new housing.
98. Welwyn Garden City is of high historic value as one of the first, planned Garden Cities. The successful assimilation of new development adjacent to the existing buildings relies on the quality the layout and design which should follow Garden City principles. Several of the design criteria are amended by modification **MM/13/01** reinforcing this, to be effective. This includes seeking a sympathetic and semi-rural led solution to the more isolated section of housing to the east of the allocation.
99. The areas sought for homes and a school would harm the significance of heritage assets, including Panshanger Park contrary to the NPPF. Modification **MM/13/01** alters the location of the homes and the school, and a buffer of open land is established adjacent to the park. Screening is added to the A414 for this purpose. New wording seeking protection of heritage assets and their setting are added to the criteria. This would ensure that the heritage assets are protected consistent with the NPPF and other policies in the plan. The criteria seeking sustainable transport measures lacked detail, and the modification adds that these will be prioritised, setting out necessary detail to guide developers. The modification introduces criteria for the green corridor which is necessary to support and maintain an ecological network and protect habitats and wildlife communities. The modification is necessary to comply with the NPPF and be effective. Modification **MM/13/02** amends the key diagram accordingly.
100. Although an SPD is referred to in the policy to guide design, it is not clear what this would entail. In order for the policy to be effective **MM/13/01** sets out what the SPD will cover.

The Gilston Area

101. While the Plan sets out a range of facilities and development criteria for the Gilston Area, policy GA1 fails to set out how the existing local community would be involved, what the vision is for the area and how the Garden City Principles would be applied and the policy is not sound. Modifications **MM/11/01** and **MM/11/ 10** include new criteria to explain how the local

community will be engaged. They set out the Garden City principles, including strong vision and leadership, community ownership of assets, healthy communities, enhancement of the natural environment, good design and integrated sustainable transport. These are all necessary to achieve a long term, sustainable community which meets the needs of both existing and future residents.

102. It is unclear from the policy how The Gilston Area would contribute to wider regeneration of the surrounding area and what links there would be with other stakeholders. To make the policy effective, Modification **MM/11/02** introduces a new section setting out the roles of its partners, updating the position of the Garden Town status, identifying its role in the LSCC and the wider Garden Town development.
103. Other criteria are unclear and required further information to effectively guide development. Modifications **MM/11/03, 04, 05, 06, 07** and **09** add provision for self-build homes, the type of education facilities sought, the amount and location of employment land, the provision of parkland and continued land for farming, enhancement of woodland, and the provision of the River Stort Catchment Management Plan. I have altered modification **MM/11/06** to include that the employment land must be located and designed to be in keeping with Garden City Principles.
104. There are a number of heritage assets in The Gilston Area, which are not adequately protected by policy GA1. To remedy this, policy modifications **MM/11/08** and **MM/11/13** set out principles for development and protection of heritage assets, consistent with the NPPF and other policies in the Plan. Modifications **MM/11/10** and **MM/11/12** add that the sustainable transport corridor should link to Harlow and that additional crossings to the River Stort should be made, these are to ensure that sustainable transport links are provided and to ensure sufficient capacity on the road network. Modification **MM/11/11** provides further information on the Stort Crossings adding details of the function of the crossings, necessary for effectiveness. The policy lacked information on delivery and monitoring, a key element for bringing forward such a large allocation. The modification **MM/11/10** adds a delivery and monitoring mechanism, which, together with the section on monitoring, addressed under issue 8, would make the policy effective.
105. In summary, the allocations contain a comprehensive range of criteria, which are clear and positive, and subject to the modifications, would be sound.

Issue 8 – Whether the detailed policies would positively promote the development strategy, and are soundly based

106. The development management policies are set out in topic based chapters covering the GB and rural area, housing, economic development, retail and town centres, design and landscape, transport, community facilities, leisure and recreation, natural environment, heritage assets, climate change, water, environmental quality and delivery and monitoring. The range of policies in the EHDP will positively promote the aims and objectives of the plan. Consistent with the NPPF, the overarching aim of the policies is to deliver sustainable development.

107. *The rural area beyond the Green Belt.* Protecting the rural character of the District is a key strategic aim of the Plan. However, Policy GBR2 – Rural Area beyond the GB is highly restrictive, with criteria similar for development in the GB. This does not reflect national policy and is not sound. Modifications **MM/4/04, 05, 06** and **07** delete the restrictive text, and change to a positively framed policy which is focussed on sustainable locations for development and protecting character and appearance. Modifications **MM/10/16** and **MM/14/10** and **11** carry the modifications through to the related villages and housing chapter policies. The modifications are necessary to make the policies effective consistent with national policy.
108. *Housing.* The EHDP contains 13 policies which relate to type and mix of housing, housing density, affordable housing, dwellings for rural workers, specialist housing for older and vulnerable people, accessible and adaptable homes, self-build housing, Gypsies and Travellers and Travelling Showpeople, extensions and changes of use. The aim of the policies is to deliver sustainable, inclusive and mixed communities. The policies are generally positively worded supporting proposals for new homes on appropriate sites.
109. Policy HOU1 (housing type and mix), promotes a mix of housing to suit specific area needs. The information in the justification to the policy about house types is out of date and too rigid to cope with any changes over the plan period. To remedy this and ensure the plan is effective, modifications **MM/14/01** and **02** delete the text and add criteria to the policy to ensure new development brings forward the right type and mix of housing.
110. Policy HOU3 (affordable housing) sets thresholds and targets for affordable housing for new development. The policy identifies a range of 35-40% depending on number of new dwellings, and subject to viability. This is justified by the SHMA (including updates) and the EHDP viability assessment. The explanatory text for the policy contains out of date information on figures for affordable housing need and mix. Modifications **MM/14/03, 04, 05** and **06** update the information, necessary to justify the approach to tenure mix. In the circumstances, the approach to affordable housing is reasonable and realistic and will bring forward much needed affordable housing.
111. Policy HOU8 (self-build housing). The percentage sought on larger sites was not justified by evidence indicating that it was potentially viable. Modification **MM/14/07** reduces this to an expectation of at least 1% which is reasonable and which would ensure that individual or group self-build projects are supported, in line with national policy.
112. HOU9 (Gypsies and Travellers and Travelling Showpeople). The wording of the policy is amended (modification **MM/14/08**) to comply with national policy to ensure that local needs are met. To make policy HOU10 (Non-nomadic Gypsies and Travellers and Travelling Showpeople) effective, modification **MM/14/09** makes it clear in policy that the criteria apply to the non-nomadic community.
113. *Economic Development.* This chapter has 6 policies which support and promote sustainable economic growth. The policies are generally positively worded protecting existing employment land and supporting proposals for new employment where appropriate, including in rural areas to support the rural

economy. Flexible working practices and the provision of a communications infrastructure are supported. Policy ED1 (Employment) incorrectly seeks to 'reserve' land for employment. To be effective, modification **MM/15/01** amends this to the word 'allocated'.

114. *Retail and Town Centres*. This chapter has 5 policies which seek to promote competitive town centre environments. The policies are generally positively worded setting out criteria for the management of town centres, District and neighbourhood centres, local parades and individual shops. Modification **MM/16/01** deletes text in Policy RTC5 (District neighbourhood centres, local parades and individual shops) which seeks to protect a 50% continuous retail frontage as this is too restrictive and not justified by evidence.
115. *Design and Landscape*. This chapter has 5 policies which seek to promote high quality design in all development and protect local character. Masterplans are sought through the allocation criteria to ensure a comprehensive approach to design takes place. However, there is no explanation of what is expected. To add clarity to the process, making the plan effective, modification **MM/17/01 and 02** introduce a new Policy DES1 which sets out the aims for masterplans which is to ensure development is designed comprehensively to function well, create attractive communities and respond to local character. Modifications **MM/5/01, 07, 10, MM/7/01, 05, 08, 11, 13, MM/8/01, 06, 10, 12, MM/9/01 and MM/12/02** add a reference to the masterplan for each strategic area to align with this policy, necessary for effectiveness.
116. Policies DES1 and DES2 (now DES2 – Landscape character and DES3 – landscaping) are written in a restrictive and negative way, with regard to landscape harm and mitigation. Modifications **MM/17/03 and MM/17/04** rectify this setting out that mitigation can be taken into account when assessing landscape harm. This ensures the policies are positive and effective. The modification also recommends 'having regard to' supplementary documents which are guidance only, necessary to make the policy DES1 effective. Modification **MM/17/05** makes policy DES3 (now DES4 – design of development) effective, and accord with the NPPF by replacing 'encourage' with 'incorporate' good design.
117. *Transport*. The EDHP contains 3 policies in this chapter which seek to promote sustainable transport. To accord with the NPPF, modifications **MM/18/01 and MM/18/02** add to the explanatory text and policy TRA1 (sustainable transport) the aim to reduce pollution and improve air quality, including minimising the impact from public transport associated with new development. Modifications **MM/18/02 and MM/18/03** change 'comply/in accordance with' other documents which are guidance only to 'take account of/take into account' to make the policy effective.
118. *Community Facilities, Leisure and Recreation*. There are 10 policies in this chapter covering open space, sport and recreation, local green space, rights of way, the Lee Valley Regional Park, equine development, community facilities, health and well-being and education. All are generally positively prepared and would promote social interaction and enhance the quality of life. Modification **MM/19/01** adds clarity to policy CFLR1 (open space, sport and recreation) seeking net benefits to biodiversity and criteria for delivery of playing fields to align with other policies in the plan and be effective.

Modification **MM/19/02** changes the text in Policy CFLR2 (Local Green Space) deleting the phrase development 'will not be allowed.... other than in very special circumstances' which is very restrictive, to the appropriate wording which aligns with that in the NPPF. Modification **MM/19/03** deletes 'does not conflict with' other documents (which are guidance only), and inserts 'takes account of' to make policy CFLR4 (water based recreation) positive and effective.

119. It was unclear how Policy CFLR6 (equine development) would be implemented as it was restrictive and failed to cover all types of equine development. Modification **MM/19/04** deletes the restrictive text ensuring that the policy is effective for all types of equine development. For policy CFLR7 (community facilities), modifications to include the full range of facilities covered by the policy, seek net biodiversity and delete unnecessary text about the Green Belt are necessary to align with other plan policies and be effective (**MM/19/05** and **MM/19/06**).
120. *Natural Environment*. This chapter contains 4 policies covering designated and non-designated conservation sites, species and habitats and green infrastructure which seek to protect and enhance the natural and local environment. While the wording of policy NE1 (International, national and locally designated nature conservation sites) and policy NE2 (non-designated conservation sites) generally reflects national policy and legislation covering nature conservation sites, there is a lack of precision and clarity in the criteria to ensure appropriate protection, making the policy unsound. Modifications **MM/20/01, 02** and **3** correct this removing restrictive or unnecessary text and adding details about the type of evidence required, seeking information on alternatives and mitigation, compensatory measures and biodiversity necessary to effectively assess new development.
121. *Heritage Assets*. This chapter has 9 policies relating to a range of heritage assets, archaeology, advertisements and shopfronts in conservation areas and enabling development which seek to protect and enhance the historic environment. Four of the policies (HA1 - designated heritage assets, HA4 - conservation areas, HA7 - listed buildings and HA8 - historic parks and gardens) are not in accordance with the NPPF and are not sound. Modifications **MM/21/01, 02, 03** and **MM/21/04** are required to make the necessary adjustment to criteria. These relate to: significance, harm and balancing public benefits; having regard to guidance; preserve 'or' enhance, and deleting negative text such as 'will not be permitted'. The modifications make the policies effective and consistent with the NPPF. Policy HA9 (enabling development is significantly modified (**MM/21/05**) removing long and unnecessary criteria which are restrictive and replacing it with a short flexible policy which would be effective.
122. *Climate Change*. The chapter contains 3 policies relating to climate change adaptation, mitigation, and renewable and low carbon energy. In combination with other policies in the plan they will help to ensure that development and use of land will contribute to the mitigation of, and adaptation to, climate change. These include the overall spatial focus on large settlements to reduce the need to travel. Policy CC2 (climate change mitigation) was too restrictive and without justification for recycling construction materials. Modification **MM/22/01**, therefore adds the words 'where possible'.

123. *Water*. The chapter contains 6 policies covering flood risk management, source protection zones, water quality and the water environment, efficient use of water resources, sustainable drainage and waste water infrastructure. These seek to ensure the planned environment is managed to take account of the natural water environment and any associated risks. Modification **MM/23/01**, to policy WAT3 (water quality and the water environment), adds 'preserve or enhance' the water environment without which it would not be consistent with other policies in the plan.
124. The wording of Policy WAT6 (wastewater infrastructure) would not ensure that wastewater capacity was available to service development. Modification **MM/23/02** adds a sentence to this effect to ensure that this is the case, making the policy effective.
125. *Environmental quality*. This chapter has 4 policies relating to contaminated land and instability, noise and light pollution, and air quality. In combination with other policies in the plan, (including the development strategy which seeks to minimise travel), they aim to manage development to promote healthy lifestyles and enhanced quality of life, and plan for climate change. Although Policy EQ4 (Air Quality) seeks to minimise the potential impact on air quality by setting out a number of criteria, these are not precise or comprehensive enough to be effective. Guided by EH Environmental Health team modification **MM/24/01** rewrites the policy to make it more comprehensive, clear taking account of legislation and national policy on air quality. This makes the policy sound.
126. The chapter failed to address the overlap between the Hertfordshire Waste Local Plan and the Minerals Local Plan for waste and recycling impacts and minerals. Two new advisory sections are added by modifications **MM/24/02** and **MM/24/03** making sure that the EHDP aligns with these plans to make the Plan effective.
127. *Delivering and Monitoring*. The chapter has 2 policies which are aimed at securing the objectives and policies of the plan. However, they make only limited provision for action to be taken if delivery of key infrastructure does not happen or is delayed and this reduces the effectiveness of the plan over the plan period. Modifications **MM/25/01**, **02** and **03** introduce actions and measures to be taken if development is behind expectations. The EHDP lacked a specific indicator on delivery of housing which would trigger additional measures to bring forward development, and in this respect the plan is not positively prepared. Modification **MM/25/04**, therefore, introduces a new policy, DEL3, which sets out a trigger point for delivery of housing below which measures are to be taken. Modifications **MM/A/03** and **04** delete appendix C as it is superseded by the new policies and make the consequential amendments to the glossary. The measures are set out and are comprehensive, securing actions if necessary.
128. Given the complexity and size of the Gilston Area allocation, GA1, it is clear that the plan does not have a specific range of measures to effectively monitor its delivery and is not positively prepared. Modifications **MM/25/05** and **MM/25/06** introduce a new policy, DEL4, and explanatory text setting out expectations and how the housing delivery will be monitored. Together with

other policies in the Plan, this will ensure that development is managed and monitored effectively in the Gilston Area.

129. The modifications to this chapter ensure that there is a reasonable prospect of the development identified by the plan being delivered within the plan period and make the plan sound in this respect.

130. In summary the detailed policies will positively promote the development strategy. They will be effective, with the recommended modifications, and they are consistent with national policy.

Public Sector Equality Duty

131. The policies of the plan, including the development strategy and design and housing policies make provision for the disabled and for other protected groups. The preparation of the plan and the examination has had due regard to its impacts on equality in accordance with the Public Sector Equality duty.

Assessment of Legal Compliance

132. My examination of the legal compliance of the Plan is summarised below.

133. The East Herts District Plan has been prepared in accordance with the Council's Local Development Scheme.

134. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

135. Sustainability Appraisal has been carried out and is adequate.

136. The Habitats Regulations Appropriate Assessment Screening Report December 2010 and updates in 2012 and 2016 set out that a full assessment has been undertaken, and that the plan may have some negative impact which requires mitigation and that this mitigation has been secured through the plan.

137. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

138. The East Herts District Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

139. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

140. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the East Herts District Plan satisfies the

requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Christine Thorby

Inspector

This report is accompanied by an Appendix containing the Main Modifications.