

East Hertfordshire District Council

Your Ref 3/19/1045/OUT

Our Ref CRTR-PLAN-2019 27507

Friday 9th August 2019

Dear Mr Halford

Proposal: Outline planning with all matters reserved apart from external vehicular access for the redevelopment of the site through the demolition of existing buildings and erection of a residential led mixed use development comprising up to 8,500 residential homes including market and affordable homes; retirement homes and extra care facilities; a range of community uses including primary and secondary schools, health centres and nursery facilities; retail and related uses; leisure facilities; business and commercial uses; open space and public realm; sustainable urban drainage systems; utility and energy facilities and infrastructure; waste management facilities; vehicular bridge links; creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site; improvements to the existing highway and local road network; undergrounding and diversion of power lines; lighting; engineering works, infrastructure and associated facilities; together with temporary works or structures required by the development

Location: Land North Of The Stort Valley and the A414, Gilston

Waterway: River Stort

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Impact on the character and appearance of the waterway corridor.
- b) Impact on the towpath due to the proximity of the development to the River Stort.
- c) Impact on the biodiversity of the waterway corridor.
- d) Impact on the water quality of the canal.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that a suitably worded **condition and a legal agreement are necessary** to address these matters. Our advice and comments follow:

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a) Impact on the character and appearance of the waterway corridor.

The Trust is the owner and navigation authority of the River Stort to the south of the outline plan area. Whilst the majority of the development proposed within the Gilston Park outline application will be some distance from the River Stort Navigation, the Landscape and Visual Impact Assessment shows that the new development is likely to be visible (see view from Pardon Mill). Opportunities to screen the River Stort from Eastwick Road and the more obvious elements of housing development to its immediate north, with appropriate management of the existing self-sown woodland fringing the waterway augmented by new planting, would help to preserve the rural character of the waterway, which is inherently part of its amenity value, and will become even more important in the environs of the extensive proposed development.

The Navigation itself, comprising a chain of artificial embankments, cuts, weirs and locks, collectively forms the principal cultural heritage feature of the Stort Valley. These engineering constructions historically affected the natural landscape in ways that are complex and often subtle, with the consequence that the historic character of the waterway at times seems more akin to that of a natural river than an engineered navigation. On this basis, protecting the bucolic qualities of the waterway, whilst preserving the legibility of its engineered elements, may be considered a legitimate general approach to its heritage conservation. We suggest that this is taken into account in the delivery of the Landscape and Green Infrastructure Strategy.

We will want to see full details of any proposed upgrades to the A414 to ensure that it does not have an adverse impact on the character and appearance of the River Stort corridor, especially at the western edge of the development proposal as the road runs alongside the navigation there. We expect these details to be provided when available and that we be consulted by the Council to review this. We comment on the impacts of the proposed central and eastern crossings in separate responses.

b) Impact on the towpath due to the proximity of the development to the River Stort.

Villages 1, 2, 5 and 6 are around 1km from our network (approximately 10 minutes' walk or 7 minutes to cycle), with Villages 3 and 4 being around 2.5km from our network. Towpaths make excellent places for people to walk and cycle considerably. Not only is this a recreational resource, it can be an attractive commuter route, reducing congestion, carbon emissions and poor air quality in the wider area and supporting people to lead healthier lives. The towpath acts as a key east to west route away from roads and provides good access to Harlow Station. Improvements that are identified as part of the wider package of measures associated with this development, such as the improved pedestrian and cycle routes across the A414 and the River Stort near village 6 (set out on p126 of the Landscape and Green Infrastructure Report) and the northern access to Harlow Station, will increase the attractiveness of the towpath as a recreational and commuter route.

Given the proximity of the site to our network and the likelihood that the development would result in many additional users of our towpath for recreation and commuting, we would require a planning contribution or works in kind towards towpath, wayfinding and access point improvements to ensure that the canal corridor is able to cope with the additional expectations and burdens.

Promotion and improvement of walking and cycling routes alongside waterways is consistent with Policy TRA1 Sustainable Transport (c) of the East Herts District Plan 2018, which specifically includes reference to paths alongside waterways:

"Ensure that a range of sustainable transport options are available to occupants or users, which may involve the improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives. These improvements could include the creation of new routes, services and facilities or extensions to existing infrastructure and which may incorporate off-site mitigation, as appropriate. In suitable cases the provision of footways and cycle paths alongside navigable waterways may be sought, along with new moorings, where appropriate..."

This is further supported by points in Policy GA1 (The Gilston Area) V (I), which require the provision of sustainable transport measures which encourage walking and cycling including *"the provision of cycleways and footways that provide links throughout the site and into Harlow"* and *"enhancement of existing bridleways and footpaths"*.

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Within the application documents, the applicant recognises that the Harlow Garden Town Transport Strategy identifies the River Stort corridor as a key pedestrian and cycle route.

The Trust considers that upgrades to approximately 4km of towpath could be justified as a result of the proposed development. We are keen to discuss with the council what would be considered to be an appropriate planning obligation for towpath, wayfinding and access improvements along the River Stort Navigation and whether any additional funding sources to deliver the Garden Town exist for this work. We would suggest that a planning obligation should include measures to secure those improvements that the developer proposes in the Landscape and Green Infrastructure Report.

c) Impact on the biodiversity of the waterway corridor.

Whilst much of the development proposed in the outline application will be some distance from the River Stort Navigation, the wider package of proposed measures includes green infrastructure improvements in the area between the A414 and the river. Native and nectar rich planting should be used, with bat friendly lighting in accordance with the Bat Conservation Trust's recommendations. A holistic approach to ensuring minimal impacts on the River Stort and enhancements to natural habitat and biodiversity should be taken.

We would be keen to discuss appropriate opportunities to deliver marginal aquatic habitat (floating reed beds) within the River Stort, along with native corridor plantings as mitigation. This would help mitigate against the negative effects of urban pollution, as aquatic marginal vegetation in form acts as a buffer to pollutants entering the water course and also in function helps filter pollutants out of the water. .

Biodiversity enhancement is supported by the East Herts District Plan 2018 Policy NE3 Species and Habitats *"I. Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment"*. Along with *"VII. Development adjoining rivers or streams will be required to preserve or enhance the water environment in accordance with Policy WAT3 (Water Quality and the Water Environment)"*.

Policy NE4 Green Infrastructure states *"I. A diverse network of accessible, multi-functional green infrastructure across the district will be protected and enhanced for its biodiversity, recreational, accessibility, health and landscape value and for the contribution it makes towards combating climate change"*.

These requirements are further supported by Policy GA1 (The Gilston Area) *"V (g) quality local green infrastructure throughout the site including opportunities for preserving and enhancing on-site assets, maximising opportunities to link into existing assets and enhancing biodiversity. This will include the protection of Local Wildlife Sites and other assets of environmental value"* and *"(u) landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements development, as appropriate, and a defined recognisable boundary to the Green Belt"*.

d) Impact on the water quality of the canal.

Demolition and construction phase

The Environmental Statement identifies that there may be contaminated soil in certain areas (e.g. an airfield and landfill site), whilst the majority of the soil is agricultural and assumed to be uncontaminated. Where it is established there is contaminated soil and/or groundwater/perched water, the following criteria need to be adhered to during the demolition and construction phase:

- That no surface water (either via drains or surface water run off) or extracted perched water or groundwater should be allowed to be discharged into the River Stort during the demolition/construction/enabling works. Such waters should be discharged to the foul sewer or be tankered off-site.
- Any existing surface water drains connecting the site with the River Stort must be capped off at both ends for the duration of the works – i.e. at the point of surface water ingress and at the outfalls to the waterways.

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These requirements should be incorporated into a Construction Environmental Management Plan or other relevant documentation, that we can then review. We have suggested a condition below, to address this.

Operational phase

There will be a mix of residential, commercial and light industrial development. The application states that suitable SUDs will be used to adequately treat surface water run off from the developments prior to discharge to surface waters (including the River Stort and its tributaries). The reliance on adequate SUDs should be acceptable, in water quality terms, for the lower risk areas of the development. There may be certain industrial land use categories where we might require oil interceptors to be installed, as well as SUDs. This should be provided for review when further detailed information is made available on the development.

It may be possible to drain surface water into the River Stort, subject to agreement with our Utilities Team. We have suggested an informative below to address this. We request that the Trust is consulted on any applications to discharge conditions that may be imposed by the council in relation to surface water discharge in order that we can consider any impacts on the amount, quality and flow rates of water being discharged to the River Stort, either directly or indirectly.

Summary

As described above, we would expect a contribution from the future development towards enhancement of the waterway environment. The development will bring many more people and visitors to the area, which will impact on the quality of the River Stort environment and the Trust's management of it. If the Council is minded to grant planning permission, it is requested that a s106 contribution (or works in kind) be secured towards the works identified above to mitigate the impact of the development.

We note the inclusion in the draft s106 Heads of Terms of 'Schedule 5 - Stort Valley Works Contribution'. We welcome further discussion around what the schedule would cover and would be pleased to provide more detail of the works we consider would be appropriate to mitigate the impact of the development, both in terms of the impact on use of the towpath and the landscape setting of the River Stort.

Should planning permission be granted we request that the following **condition and informatives** are appended to the decision notice:

Condition

"Prior to the commencement of development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:

Proposed surface water arrangements (either via drains or surface water run-off) during the demolition/construction works, and during site occupation. Details should confirm the following:

- I. That no surface water (either via drains or surface water run-off) or extracted perched water or groundwater should be allowed to be discharged into the River Stort during the demolition/construction/enabling works. Such waters should be discharged to the foul sewer or be tankered off-site;*
- II. Any existing surface water drains connecting the site with the River Stort must be capped off at both ends for the duration of the works – i.e. at the point of surface water ingress and at the outfalls to the waterways.*

Reason: To ensure demolition and construction works do not have any adverse impact on the water quality of the River Stort."

It is our understanding that the developer will need to agree to the imposition of any pre-commencement conditions in advance. Should the developer not be willing to do so, we would be grateful if the Council could

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notify us as we will need to consider whether the only course of action available to us is to object to the development until the information and guarantees requested above are provided.

Informative

“Any surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Chris Lee from the Canal River Trust Utilities Team ([REDACTED]).”

For the Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tessa Craig
Area Planner

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