

## Examiner's initial questions and correspondence

### Email from examiner with questions for Bishop's Stortford Town Council and East Herts Council

**From:** Christopher Lockhart-Mummery QC  
**Sent:** 11 April 2022 17:30  
**To:** Laura Guy  
**Cc:** James Parker  
**Subject:** RE: Bishop's Stortford Neighbourhood Plans

Dear Both

I have, at this stage, a limited number of queries on the Plans on which I would be grateful for assistance:

1. Is there, as I find there is in most cases, an existing statement by EHDC as to their position on the submitted Plans?
2. I find that there is a number of policy references which are out of date. For example, throughout the Plans there is—quite understandably—reference to the superseded NPPF. I will make a recommendation to deal with this. But are the references to SPD and Draft SPD up to date?
3. In Part 1 of the ACST Plan, I do not understand section 3.2, pages 15-26, on The Goods Yard. As I understand the position (Rep 013) a major planning permission was granted in July 2018, and is being implemented. That obviously means that there is a section 106 agreement(s) which have been executed, doubtless dealing with a host of different planning obligations. If that is correct, why is this not reflected in section 3.2? Is there any point in section 3.2 in these circumstances?

I hope that you will be able to respond on these points by a reply or replies to this email. If there is a need for some form of discussion, I could consider that.

Thanks and regards

Christopher Lockhart-Mummery

## Email responses from Bishop's Stortford Town Council

**From:** James Parker  
**Sent:** 11 April 2022 18:05  
**To:** Christopher Lockhart-Mummery QC; Laura Guy  
**Subject:** RE: Bishop's Stortford Neighbourhood Plans

Dear Christopher,

Thank you for the queries.

Regarding outdated references, as a general rule we updated references for policies (or sometimes only for clauses within policies) which we changed, but not where we didn't change them. We did debate this point, but felt that if we went down the route of wholesale updating of references we potentially would be updating evidence to support the parts of the plan which had already been approved (on the basis of the evidence at the time) and were not changing. However we are happy to take your counsel on this and of course welcome Laura's comments.

I imagine Laura will look to me to respond to 3.

Prima facie your comment seems very sensible and to be honest I can't recall for certain the rationale for leaving this section in. I have a feeling however that, at the time we reviewed this section, the work had barely started (if at all). We have had a bad experience previously, where we left out policies for another development site for which planning permission had been granted, but where the development did not actually proceed and so the plan was therefore silent. I suspect that, at the time, we feared that this might occur for the Goods Yard site, so left the policies in just in case. Even now they have really only got going on the first phase (I'm not sure if they have full permission for the second phase or only outline – I will have to check), and so there is absolutely no guarantee that the second phase will proceed in accordance with the permission granted.

I will do some more checks and respond more fully but I'm pretty sure the rationale would be this. Obviously things have moved on quite a bit in the 18 months or so since this policy was first considered for amendment.

Yours sincerely  
James Parker

**From:** James Parker <  
**Sent:** 12 April 2022 13:46  
**To:** Christopher Lockhart-Mummery QC <>  
**Cc:** Laura Guy >  
**Subject:** RE: Bishop's Stortford Neighbourhood Plans

Dear Christopher

Further to the below I have now reviewed the representation made by Savills on behalf of Solum in relation to the Goods Yard site. I have also checked East Herts Planning Portal for more recent applications.

As I had suspected the planning permission they state has been granted comprises full permission for a part of the site and only outline permission for a further part. Construction on the northern part and the link road is well underway, but construction on the areas of the site closest to the river,

with the exception of the link road, is yet to commence. The design, layout, mix and massing of Phases 2B, 2C and 3 in particular is critical to the riverside environment and therefore forms an important part of the community aspirations for the area.

As I have mentioned below we have experienced a circumstance where policies (in relation to a specific development site) were (by design) omitted from one of the original plans, on the grounds that full planning consent had been granted for the site. Subsequently the consented development did not proceed and, as a result, the plan was silent when a totally different development was later proposed. It is not inconceivable that this could yet happen in relation to the Goods Yard site, some of which has only outline permission and on much of which construction has not commenced. Accordingly it seems to the Town Council that it is appropriate for the policies in relation to this site to remain in place until the full development is secured.

At this point I should acknowledge the cooperation of Solum during the process of developing the Neighbourhood plan. There was quite a strong feeling within the team that, by working together, we had materially improved the proposals eventually put forward for planning consent. No doubt if Solum do complete in the manner they originally intended this will be of benefit, but there can be no guarantees that this will be the case until works on the whole site are well underway.

I trust that this addresses the question of the relevance of section 3.2. I can see no objection to the addition of a comment on the updated status (which could include some of the rationale above if appropriate), but do feel that the policies should remain for this revision of the Neighbourhood Plan.

Yours sincerely

James Parker

## Email response from Examiner to Bishop's Stortford Town Council

**From:** Christopher Lockhart-Mummery QC

**Sent:** 12 April 2022 17:45

**To:** James Parker

**Cc:** Laura Guy

**Subject:** [External] RE: Bishop's Stortford Neighbourhood Plans

Dear James

Thank you for this.

I understand the points being made. I will await Laura's comments.

Regards

Christopher

## Email response from East Herts Council

**From:** Laura Guy  
**Sent:** 13 April 2022 11:10  
**To:** Christopher Lockhart-Mummery QC  
**Cc:** James Parker  
**Subject:** RE: Bishop's Stortford Neighbourhood Plans

Dear Christopher,

Thank you for your email, and also your comments James. Please see my response to your queries as follows:

1. Apologies, do you mean a formal response to the Reg 16 consultation? We submitted formal comments to the town council at Reg 14 stage, but do not tend to respond at Reg 16 stage. We have produced a Basic Condition Statement and LPA statement, to demonstrate that we consider the plans meet the basic conditions and legal requirements. These were submitted with the NPIERS applications, but I can send if required.
2. With regards to the SPDs, the plans predominately refer to the SPDs correctly. For context, please see a link to all our adopted SPDs: <https://www.eastherts.gov.uk/planning-building/planning-policy/supplementary-planning-documents>

The most recently adopted SPD is the Sustainability SPD, which was adopted in March 2021. This is generally referenced accurately in the plans, although it is at times still referred to as draft in the supporting text (for example text relating to air quality), so we will just need to ensure references are consistent. I did also note that the Plans refer to work being undertaken in 2021 on an updated Vehicle Parking SPD. This was indeed correct at the time of drafting and we are still planning to update the SPD. However, resources have delayed the process, so I cannot finalise dates at this stage. It would be preferable to refer to it more generally as a successor document instead. The Council is also in the process of producing an SPD for the Old River Lane site (BISH8), due for adoption in Autumn 2022.

3. Finally with regards to the Goods Yard, James has provided a good update and as he highlights, there are further applications to come forward on the site. The original hybrid planning permission 3/17/2588/OUT is being implemented in part. Solum will be submitting a new hybrid this year for the remainder of the site (excluding what has been built so far and the railway sidings). A separate planning application is proposed for the hotel.

By way of context, Solum has advised that a combination of events has necessitated a review of the consented scheme and the need to revise and reconsider the previously approved masterplan. The key driving force has been the decision of Network Rail to retain the railway sidings at the north eastern part of the site. This has reduced the developable site area. As such, in Feb this year a revised masterplan for the site was taken to Executive and subsequently adopted by Council in March. Please see a link to the revised masterplan and accompanying committee report, which provides details of the site and proposed revisions (pages 609-682 of the report pack):

<http://democracy.eastherts.gov.uk/documents/g3913/Public%20reports%20pack%2008th-Feb-2022%2019.00%20Executive.pdf?T=10&J=10>

Please let me know if you would like any further information on this site.

I am on leave the rest of this week, but I will get back to you with any further information/ clarification next week. Please also let me know if you would like me to publish this correspondence on the website or if it is not necessary in this instance.

Kind regards

Laura

## Examiner's response and decision about the format of the Examination

Dear Laura

Thank you for this, which is very helpful (as is the material from James). I do not believe that I need further information.

I have now read and considered all the material, such that I have decided that the statutory requirements for the holding of a hearing are not present. **There will therefore be no hearing.**

Please publish all this correspondence on the website.

Regards

Christopher Lockhart-Mummery