

## Ollie Collins

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**From:** Matthew Armstrong [REDACTED]  
**Sent:** 11 December 2023 10:30  
**To:** Dennis Pope  
**Cc:** Amit Patel; Andrew Hyde; Ollie Collins  
**Subject:** RE: X/23/0379/CND - Discharge of Conditions 8 (Highway works) - GSK Ware [LICH-DMS.FID367021]

CAUTION: This email originated from an external source.

Hello Dennis

There aren't two separate approval processes, neither is it a duplicate process. Our Implementation team checks the detailed engineering drawing through the s278 process. I check the trigger point of that s278 through the planning condition. The focus of the condition is the time-bound element, which the s278 cannot achieve in and of itself.

We've had problems in the past with developers not submitting their s278 application in a timely manner, leading to occupation before the necessary highway works are completed. This is one the reasons for the first part of the condition - i.e. to make sure everyone understands there is a sometimes lengthy approval process before the works can be put in on the ground. We've occasionally been challenged on this two-part condition in the past, but have found Inspectors at appeal generally go with our recommended wording.

The concern I have with your alternative condition as drafted is that it requires the works as shown on drawing number 31356/AC/001\_E to be constructed before first use. That drawing number is the approved in-principle / broad planning drawing. There will be aspects of this plan which will change slightly through the detailed s278 process, meaning what's shown on drawing number 31356/AC/001\_E is unlikely to be exactly what is implemented on the ground. There's always the challenge at the planning stage of working how much detail is justified to show on the plans, as clearly it would be unreasonable to expect fine engineering detail at that point. However, we also don't want the s278 plans to end up deviating too much from the approved planning plans, otherwise it may have to route the design back through planning approval. Nevertheless, that does occasionally happen.

As the highway works here are fairly minor overall, the risk of us ending up with more significant differences between the approved planning drawing and the final s278 drawing is lower, so I'm open to your approach. Perhaps adding in the word 'indicatively' would overcome it?:

*"Before the first use of the development, the proposed off-site works as shown **indicatively** on drawing number 31356/AC/001\_E, including the revised access and new footway provisions, shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction."*

This does reduce the clarity of the condition though, and EHDC will need to be happy that they can enforce it. I'm also not too sure of the reason you're asking for this change. I understand GSK are keen to get conditions signed off, but so long as the new development isn't used before first occupation (which is the same trigger as the second part of the condition) then there should be no issue. If the trigger for the first part of the condition was pre-commencement I'd understand the reason more for pushing this.

Regards

**Matt Armstrong**  
**Area Manager (North & East) | Highways Development Management | Growth & Hertfordshire County Council**

Address: County Hall, Pegs Lane, Hertford, SG13 8DN. Postal Point: CHN203

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**From:** Dennis Pope <dennis.pope@lichfields.uk>

**Sent:** 07 December 2023 15:22

**To:** Matthew Armstrong <Matthew.Armstrong@hertfordshire.gov.uk>

**Cc:** Amit Patel <Amit.Patel@eastherts.gov.uk>; Andrew Hyde <andrew.x.hyde@gsk.com>; Ollie Collins <Ollie.Collins@Lichfields.uk>

**Subject:** RE: X/23/0379/CND - Discharge of Conditions 8 (Highway works) - GSK Ware [LICH-DMS.FID367021]

Matt

Might be easier to have a call as the condition currently states:

“Before first use of the development, additional plans shall be submitted and approved in writing by the Local Planning Authority, which show the detailed design and construction of all works within the public highway, including the revised access and new footway provisions, as shown on drawing number 31356/AC/001\_E. This includes the permanent provision of visibility splays as shown on this plan, within which there shall be no vertical obstructions above 600mm. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first use of the development.”

The highlighted yellow confirms the need to have plans approved under his condition. You have confirmed that plans will also be approved under the s278.

So we have to have the plans approved under the condition and under the S278.

Your consultation response – scroll below – confirmed that you can't sign-off on the former until you have approved via the latter. This makes sense but does raise the question why there is a duplicate approval process.

Regards

**Dennis Pope**

**Planning Director**

BA (Hons) DipTP MSc MRTPI

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**From:** Matthew Armstrong [redacted]  
**Sent:** Thursday, December 7, 2023 3:15 PM  
**To:** Dennis Pope [redacted]  
**Cc:** Amit Patel [redacted]; Andrew Hyde [redacted]; Ollie Collins [redacted]  
**Subject:** RE: X/23/0379/CND - Discharge of Conditions 8 (Highway works) - GSK Ware [LICH-DMS.FID367021]

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Hello Dennis

There aren't two approval processes. The s278 checks and approves the drawings. The condition applies a trigger to the check/approval process, as the s278 can't do that. The second part of the condition then covers the implementation of the works.

Regards

**Matt Armstrong**  
**Area Manager (North & East) | Highways Development Management | Growth & Hertfordshire County Council**  
Address: County Hall, Pegs Lane, Hertford, SG13 8DN. Postal Point: CHN203  
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**From:** Dennis Pope [redacted]  
**Sent:** 07 December 2023 10:46  
**To:** Matthew Armstrong [redacted]  
**Cc:** Amit Patel [redacted]; Andrew Hyde [redacted]; Ollie Collins [redacted]  
**Subject:** RE: X/23/0379/CND - Discharge of Conditions 8 (Highway works) - GSK Ware [LICH-DMS.FID367021]

Matt

Thanks for the email.

Not sure if some confusion has arisen - we hadn't proposed deleting the condition but to change it to a compliance condition as follows:

**“Before the first use of the development the proposed off-site works as shown on drawing number 31356/AC/001\_E, including the revised access and new footway provisions, shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.”**

So the trigger remains i.e. before first use.

We were trying to avoid the situation where detailed drawings need to be approved both as part of the planning condition and the S278 – GSK is unclear where there are two approval processes?

Welcome thoughts.

Regards

**Dennis Pope**

**Planning Director**

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**From:** Matthew Armstrong [Redacted]

**Sent:** Thursday, December 7, 2023 10:19 AM

**To:** Dennis Pope [Redacted]

**Cc:** Amit Patel [Redacted]; Andrew Hyde [Redacted]; Ollie Collins [Redacted]

**Subject:** RE: X/23/0379/CND - Discharge of Conditions 8 (Highway works) - GSK Ware [LICH-DMS.FID367021]

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Hello Dennis

The condition doesn't duplicate the s278. The condition applies a trigger point to the detailed engineering drawings (i.e. the s278 plans). The s278 in and of itself can't apply trigger points or timescales, hence the need for the planning condition.

Regards

**Matt Armstrong**

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**From:** Dennis Pope [Redacted]

**Sent:** 22 November 2023 14:04

**To:** Matthew Armstrong [Redacted]

**Cc:** Amit Patel [Redacted]; Andrew Hyde [Redacted]; Ollie Collins [Redacted]

**Subject:** X/23/0379/CND - Discharge of Conditions 8 (Highway works) - GSK Ware [LICH-DMS.FID367021]

Matt

We note on the above submission your consultation response to EHDC (Amit Patel) reads as follows:

**“In terms of condition 8, this seeks plans of the "detailed design and construction of all works within the public highway", namely the s278 plans. We do not appear to have received an s278 application for these works yet, and it is usual practice for a condition such as this to only be discharged once Technical Approval has been issued on the s278 plans. Otherwise, this risks the applicant having plans discharged now through the planning process which may be changed through the s278 assessment process, meaning what is implemented on the ground differs to the discharged plans. As such, it is premature to discharge condition 8 at this time.”**

See also attached for ease of reference.

Given the above it seems to me that going through this separate approval process under Condition 8 only serves to duplicate what is required under the section 278 agreement. Furthermore I appreciate that you will not be able to discharge these details submitted under condition 8 until effectively the S278 has been completed.

This is likely to cause a problem in terms of timing for GSK.

To avoid this duplicate approval requirement GSK has asked us to investigate whether condition 8 can be made into a compliance condition.

At the moment Condition 8 reads:

*“Before first use of the development, additional plans shall be submitted and approved in writing by the Local Planning Authority, which show the detailed design and construction of all works within the public highway, including the revised access and new footway provisions, as shown on drawing number 31356/AC/001\_E. This includes the permanent provision of visibility splays as shown on this plan, within which there shall be no vertical obstructions above 600mm. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first use of the development.”*

So we could suggest changing this condition to:

*“Before **the** first use of the development **the proposed off-site works as shown on drawing number 31356/AC/001\_E**, including the revised access and new footway provisions, shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.”*

Then it becomes a compliance condition but the requirement remains that the works have been completed before first use.

We would need to submit a NMA to EHDC to effect the above change.

Welcome your thoughts on the above – if you are happy with this change we could then withdraw what we have submitted on condition 8 and leave the detail to be agreed under the section 278 process as per your consultation response? I have copied Amit in to keep all in the loop.

Regards

**Dennis Pope**  
**Planning Director**  
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