

Report to the Cabinet

Report reference: C-050-2023/24

Date of meeting: 18th March 2024



**Epping Forest
District Council**

Portfolio: Place – Cllr. Nigel Bedford

Subject: East of Harlow Masterplanning Guidance Supplementary Planning Document

Responsible Officer: Nigel Richardson (01992 564 110)

Democratic Services Officer: V. Messenger (democraticservices@eppingforestdc.gov.uk)

Recommendations/Decisions Required:

- (1) To note the process undertaken and the outputs from the joint public consultation by Epping Forest District Council and Harlow Council on the Draft East of Harlow Masterplanning Guidance (EHMG) Supplementary Planning Document (SPD) between July and October 2023.**
- (2) To agree that the EHMG SPD be formally adopted to inform the development of a masterplan for the site by a developer consortium.**
- (3) To agree that the Planning Services Director, in consultation with the Planning Portfolio holder, be authorised to make minor amendments to the EHMG SPD, including any mapping and links, prior to adoption.**

Executive Summary:

- The Harlow and Gilston Garden Town (HGGT) Partnership agreed to produce a document for the East of Harlow site to provide masterplanning principles.
- The aim is to provide guidance for a developer producing a masterplan for the site, to ensure the masterplan reflects the vision for the site which is shared by the HGGT partners and meets the Garden Town Vision.
- Work on the document progressed during 2022, including regular workshops to consolidate existing information and produce principles within it, and the work was reviewed by the Quality Review Panel in November 2022.
- In March 2023, it was agreed in principle that the document should be adopted as a Supplementary Planning Document (SPD) by both Harlow Council (HC) and Epping Forest District Council (EFDC), following the relevant governance and consultation processes. An SPD has more material planning weight than a guidance document and is subject to a more formal consultation. The HGGT partners have worked collaboratively to prepare the draft consultation version and to incorporate the feedback from consultation.
- Public consultation took place between July and October 2023 and a finalised SPD (Appendix B) has now been produced, for endorsement by the HGGT Board in March 2024 and subsequent adoption by both HC and EFDC later the same month.

Reasons for Proposed Decision:

The masterplan guidance SPD has been developed collaboratively by Epping Forest District Council, Harlow Council, Harlow and Gilston Garden Town and Essex County Council in accordance with the Town and Country Planning Regulations 2012. It has undergone extensive scrutiny with the public, landowners, Princess Alexandra Hospital and statutory consultees. Where

necessary and appropriate changes have been made to respond to representations from consultation. These changes will be collated and published to demonstrate how representations have been incorporated. The document will guide a developer masterplan for the site, to ensure that it reflects the shared HGGT partner's vision. The consultation has been carried out in accordance with the requirements for the adoption of a SPD.

Other Options for Action:

To not endorse the EHMG as a SPD prior to the formulation of a developer masterplan. This may result in developers leading on the establishment of principles for the site which may not align with the agreed vision and principles of the HGGT partnership authorities. This may protract the development of an agreed masterplan for the site, delay determination of planning applications and thus housing delivery while also delaying provision of key infrastructure such as the Sustainable Transport Corridor, community and education buildings and lower the quality of design for this large mixed use garden town settlement.

Report:

1. Introduction and background

1.1 East of Harlow is one of Harlow and Gilston Garden Town's strategic sites. It sits across the Harlow Council and Epping Forest District Council border, with 2,600 homes allocated in the Harlow Local Development Plan and 750 homes allocated in the Epping Forest District Council Local Plan, totalling 3,350 homes. It also includes the proposed site for the new Princess Alexandra Hospital, and is covered by Essex County Council (ECC) as the Highways Authority.

1.2 The developer led masterplanning of the site has lacked sufficient progress, which could result in a potential impact on delivery timescales for homes and infrastructure on the site and therefore, the risk increases of ad-hoc development coming forward within the masterplan area. This may jeopardise the vision for the strategic site.

1.3 The decision was taken by HGGT partners to produce an 'East of Harlow Masterplanning Principles' document (which has now been renamed as a guidance SPD). The aim is to provide guidance for a developer producing a masterplan for the site, to ensure the masterplan reflects the vision for the site which is shared by the HGGT partners and best meets the Garden Town's Vision. The HGGT vision covers principles of; Placemaking and Homes; Landscape and Green Infrastructure; Sustainable Movement and Economy and regeneration.

1.4 Work on the document progressed during 2022, including regular workshops to consolidate existing information, develop a project proposal and produce a vision for the site.

1.5 The draft document was reviewed by the HGGT Quality Review Panel in November 2022 and this informed subsequent versions of the EHMG.

1.6 EFDC, HC and ECC have previously worked to develop guidance for the East of Harlow masterplan area, and this work has guided development of the document.

1.7 The EHMG SPD builds on the existing policies/guidance for the site, including:

- Epping Forest Local Plan (EFLP), Green Infrastructure (GI) Strategy, Sustainability Guide
- Harlow Local Development Plan (HLDP)
- HGGT Vision, Design Guide, Transport Strategy, Sustainability Guidance and Checklist, GI Strategy Framework
- Essex County Council (ECC) Highways Sustainable Transport Corridor (STC) Guidance, Access Guidance and Traffic Modelling, ECC Garden Communities, ECC Planning School Places, and ECC GI Strategy

2. Development of the SPD

2.1 In March 2023, it was agreed that the document would be redrafted as guidance and adopted as a Supplementary Planning Document (SPD) by both EFDC and HC. This will ensure the guidance has as much planning weight as possible, as a material consideration, and will be robust to ensure the developer prepares a masterplan which reflects the visions for the site and the overall Garden Town.

2.2 National Planning Practice Guidance provides that SPDs should build upon and provide more detailed advice or guidance on existing policies in an adopted local plan. SPDs cannot introduce new policies into the local plan as they are supplementary in nature and should not add unnecessarily to the financial burdens on development. Both HC and EFDC Officers are satisfied that these requirements are met.

2.3 Where an SPD is likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies, a Strategic Environmental Assessment (SEA) may be required. However, relevant significant environmental effects were previously assessed during the preparation of the policies in the Epping Forest Local Plan and Harlow Local District Plan, taking into account the criteria in the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) and consultation responses received at the time.

3. Content of the SPD

3.1 As noted in other sections of this report, the SPD will assist the site developer to produce a masterplan by detailing the 'high-level' matters that need to be considered as agreed by HGGT partners. These include the broad locations of green space and sustainable drainage (Green and Blue infrastructure) and locations of facilities such as schools, sustainable transport corridors and site entrances. These are issues that are already referred to in the district-wide Local Plans of Harlow and Epping Forest District Councils.

3.2 The SPD provides an introduction and an explanation of the document context and covers the following nine topics:

- Stewardship
- General Design and Character
- Landscape and Green and Blue Infrastructure
- Sustainability and Build Quality
- Sustainable Movement
- Sustainable Transport Corridors
- All-Vehicle Access
- Education Provision
- Other Infrastructure and Local Centres

Each of the topics has a section detailing policy and guidance to enable the developer to understand key relevant documents. The topic sections detail what the key relevant issues are and highlights aspects that will require further consideration by developers when a masterplan is produced.

The topics typically include both written and map information which is summarised at the end of the document in a 'Combined Principles' map.

4. Consultation on the draft East of Harlow Masterplan Guidance SPD

4.1 The draft EHMGM was produced by Harlow and Epping Forest District Councils in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Councils' adopted Statement of Community Involvement.

4.2 This was a joint consultation by EFDC and HC with oversight from HGGT and input from ECC on infrastructure matters. Given the larger portion of the site is within Harlow, HC officers collated consultation comments and led on the production of the consultation report. Amendments to the document were agreed between all parties: HGGT, EFDC, HC and ECC. EFDC cabinet approved the draft document prior to public consultation on July 10th 2023.

4.3 The consultation period started on Monday 31 July 2023 and was due to close on Sunday 24 September 2023, but was extended by three weeks and closed on Monday 16 October 2023. The consultation was open, therefore, for a period of 11 weeks.

4.4 The HGGT consultation platform website hosted the SPD and allowed people to navigate the document by chapter and leave comments online. If people preferred, they could also submit comments via email or post. A link to the platform website was also hosted on EFDC's website.

4.5 A full schedule of comments submitted via the platform, email and post – split by SPD chapter can be viewed in the Consultation Statement at Appendix C This also includes Harlow and Epping Forst District Councils' joint responses to the comments.

4.6 The platform also hosted a survey about the SPD. There were 14 questions, 12 of which were multiple choice or similar, with two open-ended questions to allow comments. The survey results can be seen in the Consultation Statement.

4.7 On Tuesday 29 August 2023, a public drop-in event was held, in conjunction with Sheering Parish Council, at Sheering Village Hall. It ran from 10am to 12pm and included a one-hour question and answer session with officers from Epping Forest District Council and Essex County Council. The event was advertised by the Parish Council and was attended by approximately. 60 people.

4.8 On Tuesday 10 October 2023, a public event was held, in conjunction with the Churchgate Street Residents Association, at St Mary's Church in Churchgate Street. It ran from 6pm to 7pm and comprised a question and answer session with officers from Harlow and Epping Forest District Councils and Essex County Council. The event was advertised by the Residents Association and was attended by over 100 people.

4.9 Additionally, three online drop-in sessions were held online on Microsoft Teams, with officers from HC, EFDC and ECC in attendance to answer questions. These sessions were held on Wednesday 30 August 2023 from 6pm to 7pm, Thursday 31 August 2023 from 2pm to 3pm and Thursday 7 September 2023 from 10am to 11am.

4.10 The majority of issues raised at the above sessions were similar to the main issues raised in written responses to the consultation (see below).

4.11 As well as the above sessions, private meetings have also taken place between land owners, their agents and officers from Harlow and Epping Forest District Councils and Essex County Council. The purpose of these was to answer questions and queries they had prior to their formal written submissions to the consultation.

4.12 A total of 157 people, organisations or companies responded to the consultation, either by providing comments and/or completing a survey.

5. Issues raised during the consultation

5.1 Of the total 157 members of the public, organisations or companies who responded to the consultation, many made similar points and these main comments are summarised in the table below, along with joint responses from Harlow and Epping Forest District Councils along with Essex County Council.

5.2 Specific points made via submission of comments and completion of the open-ended questions in the survey, along with joint responses from Harlow and Epping Forest District Councils, can be viewed in the Consultation Statement (Appendix C)

5.3 The table below summarises the main issues raised during the consultation, many of which required amendments to the draft SPD:

#	Issue	Harlow Council, Epping Forest District Council and Essex County Council joint response:
1.	General traffic and travel – e.g. increased congestion, bus services etc.	<p>The HGGT Transport Strategy, STC (which will connect to the new hospital) and associated modal shift/change are key strands of the HGGT vision to address potential increased vehicular movements arising from new development.</p> <p>Buses on the STC would be funded by the development initially and it is expected they will become self-funding as the development grows. These buses would also benefit the residents of Newhall (and other existing Harlow residents along the route) by providing a fast and reliable bus service to both Harlow town centre and beyond and also the new hospital site.</p> <p>Modal shift/change is about allowing short journeys to be completed using sustainable transport instead of cars, thereby reducing the number of cars on the road overall. The intention is not to remove cars but provide worthwhile choice in how people travel so that sustainable choices can be made especially for those journeys where walking, cycling and using public transport is easier, cheaper and quicker than sitting in traffic in the car.</p> <p>The Garden Community is predicted on being a sustainable development and as such people will purchase properties in this knowledge and developers will be aware of this requirement. With multiple accesses onto Gilden Way, traffic will either be able to access towards the town centre and access the wider area or leave via J7a and then return.</p> <p>The allocation of the site has been informed by transport assessment evidence and further detailed transport assessments will be carried out by the developer.</p> <p>The HGGT IDP identifies what schemes and proposals are required including those related to the highway network to accommodate growth.</p>
2.	M11 Junction 7a	<p>The M11 Junction 7a was designed to provide the second access to Harlow and therefore helps to provide relief if either Junction 7 gets blocked for any reason and vice versa.</p> <p>The road has been designed with enough capacity to deal with traffic associated with the new development and this is supported by modelling.</p>
3.	Traffic associated with hospital relocation	<p>The relocation of the hospital has a lesser impact on traffic generation than a totally new development at the current site would. Proximity to the M11 means that traffic which previously came from the M11 to the hospital can in future do so without traversing the town.</p>

4.	Closure of London Road, Harlow	<p>It was a requirement of the Newhall Section 106 agreement that there must be suitable secondary access to Newhall and contributions towards improvements across the Harlow road network.</p> <p>An application was approved by HC in 2017 for the secondary Newhall access arrangement and Bus Gate proposals. The reference number for this application is HW/FUL/17/00130. The officers report and planning statement produced by the developer provides information on why the bus gate is to be implemented.</p>
5.	Traffic matters at Churchgate Street, Harlow	<p>Development traffic would not be allowed to use routes through Churchgate Street and developers would be expected to provide a construction plan to show how they would bring the site forward.</p> <p>Access to all the roads within Churchgate Street from routes travelling through the new development would only facilitate walking and cycling access.</p>
6.	Possibility of increased flood risk	<p>SuDS, including new ponds and swales, are likely to help with future flooding. For example, improvements to the Gilden Park area have led to less flooding at the underpass.</p> <p>The Churchgate Street area flooding this year was as a result of a very intense and short period of rain that impacted on the local brook within a known flood zone area (as per Environment Agency maps). This is with EA to decide whether further work/what work is required.</p> <p>The assessments for flooding considered future events. As part of the masterplan and eventual planning application, further flood risks will be required to be considered.</p>
7.	Provision of suitable infrastructure	<p>The site will be supported by the right infrastructure in the right location including health, education, sustainable transport, access and highway improvements and all utility provision. This is set out in the HGGT Infrastructure Delivery Plan.</p> <p>Infrastructure will have to be provided in a phased approach based on the occupation of dwellings once they are completed. However, it is not appropriate for the SPD to provide detail on phasing of housing and phasing of infrastructure provision - this will come at the masterplan stage in detailed discussion with infrastructure providers.</p> <p>The SPD will be amended to ensure there is specific reference to the need for Local Centres to include community infrastructure such as preschool provision, doctors, dentist, play areas, and community rooms for use for faith activities, toddler groups, support groups, etc.</p> <p>The HGGT partners and developers will work with utility providers on water provision and are aware of the development sites in this area through the Local Plan process.</p>
8.	Location of new schools	<p>The exact locations of the schools have yet to be established and are indicative in the SPD. Essex County Council will be providing further evidence and justification for the best location. The SPD has therefore been amended to remove the school options and state that locations are to be decided.</p>
9.	Ensuring developers adhere	<p>The adherence to S106 agreements is not something for this SPD to address, but HC's legal action against the developers at Gilden Park</p>

	to Section 106 agreements for infrastructure provision	is likely to set an important precedent which will help to ensure developers adhere to planned delivery of infrastructure in the future.
10.	Need for housing at this location	<p>The East of Harlow site was allocated for housing and associated ancillary uses in the Harlow and Epping Local Plans, which went through rigorous rounds of consultation, public examination and inspection by government.</p> <p>The south-east of the UK has some of the highest house prices in the country due in part to high demand and lack of supply. Issues such as people living longer than previous generations, higher rates of divorce in older people (resulting in a divorced couple requiring two homes instead of one), and birth rates historically being higher than death rates, has increased demand.</p> <p>The need for housing - including affordable housing - is detailed further in the evidence base supporting the Harlow and Epping Local Plans.</p>
11.	Landscape, biodiversity and farmland concerns	<p>The SPD requires the masterplan to be landscape-led, ensuring that open spaces and Green Infrastructure are provided, while respecting and preserving the original landscape as much as possible. This also includes a mandatory net increase in biodiversity.</p> <p>Most of the farmland in question is Grade 3, meaning it is Good to Moderate and therefore not the best (which would be Grades 1 and 2). Around 70% of UK land is farmland. It was accepted at the examinations for the Harlow and Epping Local Plans, which allocated this site, that the loss of farmland is, on balance, acceptable in order for the districts to meet their identified housing targets.</p>
12.	Impact on existing communities, particularly Sheering	<p>The SPD requires the masterplan to sensitively consider existing communities. The SPD indicates that the masterplan will require a buffer between the northern part of the site and Sheering to ensure coalescence is prevented and that Sheering retains its identity.</p> <p>It is possible that improvements to existing Sheering infrastructure will be part of the East of Harlow development, but this will be determined at the masterplanning and planning application stages.</p>
13.	Clarity of maps	The maps have been altered prior to the final version of the SPD being produced, including adding OS base maps, updated aerial photo imagery and names of existing settlements and road names.
14.	Online platform	The Councils were aware of some technical issues with the online platform and liaised directly with those affected to resolve the matters. Feedback has been passed to the platform supplier to avoid future issues.

5.3 Additionally, a number of comments were received from statutory consultees and landowners (via their agents). Their details can be found in the Consultation Statement. The table below details how the SPD has been amended as a result of comments from these consultees:

#	Topic	Amendment
1.	Green and blue infrastructure	Improved/additional references to role of green infrastructure in relation to climate change, blue infrastructure and the possibility for new water bodies, greening of local centres, SANG guidance, linkages with the surrounding landscape to improve and encourage

		access, consideration of “green” routes, guidance on provision of sports facilities, HGGT GI Framework action plans, wider uses of green infrastructure, tree and hedgerow retention, SFRAs and flooding strategies, and waterway restoration and enhancement. Maps amended so that the area in the north of the site is referred to as a green buffer rather than for a specific SANG/BNG use.
2.	Infrastructure	Improved/additional references to utilities infrastructure, need for developers to engage with water/wastewater bodies to ensure requirements are met, effects of development on emergency services, and the need for local centres to include a wide range of facilities such as GP healthcare, dentist, play areas and community rooms for faith activities, fitness activities, toddler groups, support groups, etc. Clarification that road capacity on the local and strategic networks is not intended to be prioritised by health facilities over residential uses.
3.	Sustainable movement	Improved/additional references to possibility of a cycling route through the green buffer towards Sheering, interim measures for sustainable modes and in particular for Princess Alexandria Hospital (PAH), connection of PAH with sustainable transport network, establishing green infrastructure in sustainable transport and PRoW networks, effects on waterways/flooding arising from new roads or crossings. Removal of reference to Champions roundabout regarding dwelling occupation.
4.	Education	Improved/additional references to role of schools in meeting the community sports facility needs, primary school playing field being multi-purpose and opportunities for natural play. Removal of school options as these will need further consideration at masterplanning stage.
5.	General	Amendments to ensure the SPD is not overly prescriptive. Improved/additional references to Section 106 requirements, Essex Design Guide, climate change and stewardship. Amendments to maps to improve clarity and address points raised by consultees.

5.4 The full schedule of comments and Council’s responses is included in the Consultation Statement (Appendix C).

6. Conclusion

The development of the East of Harlow Masterplan Guidance SPD has been progressed in consultation with officers from Harlow and Gilston Garden Town, Harlow Council, Essex County Council, the public, landowners and statutory consultees.

EFDC officers are confident that the guidance document provides a sound basis for developers to commence the development of a Strategic Masterplan Framework document with the representations of the above groups understood. EFDC officers are also confident that the document is not at odds with the EFDC Local Plan and will not prevent the forthcoming developer masterplan from fulfilling the requirements of EFDC’s endorsed Strategic Masterplanning Briefing Note (2018).

- End of report -

Resource Implications:

The adoption of this document as an SPD does not directly give rise to additional resource implications for EFDC.

However following the adoption of this document, it is anticipated a developer consortium will come forward to develop a Strategic Masterplan Framework for East of Harlow. Input from EFDC's Implementation Team, alongside Harlow Council will be required to manage the development of the Strategic Masterplan Framework with developers through a Planning Performance Agreement process. This is to ensure the framework will meet EFDC's Local Plan, Masterplanning Briefing Note and all other EFDC strategies and guidance documents and is being undertaken on other EFDC Local Plan strategic allocation sites.

Following the endorsement of the Strategic Masterplan Framework, EFDC resource will be required to assess the forthcoming planning applications. Planning applications cannot be approved until the Strategic Masterplan Framework is endorsed by EFDC Cabinet.

Legal and Governance Implications:

National Planning Practice Guidance provides that SPDs should build upon and provide more detailed advice or guidance on existing policies in an adopted local plan. SPDs cannot introduce new policies into the local plan as they are supplementary in nature and should not add unnecessarily to the financial burdens on development. Both HC and EFDC Officers are satisfied that these requirements are met.

Where an SPD is likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies, a Strategic Environmental Assessment (SEA) may be required. However, relevant significant environmental effects were previously assessed during the preparation of the policies in the Epping Forest Local Plan and Harlow Local District Plan, taking into account the criteria in the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) and consultation responses received at the time.

Safer, Cleaner and Greener Implications:

The Local Plan contains a policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as sustainable drainage systems and quality green infrastructure.

These aspects are amplified through this guidance document, the Strategic Masterplan Framework that follows this SPD will be the mechanism for these place-making measures to be delivered in more detail.

Consultation

Extensive information is included in item 3 of this report. A Consultation Statement is included in Appendix C.

Background Papers

EFDC Cabinet Report – Approval of Draft East of Harlow Masterplanning Guidance for Consultation

Appendix A: HGGT Board East of Harlow Masterplanning Guidance Adoption SPD report

Appendix B: Draft East of Harlow Masterplanning Guidance SPD

Appendix C: East of Harlow Consultation Report

Risk Management

This document involves the agreement of guidance for this site that spans two district authority areas and where coordination with Harlow and Gilston Garden Town on vision principles and Essex County Council on the provision of infrastructure is required. Were the council not to take a pro-active and collaborative approach to working with these stakeholders, there is a real risk of development occurring of a type that does not extract maximum value for the provision of physical and social infrastructure with resulting poor quality development.

Appendix A:

Appendix A: HGGT Board East of Harlow Masterplanning Guidance Adoption SPD report

Appendix B:

Draft East of Harlow Masterplanning Guidance SPD

Appendix C:

East of Harlow Consultation Report