

Report to Neighbourhood Select Committee

Date of meeting: 26 June 2018

Subject: Response to Harlow Local Plan Pre-Submission Publication

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Recommendations/Decisions Required:

To agree Epping Forest District Council's (EFDC) response to Harlow District Council's Regulation 19 Local Development Plan Pre-Submission Publication May 2018.

Executive Summary

- Harlow District Council published the Harlow Local Development Plan on Thursday 24 May 2018, inviting representations prior to submission of the Plan for examination for a six-week period until Friday 6 July 2018 in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- Officers have included in this report matters for consideration on the Pre-Submission Local Development Plan based on key cross-boundary issues that have been identified.
- It is recommended that EFDC respond to the publication period welcoming the Pre-Submission Plan while providing comments and/or recommendations on key policies (as set out below) and reserving the Council's right to appear at Independent Examination.

The Harlow Local Development Plan Pre-Submission Publication May 2018

1. Harlow District Council (HDC) published the Harlow Local Development Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) on Thursday 24 May 2018, inviting representations for a six-week period until Friday 6 July 2018 prior to submission for Independent Examination. Epping Forest District Council (EFDC) as a neighbouring authority and Duty to Co-operate partner has been invited to make comments on the Pre-Submission Plan. As members are aware the purpose of this stage of the plan-making process is to enable any person to make representations (known as Regulation 20 representations). Representations may be made about any aspect of the Local Plan and every duly made representation has to be submitted to the Secretary of State with the Local Plan and must be considered by the Local Plan Inspector appointed to carry out the examination. Reflecting the purpose of the examination, the focus of Regulation 20 representations should be whether the plan has been prepared in accordance with the Duty to Co-operate under section 33A of the 2004 Act, whether it complies with relevant legal (procedural) requirements, and whether it is sound.
2. HDC previously consulted under Regulation 18 in April 2014 on their 'Emerging Strategy' document, which presented five examples of how the District could meet its housing and employment needs including options which identified sites within Epping Forest District. This Council responded to the consultation advocating the need for jointly prepared evidence on housing and employment needs, which has since been

carried out in the form of the Strategic Housing Market Assessment (SHMA) (2015); two updates to the SHMA on Objectively Assessed Housing Need (2017) and Affordable Housing (2017); and the West Essex and East Hertfordshire Assessment of Employment Needs (2017). The Pre-Submission Plan is the first published Local Development Plan document and provides the chosen strategy for delivering growth for Harlow District covering the period up to 2033.

3. EFDC has been working closely with HDC on key cross-boundary matters including the Harlow and Gilston Garden Town. The Co-operation for Sustainable Development Board was set up in October 2014 to support Local Plan making and delivery for communities in West Essex, East Hertfordshire and adjoining London Boroughs, and has provided the framework for the discussion of cross-boundary spatial planning issues between the neighbouring authorities. HDC is a core member of the Cooperation for Sustainable Development Board and the West Essex/East Hertfordshire Housing Market Area. The Board has agreed Memorandum of Understanding (MoU) following discussion at the Board. The signed MoU's relate to: Managing the Impacts of Growth within the West Essex/East Hertfordshire HMA on Epping Forest Special Area of Conservation (SAC); Highways and Transportation Infrastructure for the West Essex/East Hertfordshire Housing Market Area and Distribution of Objectively Assessed Employment Need across the West Essex/East Hertfordshire Housing Market Area. A draft MoU on Understanding the Distribution of Objectively Assessed Employment Need across the West Essex/East Hertfordshire Functional Economic Market Area has also been agreed and is expected to be signed in June 2018.
4. The Harlow Local Development Plan Pre-Submission Publication May 2018 ("the Plan") reflects the progress made through the cross boundary working that has taken place since HDC consulted under Regulation 18. It is recommended that EFDC respond to the publication period welcoming the Pre-Submission Plan while providing officer comments and/or recommendations on key policies (as set out below) and reserving the Council's right to appear at Independent Examination.

Proposed response to the Harlow Local Development Plan Pre-Submission Publication May 2018

Provision of Housing

5. The Plan provides for 9,200 dwellings over the plan period with 30% affordable housing equating to 3,400 affordable homes. This is in line with the figures included in the signed MoU on Establishing the OAHN of the Housing Market Area. EFDC therefore welcome the commitment in the Pre-Submission Plan to meet the identified level of housing for Harlow in the Local Plan.

Employment floorspace

6. The Pre-Submission Plan provides for 18-20 hectares of additional employment floorspace as recommended in the HMA Assessment of Employment Needs (2017) evidence base document. This provision is supported by EFDC. EFDC is pleased to note the inclusion of developing a visitor economy as set out in Policy ED4 and expresses support for this not only at the District scale but also recognising the strategic opportunity for the visitor economy, such as through the London Stanstead Cambridge Corridor Core Area. HDC may want to further stress the strategic scale visitor economy in Policy ED4.

Duty to Cooperate mechanisms

7. EFDC are pleased to note the Plan's reference to the Duty to Cooperate and to the agreed MoUs to which EFDC is a signatory. Further detail could be given on the Duty to Cooperate working that has taken place such as through the Cooperation for Sustainable Development Board. This would further emphasise the productive and collaborative working between the Essex, Hertfordshire and Greater London

authorities that has taken place since the creation of the Board in 2014.

Garden Town Communities

8. Policy HGT1 covers the development and delivery of the Garden Town Communities. EFDC strongly support the identification of Latton Priory, Water Lane Area and East of Harlow sites within Epping Forest District as Garden Town Communities. However, it is suggested that it would be more appropriate to refer to sites that are not within the Harlow District boundary in the supporting text of the policy and therefore focus the policy on the approach to the development and delivery of the Garden Town Communities and sites within Harlow District. Policy HGT1 provides a commitment for Strategic Masterplans to become Supplementary Planning Documents (SPDs). EFDC note that the Epping Forest District Local Plan Submission Version 2017 only requires Strategic Masterplans to be capable of adoption as SPDs in order to ensure flexibility when implementing the most sustainable strategy for the Garden Town Communities in Epping Forest District. It is also suggested that, in the interests of effectiveness, the Plan makes it clear that, notwithstanding the fact that the East of Harlow site as a whole lies within two local authority areas, a single Masterplan (to be agreed by both local authorities) should be produced to ensure the site in its entirety is developed as one community. This would help to ensure that a fully integrated community is delivered. This comment is also relevant to the comments made below on Policy HS3. EFDC welcome reference to the Garden Town Spatial Vision and Design Charter and the independent Quality Review Panel in the policy. EFDC fully supports the ambition of achieving 60% modal shift and the inclusion of subsection k) of Policy HGT1 with regard to the development of specific parking standards and that paragraph 17.5 identifies that parking provision may be reduced in sustainable locations.

Princess Alexandra Hospital

9. It is noted that the existing Princess Alexandra Hospital (PAH) site has been allocated for housing within Policy HS2 and would make a significant contribution to the delivery of the Local Plan's Housing target. EFDC has sought to support the relocation of the Hospital by way of Policy SP 5 of its Local Plan Submission Version which provides for the potential relocation of PAH within that part of the East of Harlow site within Epping Forest District. However, EFDC has some concerns regarding the deliverability for housing of the existing site within the period of the Local Plan bearing in mind work is still on-going with regard to finalising where or whether PAH would be relocated or indeed refurbished on the current site. It is not clear what the 'fallback' situation would be should the site, or the quantum of development indicated, not be delivered within the period of the Local Plan period.

Strategic Housing Site East of Harlow

10. Policy HS3 covers the Strategic Housing Site East of Harlow as providing 2,600 dwellings and associated infrastructure. EFDC is pleased to note that the number of dwellings accords with our understanding of the overall capacity for the East of Harlow site as 3,350 dwellings with 750 dwellings located within Epping Forest District. The policy would benefit from a clear reference to the location of the East of Harlow site as between the administrative boundaries of Epping Forest District and Harlow District, and therefore requiring close joint-working between the two authorities to ensure the coordinated delivery of sustainable development. EFDC would also welcome clarity in the Plan as to how Policy HS3 and Policy HGT1 align, especially with regard to the production of a Strategic Masterplan for the whole East of Harlow site. With regard to infrastructure provision on the East of Harlow site, Paragraph 5.27 of the Plan sets out the key infrastructure required to support housing on the site. EFDC note that it would be useful to include definition on how the need for such infrastructure has been calculated based on both Harlow District and Epping Forest District needs. EFDC look forward to further discussing such matters in partnership with Harlow Council through the Harlow and Gilston Garden Town Infrastructure Delivery Plan.

The Role of Green Wedges and Fingers

11. Policy WE2 on the Role of Green Wedges and Fingers provides a strong commitment to the provision of high quality open spaces in Harlow. EFDC note that for the purposes of clarity it would be useful to align this policy's approach with the aspirations to introduce new varied uses to these as part of the Sustainable Transport Corridors associated with the Garden Town Communities. Policy PL4 permits small-scale development on Green Wedges and Fingers while ensuring that the roles and functions of the Green Wedges and Fingers and wider landscape setting are preserved. It would therefore be beneficial for the Plan to provide further clarification on how these policy requirements align, particularly in the context of Sustainable Transport Corridors.

The Epping Forest Special Area of Conservation (SAC)

12. Paragraph 1.31 makes reference to the MoU with respect to the management of growth from development on the Epping Forest SAC. It would be helpful, for the sake of completeness, to provide further commentary which explains that this is in relation to the potential effects of recreational pressure and air pollution on the integrity of the SAC.
13. EFDC recognises that there are no European designated nature conservation sites within the Harlow District Council administrative area. However, it is suggested that again, for completeness, and in order to reflect the MoU, that reference is made to the Epping Forest SAC site (and it is suggested the Lee Valley SPA/Ramsar site) as being located to the south and south east of Harlow within the supporting text to Policy WE3 Biodiversity and Geodiversity, particularly bearing in mind the statutory 'in combination' test applicable under Habitats Regulations. It would also be helpful to include the Plan's Habitats Regulations Assessment (HRA) findings with regard to these two European sites and in particular to those findings in relation to the Epping Forest SAC.
14. It is noted that the HRA concludes at Paragraph 5.17 that '... the recreational pressure impact pathway can be screened out in isolation and in combination, firstly because available data suggests that Harlow is likely to lie on the fringes of the core catchment of the SAC and secondly because there is a framework in place via both the MoU and a Local Plan commitment to manage the effects of growth on Epping Forest SAC collaboratively with the other MoU authorities.
15. Whilst the MoU is referred to in Paragraph 1.31, there appears to be no explicit reference within the Plan setting out HDC's commitment to working with the other MoU authorities, or EFDC in particular (in its role as one of the competent authorities), on the development of the Mitigation Strategy that is currently being prepared. EFDC would therefore request that this matter is explicitly covered within the Plan. In addition, there is a need to recognise that further Visitor Surveys are likely to be undertaken over the period of HDC's Local Plan and any future surveys may result in a change in the 'Zone of Influence' with respect to location of visitors. Taking such an approach would help to 'future-proof' HDC's Local Plan.
16. The HRA, at Paragraph 6.11 sets out that '*... the authorities (highway authorities, Natural England and City of London Corporation, the HMA authorities including Harlow) recognised the uncertainties in any forecasting, the absence of ammonia forecasts from the 2016 work (not a standard component of road traffic impact assessment, but specifically requested in this case) and the inability at the time the 2016 modelling was undertaken to factor in the effect of queuing traffic at Wake Arms Roundabout. They also recognised that the air quality on many links was still forecast to be higher than the critical level and critical load even allowing for the improvement attributable to changes in vehicle emissions. The authorities thus considered that it was appropriate for them to take active steps to minimise the increase in traffic flows and improve air quality, rather than rely entirely on the (inter) national initiatives such as improvements in emission factors.*' The first sentence of Paragraph 6.12 then sets

out that 'As a result of that modelling and broader discussion with Natural England and City of London Corporation, the HMA authorities (including Harlow) agreed that a mitigation strategy be devised....'. Paragraph 6.16 then goes on to recommend that

'In addition to the reference in the text of the plan, it is recommended that the Local Plan also provide explicit policy reference to the strategic framework in place to address air quality at Epping Forest, including specific reference to a multi-authority mitigation strategy and a timetable for the production of that strategy (e.g. prior to adoption). This will enable the Council to make contributions to the strategic mitigation that is proportionate to the Plans atmospheric pollution contributions.'

17. Recognising that both housing and employment developments within HDC are likely to continue to generate traffic that use roads which run through the Epping Forest SAC we would strongly request that HDC's Local Plan be amended to reflect this recommendation and the commitment that HDC made within the MoU referred to above to ensure the effectiveness of the Mitigation Strategy once finalised. This request is made having considered the responses submitted by both Natural England and the Conservators of Epping Forest to this Council's Local Plan Submission Version 2017.

Epping Forest 'District'

18. Lastly, there are references to Epping Forest District as 'Epping Forest' in the Pre-Submission Plan. EFDC kindly ask that all references to the District use 'Epping Forest District' so as to differentiate between the District and the Epping Forest SAC and avoid confusion.

Reason for decision: to respond to Harlow District Council on matters of importance to Epping Forest District Council seeking appropriate changes to the plan, reserving the Council's right to participate in the Independent Examination of Harlow District Council's Local Development Plan.

Options considered and rejected: to decline to respond with the consequence that the Council would lose its right to appear and be heard at the Independent Examination of Harlow District Council's Local Development Plan. Whilst the Council would lose its right to appear, the Inspector is not precluded from inviting anyone to appear and be heard where s/he thinks that person is needed to enable the soundness of the plan to be determined

Consultation undertaken: not applicable.

Resource implications: the preparation of the response and ongoing work has used existing Planning Policy staff as per the Local Plan budget reported to Cabinet on 12 October 2017.

Budget provision: Local Plan Budget
Personnel: Planning Policy Team
Land: N/A

Community Plan/BVPP reference: NA
Relevant statutory powers: NA

Background papers: not applicable

Environmental/Human Rights Act/Crime and Disorder Act Implications: The Local Plan has been subject to Sustainability Appraisal and Equalities Impact Assessment and Habitats Regulation Assessment.

Key Decision reference: (if required)