

Report to the Cabinet

Report reference: C/116/2006-07

Date of meeting: 19 February 2007



**Epping Forest
District Council**

Portfolio: Planning and Economic Development.

Subject: East of England Plan: Secretary of State's Proposed Changes December 2006.

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Recommendations/Decisions Required:

- (1) That the response to the Secretary of State for Communities and Local Government about her Proposed Changes to the East of England Plan be based on the following:**
 - a) Welcome the complete omission of North Weald as a major development location; the acknowledgement of development constraints south of the Stort Valley; the recognition that Green Belt policy in an area such as Epping Forest District precludes a continuing long term housing supply; and the greater local discretion afforded to such policy matters as housing densities, affordable housing tenures, and vehicle parking standards;**
 - b) Support the greater focus on carbon emissions and renewable energy for new development, but point out that vehicular emissions and the performance of existing development are not addressed with equal force;**
 - c) Support in principle the reintroduction of a major urban extension to the north of Harlow, whilst recognising that there are issues to be fully addressed, through a revised SA, but underline the need for the RSS Review to be the correct way of testing the case for an extension beyond 10,000 dwellings; in terms of both sub-regional impacts and alternative long term strategies;**
 - d) Arguments previously made against “smaller scale” urban extensions to the south and west of Harlow and against excessive growth to the east. Add that wastewater capacity and Harlow traffic constraints lend further support to these arguments and substitution of less constrained alternative sites elsewhere on the West Anglia Main Line;**

- e) **Grave concern that the proposed greater scale and annualised minimum rate of housing development is in contrast with more uncertainty or lack of specificity about supportive infrastructure and funding commitments, especially in the west Essex/Harlow area;**
 - f) **Objection to the omission of any constructive reference to infrastructure at Harlow (especially transport and wastewater) despite studies already carried out and findings of the government commissioned Sustainability Appraisal;**
 - g) **Serious doubt about the achievability of the proposed rate of development at Harlow in the light of infrastructure constraints; at least some conditionality should be expressed in policy;**
 - h) **Potential inconsistency between assumed growth at Key Centres 2021-2031 for Green Belt boundary review purposes and the forthcoming RSS Review's examination of alternative development strategies;**
 - i) **Reservations about justification of the proposed job and dwelling provision in Epping Forest District (apart from Harlow extensions);**
 - j) **Need for the Sustainability Appraisal of the Proposed Changes to be revised in order to address deficiencies identified by EERA commissioned work, and for the Secretary of State to revisit her conclusions and Proposals for Epping Forest, Harlow and infrastructure conditionality accordingly;**
 - k) **Concern that the focus of the Proposed Changes on a "high level" Plan, with little or no specificity about infrastructure and question marks over housing numbers by location and over job growth, leaves many difficult issues to be resolved by Local Authorities at LDD stage, a burden and a recipe for delay;**
 - l) **Willingness to work jointly with other stakeholders to prepare options appraisals and Local Development Documents for Harlow, once the East of England Plan is finalised;**
- (2) **That the Head of Planning and Economic Development be authorised to prepare a detailed response, in conjunction with the Portfolio Holder;**
- (3) **That the response be copied to local MPs, EERA, Local Councils and campaign groups, and affected adjoining authorities; and**
- (4) **The Head of Planning and Economic Development is instructed to bring back a report at the earliest opportunity with an indication of likely resource needs for Forward Planning in the future, for Cabinet to consider.**

Report:

Introduction

- 1 The final formal consultation stage has been reached on the East of England Plan 2001-2021. This is the new regional planning guidance (or RSS – Regional Spatial Strategy) with which local planning authorities will have to comply. Following consultation, the Plan is due to be adopted by the Secretary of State in mid-2007. Consultation responses have to be made by 9th March.
- 2 A 267 page report of the Secretary of State's Proposed Changes and Statement of Reasons was received shortly before Christmas. It is accompanied by an independent Sustainability Appraisal (SA) and Habitats Directive Appropriate Assessment. Copies have been placed in the Members Room. Various technical background documents, including a wastewater capacity study, have been made available on the Government Office website. The East of England Regional Assembly (EERA) has subsequently commissioned a review of the Sustainability Appraisal (SA Review) by other consultants who appraised the original draft Plan; it is on the EERA website.
- 3 The Proposed Changes report takes the form of a response by the Secretary of State for Communities and Local Government to the June 2006 recommendations of the Panel which conducted the Examination in Public (EiP) in 2005/06. The Panel's recommendations were reported to Cabinet on 4th September 2006. The opportunity was taken then to make comments to the Secretary of State (by letter dated 7th September) making her aware of unsound aspects of the EiP Panel's recommendations. The comments were noted in an acknowledgement letter.

Summary of Proposed Changes

- 4 A high level summary of key changes overall, prepared by the East of England Assembly, is at Appendix A.
- 5 The majority of the Panel recommendations have been broadly accepted, albeit subject to considerable editing and updating. Additional changes proposed by the Secretary of State herself include:
 - a) an assumption that "Key Centres for Development and Change" (e.g. Harlow) will continue to grow at 2001-2021 rates in the 2021-2031 period; with Green Belt boundaries to be reviewed accordingly;
 - b) a stronger emphasis on Harlow as a major growth location, with a long term major urban extension to the north; and the housing target to 2021 increased by 2,500 to 16,000;
 - c) housing targets for individual authorities to be regarded as minima, to be exceeded where possible via brownfield sites, higher densities or affordable housing on rural "exceptions sites";
 - d) carbon dioxide emissions and renewable energy – a greater focus on carbon

performance targets, and local authorities to define proportions of renewable or low carbon energy in substantial developments.

- 6 The two sets of proposed area-specific policies directly affecting the District are reproduced at Appendix B. These are LA1: London Arc (covering nine Districts close to London in Herts and Essex) and HA1: Harlow - Key Centre for Development and Change (one of nineteen such centres in the region).

Development and Infrastructure

- 7 An over-riding and ongoing matter of concern to the East of England Assembly and to many stakeholders has been whether proposed development generally would be accompanied by adequate and timely infrastructure (and related measures). The Sustainability Appraisal points out that, in order to achieve sustainable development, successful implementation of policies about water resources, waste management, transport infrastructure (including public transport), energy and climate change, is required by all parties. The Appraisal leaves a question mark over implementation of the Plan because of doubts about funding regimes and the achievement of behavioural change. It also observes that increased housing numbers alone will not produce the target affordable housing provision. In contrast to the Proposed Changes, the Secretary of State herself has since said on 29th January that “it takes good infrastructure” to create the type of communities to which the government and the East of England Plan aspire.
- 8 Turning to the proposed growth at Harlow, it is therefore worrying that specific transport proposals are dropped, despite the transport studies already undertaken with Government Office endorsement. Yet the Appraisal notes that investment in non-car transport is vital to realise the potential to reduce travel and car dependency. Instead Harlow is part of a London to Stansted “Transport Priority Area for Further Study”.
- 9 Disappointingly, the Secretary of State says “it will be difficult to fund a scheme of the scale of a Harlow by-pass before the last years of the Plan period”. This exemplifies an unduly negative approach to what must be a vital piece of infrastructure to underpin: Harlow’s regeneration; a major urban extension to the north with a well-located strategic employment site; a sustainable town-wide transport strategy; and economic development through links with Stansted. Because of long lead-in timescales for such infrastructure, project planning, design and land acquisition negotiations – which cost relatively little – should start as soon as possible, in order to reduce the delay that the Government should be anxious to avoid.
- 10 Whatever the outcome of further study of wastewater infrastructure serving Harlow – upgrades, major expansion, new works, new sewers, flood management measures – significant investment will be required as a high priority.
- 11 The EiP Panel also pointed out the need for urgent progress with new water supply infrastructure (though not an issue confined to west Essex) as well as water efficiency measures. Of course major growth will require new healthcare, education, leisure and green infrastructure. Funding of healthcare provision in

Essex and Hertfordshire is already under particular stress, compared with the rest of the region.

- 12 Although EERA is preparing a Regional Investment Strategy, part of an Implementation Plan, this will be a non-statutory document. The outcome of the Government's Comprehensive Spending Review and Regional Funding Allocations remains to be seen, together with the approach taken by other key stakeholders, such as OFWAT. It goes without saying that a long-term commitment by successive governments to a realistic funding strategy is required. In the meantime at least some conditionality of development being dependent upon infrastructure should be stated in the regional plan.

Sustainability Appraisal (with Habitats Directive Assessment) of Proposed Changes

- 13 It is a statutory requirement that such an appraisal of the economic, social and environmental implications of regional and other plans are made, incorporating a particular need under the Habitats Directive to protect natural habitat sites of European significance (e.g. part of Epping Forest designated as a Special Area of Conservation (SAC)) from significant adverse change. The purpose of a sustainability appraisal is not to impose decision taking in a particular way, but rather to ensure that balanced decision making is fully informed and explained. However, it is very difficult to avoid compliance with the particular requirements of the European Habitats Directive.
- 14 The Sustainability Appraisal (SA) concludes that the Proposed Changes are not likely to lead to any significant sustainability impacts at regional scale beyond those already identified for the Draft Plan. This is subject to successful implementation of mitigation policies (though not by Local Authorities acting alone) and a step change in resource efficiency and consumption. The Secretary of State says, "The Sustainability Appraisal concludes that the Proposed Changes are in accordance with the principles of sustainable development and that the additional growth and changes to distribution do not give rise to adverse environmental impacts."
- 15 The SA Review commissioned by EERA challenges this statement. It argues that the SA itself has been insufficiently thorough and critical; that it has not addressed the localised impacts of the Proposed Changes (e.g. Harlow extension to north; 53% increase in housing numbers in the 'rest' of Epping Forest District), especially in the already congested parts of the region close to London; that mitigation policies do not reflect recent evidence and have been unduly diluted (e.g. water, wastewater, transport, infrastructure conditionality); and that the long term new settlement(s) option has lost prominence. To this list could now be added meeting key planning objectives set out in the recent draft PPS1 Supplement: Planning and Climate Change.
- 16 All this is an unsatisfactory situation which erodes confidence and adds to uncertainty about future plan making. The Secretary of State should be asked to commission a revised SA which deals with the criticisms made, and to revisit her conclusions and Proposed Changes accordingly.

Habitats Directive Assessment of the East of England Regional Spatial Strategy

- 17 The Habitats Directive Assessment of the Proposed Changes does not identify any likely significant effects on relevant sites. This was not subject of the review commissioned by EERA.
- 18 Section 3.2.8 (pages 19 to 29) of the Assessment outlines the work on Nitrous Oxide (NO_x) pollution on the part of Epping Forest which is a Special Area of Conservation (SAC) carried out by Robert West Associates for the Council in 2004. Although there is a drafting error on p.28, the Assessment acknowledges, “only a small increase in traffic flows will result in significant increases in NO_x levels at roadside levels within the SAC”. Increased daily flows of approximately 1,000 vehicles would be required to result in significant increases in NO_x levels at distances of approximately 50m from the roadside. Oxides of nitrogen are gaseous pollutants that can have both direct and indirect adverse effects on vegetation growth and health. Deposition of nitrogen occurs when it becomes trapped and chemically incorporated at ground level. It remains in the soil until chemically removed or leached out by rainfall. It therefore tends to be cumulative but levels would drop rapidly if the sources of pollution were reduced. The Appendix to the Assessment describes the Features of Interest of the Forest as a SAC (un-numbered page 10 of the Appendix), and the Conservation Objectives (un-numbered page 38). It is disappointing and surprising that the document contains no details of any scientific assessment of the potential adverse effects of increased NO_x levels on neither the Features of Interest nor the Conservation Objectives of the SAC. Therefore there is no rational explanation for the Assessment’s statement referred to in paragraph 19 below.
- 19 The next mention of the Forest in the Assessment is on page 74 under Section 3.3.1 (RSS Policy Review). This includes the sentence in relation to policy HA1 (Harlow Key Centre for Development and Change (KCDC): “Any development will avoid impacts to the site integrity of Lee Valley SPA/Ramsar and Epping Forest SAC.” No explanation for this statement is given, which seems strange given the acknowledgement of the Robert West findings in paragraph 18 above.
- 20 There appears to be further confusion on page 78 of the Assessment (Section 3.4 – Conclusions of Assessment of Likely Significant Effect). The paragraph headed “Provision of New Housing” identifies areas where Natura 2000 (i.e. Special Protection Areas (SPAs) and SACs) and ‘Ramsar’ (wetland birds) sites fall within a 5km radius of the proposed KCDCs, so that consideration can be given to “reducing the risk of recreational disturbance effects” to these sites – Epping Forest is mentioned in the Assessment’s list.
- 21 The section on “Transport” states “further evaluation at the local level will be required to ensure that land allocations and proposals do not affect Natura 2000 sites”. A list follows where it is acknowledged that further studies will be required, and this includes “London to Stansted including Harlow & access to Stansted Airport”. This appears to be a case of the strategic plan “passing the buck” by relying on the lower level Local Development Documents (LDDs) -with their Appropriate Assessments- to identify whether or not the development proposals will have an adverse effect on the SAC. This is wrong: this issue should be sorted out at the strategic level, and the Assessment is therefore considered to be

defective. It is also hard to see how the quote referred to in paragraph 19 above can be sustained in the Assessment, in the light of the statements in the sections on New Housing and Transport outlined above. The assessment is therefore faulty.

- 22 The Proposed Changes do not assess the traffic implications of development to the south and west of Harlow. Given likely commuter patterns, together with congestion already being experienced in Harlow at peak times, it would appear likely that much of the traffic generated by new development to the south/west will head due south through Epping Green, with much of this ending up on Goldings Hill and Church Hill leading into Loughton, on Epping New Road en-route to London, or via Woodridgen Hill to the M25. With daily journeys to and from work, it is also likely that even low housing numbers here could cause an increase in traffic breaching the limits identified by Robert West. This issue should have been assessed fully at the strategic level. It is not for LDDs and their Appropriate Assessments to come to a conclusion, because by then it will be too late in the process – i.e. the strategic decision on location will have been made, irrespective of inadequate assessment of the potential effect upon the SAC.
- 23 This issue might have less significance if there was more certainty about infrastructure provision and highway improvements. The Regional Transport Strategy, however, now gives very little specific guidance about any such schemes, so the issue of increased traffic through, and increased pollution within, the Forest remains a concern for this Council.
- 24 The Habitats Directive Assessment makes little direct reference to the implications for Rye Meads Sewage Works to the north east of Hoddesdon. Part of this is a Special Protection Area (SPA), i.e. of international importance for birdlife. Rye Meads will be expected to deal with both Harlow's growth and the proposed expansion of Stevenage. This must involve expansion of the works, potentially with adverse effects for the SPA, but the Assessment fails to address the issue. There has to be some concern that, if the housing proceeds as currently envisaged in the Proposed Changes without adequate provision of infrastructure, pressure could be brought to bear in the future arguing the case that the need for new and expanded infrastructure is of such over-riding public importance that the protection afforded to the European sites can be set aside. This is emphatically not how any area should be planned – the potential implications for the SPAs and SACs should have been identified and assessed fully at this stage of the development plan process, and with any over-riding public interest case identified as part of the Proposed Changes.

Key issues directly affecting the District

- 25 The key issues are derived from the report to Cabinet in September 2006 and the subsequent letter to the Secretary of State. The issues are set out in turn below, with a commentary on each. Those concerning Harlow are based on the broad principles behind the Council's previous representations about proposed development in the Harlow area. These are to favour urban redevelopment and urban extensions with timely support infrastructure best able to contribute to sustainable travel within Harlow and to other job destinations (Stansted, London, Cambridge); to relieve congestion and assist economic investment and

regeneration; and to respect Harlow's landscape "bowl" setting. The pace of growth must be related to key infrastructure and jobs. There are limits to the longer term scale of growth, and alternatives elsewhere should be sought through RSS Review. The Council is ready to work with other stakeholders to implement the Plan, once finalised.

North Weald

- 26 Proposed Changes: All reference to development at North Weald omitted, whether within Plan period or later.

Comments:

- a) Welcomed; accords with EFDC arguments at Draft Plan and Panel Report stages.

Urban extensions around Harlow; and sustainable travel

- 27 Proposed Changes: Overall housing numbers for Harlow are increased by 2,500 to 16,000 minimum, including urban extensions to the north (East Herts. DC) and east (mainly Harlow DC, possibly partly in Epping Forest DC), and on a smaller scale to south and west (Epping Forest DC). Apportionment is to be determined by joint or co-ordinated Local Development Documents (LDDs). Development to north eventually to be at least 10,000 dwellings, possibly significantly more as a "model of sustainable development". There is no reference in Policy HA1 to specific transport measures in original draft Plan and considered by the EIP Panel e.g. a Harlow by-pass, West Anglia Main Line enhancements, and a high quality public transport system to improve Harlow's accessibility in the future. (N.B. About 10,000 extra jobs are proposed at Harlow to reflect regeneration needs and indirect Stansted-related potential; and 11,000 more at Stansted itself).

Comments:

- a) Support in principle the reintroduction of a major urban extension to the north of Harlow, consistent with long-standing representations by the Council as a more sustainable location than North Weald or south/west extensions; being closer to the railway/transport interchange (via public transport to Stansted/London jobs) and to the town centre, retail parks and employment areas; also able to integrate with a new urban public transport system and a potential strategic employment site. Also, the northward extension proposal should be explicitly covered in a revised SA before the Plan is finalised, to avoid unnecessary argument and delay at a later stage.
- b) Highlight the importance of the RSS Review testing the case for a northern extension beyond 10,000 dwellings – see comments on Green Belt Boundaries below. The Review should examine longer-term alternative strategies (e.g. new or expanded settlements on rail nodes further afield) and a wider range of considerations than a "model of sustainable development" (e.g. traffic and housing pressures in nearby areas subject to restraint policies,

regeneration needs, Policy E5 regarding the “major town centre” role, homes/jobs balance, and congestion/sustainable travel in Harlow itself).

- c) Object to the lack of specific reference – either in policy or text - to any supportive transport infrastructure (e.g. by-pass, high quality public transport system, West Anglia Main Line enhancement) despite the findings of a Go-East endorsed transport study and Sustainability Appraisal. Neither the sustainable transport aims in Policy HA1(6) – and in the recent draft PPS1 Supplement on Climate Change - nor the proposed scale and pace of development can be achieved without such infrastructure; for example, a northern by-pass is required to open up significant development to the north and east. Reliance on yet further study of planning and transport options (Policy HA1 (7)) does not provide direction or confidence, especially when the Secretary of State suggests that “interventions in the early and middle years of the Plan period would need to focus on management of existing infrastructure and more modest infrastructure investment “.
- d) Point out that, without major transport infrastructure, the proposed substantial urban extension eastwards up to the M11 will generate more traffic on rural roads through villages to the east in order to avoid continuing/worsening congestion in Harlow. Moreover, by prioritising housing numbers, the Proposed Changes will threaten the landscape setting of Harlow (Policy HA1 (3)) to the north-east by transgressing an important ridgeline.
- e) Object to continued inclusion of south/west extensions. All the arguments against development by EFDC, Harlow DC and Essex CC remain valid. It would contribute little or nothing to regeneration. The Sustainability Appraisal draws attention to sensitive landscapes in this location – beyond Harlow’s landscape “bowl”. Both the SA and the SA Review refer to the importance of achieving sustainable travel – for which the location is particularly unsuited, being more likely to generate southbound car commuting via rural roads and the M11 than to encourage travel to the station via congested urban roads (see paras. 17-21 above which consider the effects on the Epping Forest SAC of southbound car commuting). The Secretary of State concedes (para. 13.68) that landscape and environmental character constrain development capacity south of the Stort Valley. The capacity of this location is still considered to be much more limited than the Panel believed or the Secretary of State perhaps assumes, taking these and other considerations (i.e. limited Southern Way traffic capacity, screen planting needs, critical ordinary watercourse impacts) into account.
- f) Seriously question the achievability of the proposed rate of development (about 1,000 dwellings p.a. 2006-2021 plus strategic employment sites) in the light of transport and wastewater infrastructure constraints. The recent wastewater capacity study, which has informed the Proposed Changes, identifies serious capacity constraints at the Rye Meads Sewage Treatment Works, i.e. up to 11,000 dwelling capacity. The 2,000 per annum dwelling growth proposed within the catchment at Harlow and Stevenage alone would take up this capacity after 5 years or so – without taking into account other potential capacity constraints (i.e. Stansted impacts) and housing development elsewhere in the catchment area. There are considerable

uncertainties and technical complexities to be resolved before a solution can be adopted. Further study is required urgently, and major projects can take up to ten years to deliver. The EiP Panel observed about water treatment generally that “Unless arrangements can be made to overcome any potential bottlenecks/funding delays it remains to be seen whether development in certain areas can be completed to the timescales expected” and recommended that development may need to be phased to match infrastructure limits. This does not appear in the Proposed Changes, but should have been retained or addressed.

- g) It follows that, pending enhancement, the available wastewater treatment capacity could be taken up by development in the Harlow urban area and the eastern urban extension, leaving scope for less constrained and more sustainably located alternatives to the proposed south/west extensions (e.g. Hanley Grange - on West Anglia Main Line south of Cambridge, as discussed at the EiP) to be substituted. Such a strategy would better satisfy the Government’s aim of an uninterrupted housing supply and help to avoid housing running ahead of job growth at Harlow.

Green Belt boundaries around Harlow

- 28 Proposed Changes: a Strategic Green Belt boundary review around Harlow is proposed to accommodate proposed urban extensions, so as to maintain Gibberd Plan principles, the landscape setting of town, and the physical/visual separation from smaller settlements to west and north. Strategic reviews at Key Centres generally are proposed to identify sufficient land to meet development needs to 2031, and assume rates of development from 2021 to 2031 to be the same as from 2001 to 2021 (i.e. 800 p.a. at Harlow). However, the review to the north of Harlow is proposed to test capacity for the most sustainable scale of longer term extension i.e. to provide for an eventual development of 10,000 dwellings, possibly significantly more. The idea is that LDDs would test whether the scale of growth is achievable, and the RSS Review would test whether it is required.

Comments:

- a) The assumption about continuing growth at Key Centres generally beyond 2021 was not the subject of an EiP Panel recommendation; the Sustainability Appraisal conclusion is that this could have negative consequences on the most sustainable use of land, depending on local circumstances.
- b) Comments made in September 2006 still apply in principle, i.e. it is illogical to commit development land to 2031 before the forthcoming early RSS Review 2011 to 2031 (this Review is assumed to be completed by 2010) examines other strategic development options elsewhere. It is noted (para. 3.34) that the RSS Review is to set the rate of growth at Key Centres to 2031 and that this may not require all the land excluded from the Green Belt. However, there is no policy requirement to reintroduce Green Belt designation in such circumstances, and experience hitherto suggests that “safeguarded land” is inevitably developed in due course.

- c) In the case of Harlow, the Proposed Changes clearly anticipate any post-2021 development to the north, acknowledging constraints in Essex (para. 13.68) in the form of landscape and environmental character and the M11 as a boundary. From a District Council viewpoint this assessment is welcome and comforting, though some issues remain to be addressed by a revised SA of the northern extension.

Employment allocations for Epping Forest District (excluding Harlow extensions)

- 29 Proposed Changes: indicative job growth targets for Brentwood/Epping Forest Districts combined have been increased from 12,000 to 14,000; but may be reviewed as part of RSS Review and LDD preparation, because the Proposed Changes acknowledge that the evidence base is not robust.

Comments:

- a) The increase appears to be in order to tie up with regional job projections made in 2004 (5,700 in Epping Forest, 8,300 in Brentwood). But it produces a jobs:dwelling growth ratio far higher than either the regional average or the norm in Essex and Herts; this is even more incompatible with Policy LA1(1) planning restraint policies and with minimisation of car-based in-commuting (relevant to Policy T1 aim) than the figures in the EiP Panel recommendations.
- b) These concerns are tempered a little by the acknowledgement that the figures can be reconsidered at later stages with the benefit of better evidence. Nevertheless, they are due to be used not only for monitoring purposes, but also as guidance for decision making (so justifying a District by District breakdown, but this has not been provided in the Proposed Changes - although it has to be for housing numbers). There is particular danger of pressure for development at unsuitable locations if job growth opportunities at Harlow are slow to materialise. In the light of the clear incompatibility with strategic policy and the Panel's conclusion that such sub-regional figures are "rough and ready" in any event, the Epping Forest figure should be revised downwards (to a figure derived from the regional average and an allowance for net out-commuting) and/or at the very least the Proposed Changes Policy E1 should note that it appears too high and must be revisited at the RSS Review. It seems illogical and unsound to set a "rough and ready" high number which might later be revised downwards, when it is more sensible to set a better justified number (which could then be revised upwards as part of a proper and more thorough RSS Review). Alternatively, part of the District apportionment might be better and more sustainably associated with Harlow growth and so be allocated to Harlow (in the same way that housing numbers for outside Harlow DCs boundaries are allocated to Harlow).

Housing allocations for Epping Forest District (excluding Harlow extensions)

- 30 Proposed Changes: 3,500 dwelling provision for the rest of the District 2001-2021 - of which it is stated that 1,220 have already been built - compared to 2,400 capacity estimated by EFDC. Moreover, all housing figures are to be regarded as

minima, subject to environmental limits and infrastructure constraints, and annualised building rates are substituted for indicative figures for five-year periods in the Proposed Changes. But the Secretary of State does indicate that Green Belt constraints in Districts not subject to a Proposed Changes Green Belt boundary review are a sufficient reason to preclude a fifteen-year housing supply, as would otherwise be required by the new PPS3 Housing.

Comments:

- a) The recognition that Green Belt policy precludes a continuing long term housing supply is welcomed.
- b) Policy LA1 is supported, but it is still considered that the Panel figure of 3,500 (increased from 2,300) is an over-estimate and not soundly based, as it takes into account exceptionally high building rates 2001-2004 (including the development of a "one-off" large brownfield site at Waltham Park, and the redevelopment of many employment sites/premises which will make the high net employment numbers in the Proposed Changes harder to achieve). In combination with the application of annualised minimum targets it creates more pressure for development incompatible with the aim of retention of distinctive character and identity (Policy LA1 (3)) and/or for erosion of the Green Belt, notwithstanding the Policy H1 caveat about environmental limits. As with employment, there is a particular danger of pressure on unsuitable locations if housing growth opportunities at Harlow are slow to materialise. The proposed 53% increase to 3,500 is not explicitly addressed in the SA.
- c) It would be helpful to clarify the Policy LA1 (4) exhortation that "opportunities presented by...radial routes from London are exploited to the maximum effect to secure...sustainable development at nodal points..." This appears from para. 13.45 to relate to such Key Centres as Hemel Hempstead, Welwyn Garden City and Hatfield and not to smaller settlements contained by Green Belt. The final version of the East of England Plan should confirm this.

Other issues arising from the Proposed Changes.

- 31 The greater focus on Carbon Dioxide Emissions and Renewable Energy introduced by the Secretary of State reflects the latest government response to climate change (Consultation PPS1 Supplement: Planning and Climate Change, December 2006) and merits support in principle. The aim is to produce regional targets for the reduction of carbon dioxide emissions from new developments, to maximise opportunities in major growth locations (such as Harlow) for innovative and high standards of performance, and to encourage the supply of energy from renewable or low carbon sources. Local authorities in LDDs are to set proportions of energy supply from such sources; in the meantime, a minimum of 10% of energy in new development should come from these sources, and local authorities are expected to encourage energy saving initiatives. The lack of focus elsewhere in the Proposed Changes on specific sustainable transport proposals to help reduce vehicular emissions therefore makes a disappointing contrast. Furthermore, in order to give a complete picture in the new spatial planning system, reference to proposed measures to deal with emissions from existing

development should also be included.

- 32 At the more detailed level, greater local discretion that is given to implementation of some policies (e.g. housing densities, affordable housing tenures, vehicle parking standards) can also be welcomed.

Conclusions

- 33 At the strategic as well as more local level, there are serious concerns about the seemingly even wider mismatch between development and infrastructure, and about the quality of the Sustainability Appraisal and Habitats Directive Assessment.
- 34 A range of significant matters are being deferred for further study or LDD preparation, as a result of the paucity of clear policy proposals about key infrastructure, a high level approach to housing numbers by location (and therefore lack of specificity or guidance), and poor evidence to justify proposed employment growth. This creates uncertainty and additional work, and is therefore a recipe for delay and places further burdens on already over-stretched Local Planning Authorities. At the same time, joint working with other authorities will be vital to secure influence over growth at Harlow and such matters as affordable housing.
- 35 On the positive side the deletion of all reference to North Weald and the reintroduction of a major urban extension to the north of Harlow are consistent with the Council's long-standing representations, and can be supported. The related acknowledgement of development constraints south of the Stort Valley and that Green Belt policy precludes a continuing long term housing supply are welcome. The proposed focus on carbon emissions and greater local discretion about matters such as housing densities also merit support.
- 36 Serious concerns remain too. So far as Harlow is concerned, these are: retention of urban extensions to the south and west (albeit smaller than those to the east and north); omission of any specific supportive transport proposals; impacts of the eastward extension north of Churchgate Street; doubt that the proposed overall rate and scale of new housing is achievable given transport and wastewater infrastructure constraints; and the consequent dangers of unsustainable journeying and greater use of rural roads, as well as early speculative pressure for development at unsuitable locations.
- 37 Looking to Harlow's longer term, Epping Forest District would not be directly affected by the proposed review of Green belt boundaries to take more development beyond 2021, because of the focus on Harlow North. However, the case for expansion to the north beyond 10,000 homes should be fully examined in the context of the forthcoming RSS Review and compared to options for large new settlements. The RSS Review would do well to look a long way into the future to ensure that 10-year delays in infrastructure provision (as is the case now with Harlow's bypass and wastewater treatment) do not occur again next time around.
- 38 So far as the rest of Epping Forest District is concerned, the proposed employment and housing figures are still not convincing, and seemingly even more inconsistent

with the strategy of Green Belt restraint.

Implications for future work

- 39 The East of England Plan (if approved by the Secretary of State along the lines of the Proposed Changes) will have resource implications for future Forward Planning work. These will combine with the more onerous requirements of the new Local Development Framework (LDF) system, and include the following (which is not an exhaustive list):

Sub-regional planning

- a) as a matter of urgency (Government's Proposed Changes) work by 3 districts and 2 counties on the appraisal of planning, transport and other infrastructure options to inform the preparation of (joint or coordinated) LDDs;
- b) joint or coordinated LDD preparation for Harlow and surrounding areas (with economies or dis-economies of scale);
- c) Green Belt reviews around Harlow (also for the rest of the District);
- d) Green Arc/Green Infrastructure study work;
- e) potential participation in an Area Regeneration Partnership approach to the delivery of Harlow's regeneration (with the possibility of Harlow Renaissance becoming an Urban Development Corporation if delivery is not fast enough);

Regional planning

- f) input to the Gypsy and Traveller (G & T) Single Issue RSS Review (also local LDD G&T policy or possible preparation of a G & T LDD under Direction from GO-East);
- g) participation in RSS (East for England Plan) Review "as soon as the ink is dry" on the current draft regional plan (instead of an RSS review every 5 years) and looking at large new settlement options and infrastructure requirements;

Local planning

- h) learning the new LDF system which was introduced back in 2004;
- i) additional work required by the new Spatial approach replacing traditional land-use planning, integration of other policies and programmes (e.g. health, transport, youth) and closer integration with the LSP and new Sustainable Community Strategies and Local Area Agreements;
- j) changing from a single Local Plan to a number of LDDs and SPDs, each with its own consultation stages (and trying to keep them short);
- k) Sustainability Appraisal/Strategic Environmental Assessment and possible

Habitats Directive Appropriate Assessment at various stages of LDDs;

- l) meeting new tests of “soundness” of LDDs and the risks of LDDs being found to be unsound (as some other authorities have suffered);
 - m) a comprehensive Evidence Base with adequate monitoring systems with studies (which can be shared with the LSP) of e.g.:
 - i) Employment Land Review,
 - ii) Retail Capacity Study,
 - iii) Housing Market Assessment including Housing Needs Survey and Housing Capacity Study,
 - iv) Flood Risk Assessments,
 - v) Open Space Survey,
 - vi) Habitat Study,
 - vii) Landscape Character Assessment,
 - n) increasing requirements to improve sustainability following the Stern report (October 2006); Intergovernmental Panel on Climate Change report (IPCC, 2 February 2007) and draft PPS on Planning and Climate Change (Supplement to PPS1, December 2006) which identifies (page 63) the additional costs to Local Planning Authorities of an average of £10,000 p.a. (although it points out that some of this may already be incurred and costs need to be related to overall costs of the planning system, and compared to the benefits resulting);
 - o) policy input to Village Design Statements as resources permit (Epping Forest District and Local Councils Charter).
- 40 This is a very demanding agenda, albeit some shared with other authorities/agencies (which will still require liaison work). The resource implications have not yet been assessed or costed in any detail, but they will be inescapable and significant. Resources are likely to be required from July 2007, initially up to 2012 and probably beyond. The recommendations refer to a report being presented at a future meeting.

Statement in support of recommended action:

- 41 The opportunity should be taken to influence the final decision taking of the Secretary of State by making representations about matters of great long term importance to the District.

Options for action:

- 42 (1) To make no representations or comments.
- (2) To take the opportunity offered by this consultation stage to make representations.

Consultation undertaken:

- 43 A initial briefing of Scrutiny Panel took place on 16 January, and a further briefing of District and Local Councillors was held on 17 February. Presentations by PORA and Stop Harlow North were also made to the latter. Officer liaison has taken place with other Essex authorities and with EERA.

Resource implications:

Budget provision: within existing resources at the present time, but costs will increase inescapably over future financial years.

Personnel: within existing resources, supplemented by consultant support, at the present time; but likely to increase further over the next few years as the new LDF system is introduced and gets established.

Land: not certain at this stage.

Community Plan/BVPP reference: GU1(a).

Relevant statutory powers: Powers to make regional plans in the Planning and Compulsory Purchase Act 2004.

Background papers: Communication about critical ordinary watercourse south/west of Harlow; and information from Harlow DC about traffic congestion constraints along Southern Way, Harlow.

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Environmental impacts of Proposed Changes on countryside, traffic generation and emissions – both local and global – as indicated in the report.

Key Decision reference (if required): n/a.

APPENDIX A

East of England Regional Assembly

EAST OF ENGLAND PLAN - SECRETARY OF STATE'S PROPOSED CHANGES: A HIGH LEVEL EERA BRIEFING (January 2007 update)¹

KEY PROPOSED CHANGES
<p>Overall approach: endorses the Panel recommendations on being a more strategic document, with less locational detail and fewer sub-regions.</p>
<p>Sustainable development: endorses the Panel recommendations on the Plan making a stronger contribution to sustainable development. Includes an overall policy on achieving sustainable development, including the criteria that determine a “sustainable community”.</p> <p>Reflecting the recently announced PPS on climate change the Plan contains proposals for carbon performance trajectories for new development and local authorities will be asked to encourage a proportion of energy supply for new homes to come from renewable or low carbon sources.²</p>
<p>Employment/housing alignment: Housing/jobs ratio maintained at the regional level. Sub-regions yet to be checked for alignment, although both Harlow and Stevenage are identified as locations where Local Development Documents might “exceptionally” identify a need for further job growth.</p>
<p>Employment: Proposed job growth is 452,000 (up from the Panel recommendation of 440,000 and the draft Plan's 421,000). Some increases (Bedfordshire and Norfolk) are consistent with EERA's line at EiP, others reflect increased housing numbers (Cambridge sub-region). Changed approach from Panel in central and north Essex and Hertfordshire, where growth at Harlow and Stevenage is seen as additional to the ‘enhanced growth’ in the rest of those areas, rather than replacing some of the growth. Central and North Essex also has 11,000 additional jobs related to 2nd runway at Stansted.³</p>
<p>Overall housing: Proposed increase to 508,000 from the Panel's 505,500 (itself an increase of 27,500 homes on the Draft Plan's 478,000). This further increase is additional growth in the Harlow area. Has accepted all other increases in District allocations proposed by the Panel. All housing figures are to be treated as floors and not ceilings and local planning authorities should seek to exceed their targets if more can be delivered through brownfield capacity and, where appropriate, increased densities. There are also strong hints that further increases will be needed in the early review of the RSS, rolling forward to 2031.</p>
<p>Affordable housing: Endorses the Panel recommendations on an aspirational 35% regional target, with all detail of tenure / type of provision left to LDDs and no specific district targets. Applies to new provision.</p>

Longer term strategy: Plan review to commence in 2007 and finish by 2010. Drivers for that review are listed in supporting text and include PPS3 and 'post Barker' policy approach; latest national household projections; "more outward looking appreciation" of region's relationship with London and other regions; water issues; spending review 2007 outcomes; carbon emission trajectories; SA/SEA and hazardous waste.

Spatial strategy: Endorses EERA's general approach of concentrating development on urban areas. Endorses the Panel's recommendations to include Hemel Hempstead and Welwyn/Hatfield as growth locations, with Green Belt reviews (taking into account adjoining District of St Albans). A stronger emphasis on Harlow as a major growth location with a Green Belt review to its north, east and, on a smaller scale, to the south east; and the housing target increased by 2,500 reflecting an anticipated start late in the Plan period for Harlow North. So the Government has disagreed with the EiP Panel's conclusions about growth in the Harlow area. However, does accept Panel recommendation to reject development at North Weald.

¹

This briefing has been updated to correct two errors pointed out by the Government Office as outlined below. Other minor amendments have been made to the briefing for reasons of clarity.

² Correction - this requirement takes immediate effect, not from 2016 as previously stated.

³ Correction – the previous reference to 'Harlow' has been amended to 'Central and North Essex' as indicated on p69 of the Proposed Changes

continued...

Sub-regions: Endorse the Panel recommendation to retain only four sub-regions: Thames Gateway, Haven Gateway, Cambridge, and the London Arc (referred to as a sub-area). Cambridge sub-region to also include market towns of Royston, Saffron Walden, Haverhill and Newmarket (as per draft Plan).

Other urban areas covered by Key Centre for Development and Change category, to which Watford is added (as per the draft Plan).

Removes majority of transport-related content, including that proposed by the Panel, on the grounds that it will be covered by the Transport policies.

Previously developed land: maintains the proposed 60% target (nb. Deliverability against a higher regional housing allocation needs checking).

Green Belt: Endorses need for strategic reviews (around Hemel Hempstead, Welwyn/Hatfield, Harlow, Stevenage, minor review at Broxbourne, possible review at Chelmsford if arising from LDD review). No further review at Cambridge. Compensating additions to Green Belt in North Hertfordshire (arising from Stevenage) and East Hertfordshire (arising from Harlow).

Supporting text identifies that in undertaking reviews, LDDs should test the release of sufficient land to 2031 at average rate 2001-2021, although whether or not that is then developed post 2021 is a matter for the Review of RSS (this is the same approach as the approved Milton Keynes South Midlands Sub-Regional Strategy).

Regional Transport Strategy: On the Regional Transport Strategy the thrust of Panel's recommendations are accepted but aim of absolute reduction in traffic in Plan period is rejected as unrealistic. Priority areas are identified for further work to determine the measures needed to tackle congestion and support growth, these cover large parts of the region including several corridors with London at one end but no East-West corridors. Demand management policies are included, following any future agreed national policy, panel's conclusions regarding road pricing producing more funds for transport investment are rejected. Overall there is very little specificity regarding the measures that may be promoted over and above those already approved through other processes.

Airports: "The RSS does not have a role in determining the rate of air traffic growth or runway provision" - proposes that the policy on airports only covers managing access to them and other associated impacts.

Implementation: Endorses the Panel recommendations on the need for a region-wide implementation plan and high-level regional coordinating arrangements. Refers to existing arrangements, e.g. Regional Partnership Group. Does not reintroduce the Assembly's proposals (Revised IMP2) to regulate the flow of development according to level of investment in key infrastructure.

The boundaries of the growth areas (and hence access to Growth Areas Fund) may be changed in future to reflect the broader approach to housing growth envisaged in the final Plan with a greater role for areas close to London.

Some additional guidance in sub-regional policies on where joint LDDs and co-ordinated working is required.

Sustainability Appraisal/SEA: Have undertaken SA/SEA (not yet reviewed).

Waste: Panel recommendations are largely accepted. Policies now include waste apportionment the figures for which are largely drawn from EERA's September 2006 waste submission. Policy commitment to end practice of landfilling untreated municipal and commercial and industrial waste by 2021, as suggested by EERA, is also included.

Out of town retail: Proposed modifications state that expansion of existing out-of-centre regional or sub-regional shopping centres will be unlikely to meet the requirements of Government policy on town centres. However, views are invited on whether or not there should be additional retail floorspace at Lakeside

Water: introduces a commitment to match development with water efficiencies. EERA need to set a per capita per day consumption target to monitor which is intended to deliver the Panel's recommendation for a 25% water efficiency requirement. Policy added on water resource development.

APPENDIX B (1)

Proposed Changes:

Policy LA1: London Arc

- (1) Within the London Arc Sub-Region the emphasis will be on:
 - retention of long-standing Green Belt restraint, supported by more positive 'green infrastructure' use of neglected areas in accordance with Green Belt purposes; and
 - urban regeneration, including the promotion of greater sustainability within the built-up areas, particularly measures to increase the use of non-car modes of transport.
- (2) Exceptions to the approach in (1) are made at Hemel Hempstead, Welwyn Garden City and Hatfield where strategic Green Belt reviews will be undertaken to permit these new towns to develop further as expanded Key Centres for Development and Change (as further provided for in the specific policies for these towns).
- (3) Other towns in the London Arc will retain and develop their existing individual roles within its polycentric settlement pattern, recognising and making as much provision for new development within the built up-area as is compatible with retention, and wherever possible enhancement of their distinctive characters and identities.
- (4) Across the London Arc the local authorities should work with those in Greater London, especially Outer London, and to the north, and those responsible for delivering the strategic transport networks, to ensure that:
 - opportunities presented by the existing and developing public transport radial routes from London are exploited to the maximum effect to secure mutually-supporting poles of sustainable development at nodal points along these routes while ensuring that the strategic function of radial routes is not overwhelmed by local movements; and
 - a network-wide approach, being particularly critical in the London Arc, is adopted towards increasing opportunities for inter-urban journeys by public transport, in line with the Regional Transport Strategy.

continued...

APPENDIX B (2)

Proposed Changes:

Policy HA1: Harlow Key Centre for Development and Change

The strategy for Harlow is:

(5) To promote the renaissance of the new town through developing its role as a major regional housing growth point, major town centre and strategic employment location to 2021 and beyond. Regeneration and redevelopment of the existing town and urban extensions will be combined with transport measures and enhancement and conservation of green infrastructure to fulfil this strategy.

(6) LDDs should provide for a total of 16,000 additional dwellings between 2001 and 2021, including urban extensions in Epping Forest and East Hertfordshire districts. Additional housing should be provided:

- within the existing area of the town through selective renewal and redevelopment, including mixed use development in the town centre; and
- through urban extensions to the north, east, and on a smaller scale to the south and west.

Joint or coordinated LDDs informed by the options appraisal work referred to below should determine the appropriate distribution between the urban extensions. The objective is to put in place a development strategy which promotes Harlow's regeneration, is as sustainable as possible and can be implemented at the required pace.

(7) The Green Belt will be reviewed to accommodate the urban extensions. New Green Belt boundaries should be drawn so as to maintain its purposes, specifically to maintain the integrity of the principles of the Gibberd Plan and landscape setting of Harlow and the physical and visual separation of the town from smaller settlements to the west and north. The review to the north should provide for an eventual development of at least 10,000 dwellings and possibly significantly more – of a large enough scale to be a model of sustainable development. The review here should test the capacity to achieve the most sustainable size of urban extension in the longer term without the need for a further Green Belt review.

(8) LDDs should provide for the creation and maintenance of a network of multi-function greenspaces within and around the town, taking forward the principles of Green Infrastructure Plan for Harlow. This network should:

- maintain the principle of “green wedges” penetrating the urban fabric of the town and urban extensions;
- provide for enhanced recreational facilities;
- protect and maintain designated wildlife sites and provide for biodiversity; and
- contribute to a visually enhanced character and setting to the town.

Opportunities should be taken to retain and make use of attractive existing

environmental features within green infrastructure provided within the urban extensions. The Stort Valley represents a major such opportunity between the town centre and development to the north of Harlow.

(9) The town centre and employment areas should be developed to:

- enhance Harlow's retail offer and strengthen its position within the regional hierarchy of town centres;
- enhance the role of Harlow as a Key Centre for further and higher education and research based institutions;
- provide for growth of Harlow's established sectors and clusters;
- attract employment related to the growth of Stansted Airport, which does not need to be located there; and
- assist the growth of small and medium sized enterprises and the attraction of new economic development and innovation.

(10) The transport priorities for Harlow are:

- achieving a major increase in the use of public transport, walking and cycling;
- enhancing access between Harlow and London, Stansted and Cambridge;
- addressing traffic congestion for movements within and across the town without encouraging an increase in car use; and
- measures to support the town's regeneration and growth and improve access to the strategic highway network from key employment sites.

(11) The strategy for Harlow should be delivered through a strong partnership approach. As a matter of urgency Harlow, East Hertfordshire and Epping Forest District Councils working with the county transport authorities, the Regional Assembly, the Government Office and Harlow Renaissance should undertake an appraisal of planning and transport options to inform the preparation of joint or coordinated LDDs. This work should establish the planning framework for Harlow and its urban extensions in accordance with this RSS and develop transport proposals and an implementation strategy to support its regeneration and growth.