

EPPING FOREST DISTRICT COUNCIL

EXAMINATION

SUPPLEMENTARY STATEMENT

REGARDING:

- **ED33: HARLOW & GILSTON GARDEN TOWN ADVICE NOTE**
- **ED34 AND 34A: HARLOW & GILSTON GARDEN TOWN IDP**
- **ED35 AND 35A: HARLOW & GILSTON GARDEN TOWN STRATEGIC VIABILITY ASSESSMENT**

ON BEHALF OF

MR. AND MRS. DEREK SCOFIELD

AND

MRS. MURIEL MARSHALL

(REF: 19LAD0103)



1.0 INTRODUCTION

1.1 This statement has been prepared in response to the inspector's invitation to comment upon the following documents:

ED33: Harlow & Gilston Garden Town Advice Note

ED34 and 34A: Harlow & Gilston Garden Town IDP

ED35 and 35A: Harlow & Gilston Garden Town Strategic Viability Assessment

1.2 The following comments are made on behalf of Mr. and Mrs. Scofield and Mrs. Marshall who submitted a hearing statement in advance of and participated in Matter 8 (Garden Towns).

1.3 Whilst Mr. and Mrs. Scofield and Mrs. Marshall welcome the opportunity to submit this statement there is insufficient time to address and resolve all the issues surrounding infrastructure costs, viability assumptions and methodology and for such matters to be given sufficient examination / scrutiny within the context of the Local Plan process.

2.0 LEGAL COMPLIANCE AND SOUNDNESS

1.1 The transitional arrangements as set out in paragraph 214 of the 2019 NPPF are clear. It states that *"The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019."* Therefore, the selective application of these transitional provisions is not legally compliant, and the Councils intentions as set out in various notes and hearing statements produced and the proposed modifications to the policy wording in Policy D1 are neither sound or legally compliant.



2.2 As set out in the guidance note on the examination (ED6) it advises that *“it should be understood that my role is to determine whether the Plan is legally compliant and sound as it stands. It is not to improve it, or to make it “more”sound.”* This indicates that issues which go beyond the consideration of the Plan with respect to the provisions of the 2012 NPPF fall outside the remit of this examination.

3.0 THE PLAN MAKING PROCESS

3.1 Notwithstanding the above, the Local Plan process has not provided a sound basis to enable Paragraph 57 to be applied nor is there ability to do so at this late stage in the process.

3.2 Paragraph 006 of the PPG (Reference ID: 10-006-20190509) advises that *“Plan makers should engage with landowners, developers, and infrastructure and affordable housing providers to secure evidence on costs and values to inform viability assessment at the plan making stage.”*

3.3 There has been no engagement with Mr. and Mrs. Scofield and Mrs. Marshall during the production of the Strategic Viability Assessment. The Council has not engaged with landowners or developers with regards to its contents, which was only published on 24 April, giving insufficient time to properly consider its contents or raise any concerns through the local plan examination, with the deadline for final hearing statements being the following day. Furthermore, the Council has not during engaged directly with Mr. and Mrs. Scofield or Mrs. Marshall with respect to viability on their land despite their involvement in the Plan making process from early 2018.

3.4 Therefore, the view of the Council that the Harlow & Gilston Garden Town IDP and the Harlow & Gilston Garden Town Strategic Viability Assessment provide sufficient evidence to enable planning applications within the Harlow and Gilston



Garden Town to be determined with significant weight being applied to paragraph 57 of the 2019 NPPF is unsound and the proposed modification to Policy D1 should not be accepted.

4.0 THE HARLOW & GILSTON GARDEN TOWN STRATEGIC VIABILITY ASSESSMENT

- 4.1 Turning specifically to the contents of Harlow & Gilston Garden Town Strategic Viability Assessment and the Councils assertion that this document provides sufficient evidence to enable planning applications within the Harlow and Gilston Garden Town to be determined with significant weight being applied to paragraph 57 of the 2019 NPPF.

- 4.2 I would assert that this document is incomplete as no assessment has been made regarding Mr. and Mrs. Scofield and Mrs. Marshall's land at Tylers Cross. The Assessment divides Water Lane into two areas, making reference to Sumners and Katherines. Paragraph 6.28 advises that the majority of the sites are in agricultural use with the exception of West Katherines where some 30% is under glasshouses with the remainder being in agricultural uses. In contrast Mr. and Mrs. Scofield and Mrs. Marshall's land at Tylers Cross which sits in the middle section of the Water Lane masterplan area consists of two residential properties and a redundant garden centre with associate glasshouses. No assessment has been made in the Viability Assessment of these uses with regards to existing land value or consequently the impact that this has on viability.

- 4.3 Moreover, it is acknowledged within the assessment itself that it is necessarily high level and there are uncertainties with regard to infrastructure specifications and costs that preclude fixing the viability assessment at this stage. A number of untested assumptions have been made regarding changes in the mix of affordable housing and phasing of infrastructure costs which could impact on viability although again these are only considered at a high level.



4.4 Therefore, the level of detail in this assessment together with the uncertainties regarding funding and the infrastructure costs in the IDP do not provide sufficient certainty regarding the costs of development for the council to assert that significant weight should be applied to Paragraph 57 of the 2109 NPPF.

5.0 CONCLUSION

5.1 To conclude the Council's intentions to selectively apply the transitional provisions is neither legally compliant or sound and in consequence the proposed modifications to the policy wording in Policy D1 is neither legally compliant or sound and should not be accepted by the Inspector.

5.2 Furthermore the level of detail and incompleteness in the Harlow & Gilston Garden Town Strategic Viability Assessment together with the uncertainties regarding funding and the infrastructure costs in the Harlow & Gilston Garden Town IDP do not provide sufficient certainty regarding the costs of development for the council to assert that significant weight should be applied to Paragraph 57 of the 2109 NPPF.