



Epping Forest Local Plan

Examination in Public

Hearing Statement

on behalf of

Miller Homes

Week 3

Matter 8 – Garden Town Communities

February 2019

AM-P Ref: 13001



INTRODUCTION

- 1. This Hearing Statement has been prepared by Andrew Martin Planning (AM-P) on behalf of Miller Homes.
- 2. Miller Homes controls 249.7 hectares (ha) of land, bounded by Gilden Way / Sheering Road, the M11, Church Langley and New Hall Farm, to the east of Harlow. Of this 121 ha of land falls within Epping Forest District to the north of Moor Hall Road and the remaining 128.7 ha within Harlow District to the south of Moor Hall Road. This land (hereafter referred to as "the site") is shown on the Site Location Plan at Appendix A. Essex County Council's (ECC's) approved alignment for the new M11 Junction 7A and link road to Gilden Way is also shown on the same plan.
- 3. The northern part of the site (allocation ref. SP5.3) is allocated in Policy SP5 of the Epping Forest Local Plan Submission Version (EB114) for approximately 750 homes, other associated uses and the potential relocation of the Princess Alexandra Hospital (PAH). The southern part of the site is allocated in Policy HS3 of the Harlow Local Plan Pre-Submission Document for approximately 2,600 homes and other associated uses.
- 4. This Hearing Statement supplements our client's formal representations from January 2018 and considers the Inspector's Matters, Issues and Questions in relation to Week 3 Matter 8 of the Epping Forest Local Plan Examination.

MATTER 8 – GARDEN TOWN COMMUNITIES

Issue 2, Question 1 -

Are the requirements of Policy SP5 in relation to transport sufficient to mitigate the effects of the proposed development in all three communities upon existing Junction 7 of the M11 and to ensure that adequate financial contributions are made towards the provision of Junction 7a? Is it the case that the provision of Junction 7a and associated infrastructure is a pre-requisite of development on these sites and, if so, is this sufficiently clear in the Plan?

- 5. The requirements in Policy SP5 in relation to transport should be sufficient to mitigate the effects of the new Garden Town Communities.
- 6. However, it is noted that Policy SP5(C) refers to an Infrastructure Delivery Plan (IDP) which has not yet been finalised. Miller Homes has seen a very early draft of the Garden Town IDP, including an outline of the required transport and highway measures, and funding apportionment (by percentage). But, at the time of writing, no details have been provided on how such apportionment has been calculated, the actual levels of financial contribution or whether other schemes will be added to the IDP list. It is therefore inappropriate to require development to deliver infrastructure in accordance with an IDP that has not yet been published.
- 7. In order to be justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence), Policy SP5(C) should be amended to remove reference to the IDP and to read:



"Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development. Development identified in this policy will also be expected to make a contribution proportionate to its scale and impact for the delivery of improvements to M11 Junction 7 and other strategic infrastructure requirements."

- 8. In relation to M11 Junction 7a, this scheme has full funding and therefore no contribution from development is required.
- 9. The new M11 Junction 7a is a pre-requisite for the full development of the new Garden Town Communities as a whole, but if the new junction is delayed or not delivered then alternative mitigation can be provided to ensure that the proposed development at East of Harlow can be delivered in a phased manner. The delivery of such mitigation is broadly covered by Policy SP5(C) and Policy SP5(H)(xi).

Issue 2, Question 2 –

More generally, are the highway and transport improvements sought by the policy expected in the form of physical works or financial contributions? Is this clear?

10. The form of delivery (i.e. physical works or financial contributions) of the highway and transport improvements sought in Policy SP5 will be set out in the Garden Town IDP and will be secured via future planning conditions, section 106 agreements or section 278 agreements at the planning application stage.

Issue 3, Question 1 –

Will the criteria within Policy SP4(C) ensure that sufficient regard is has to the historic environment, including built heritage; townscape; archaeology; and designed landscapes, in planning generally for the Garden Town Communities?

- 11. Miller Homes supports the allocation of the three new Garden Town Communities in Policy SP4, particularly East of Harlow (as referred to in Policy SP4(A)(iii)).
- 12. However, Miller Homes respectfully requests that detailed modifications are made to the following parts of Policy SP4(C):
 - (iii) This refers to the inclusion of community-led housing, but there is no detail given in this policy or elsewhere in the Plan as to what level of community-led provision will be expected or whether the self-build / custom-build element of a scheme can form part of this provision. In order to provide greater clarity and certainty to the development industry, the proportion of any community-led, self-build and custom-build housing should be based on evidence and in any event should not exceed 5% of all housing on a strategic site. In its current form, it is unclear whether Policy SP4(C)(iii) will enable the Plan to be effective (i.e. deliverable over its period).
 - (iv) This refers to long-term governance and stewardship arrangements for community assets, green space and public realm. Although this approach is supported in principle, the reality in most cases is that such arrangements will not be agreed "prior to the submission of outline planning applications". In order to be justified (i.e. the most appropriate strategy when considered against



the reasonable alternatives) this trigger should be changed to "prior to the determination of planning applications".

(viii) This expects proposals to adhere to the Harlow and Gilston Garden Town Spatial Vision and Design Charter, now named the Harlow and Gilston Garden Town Vision (EB1405) and Design Guide (EB1406). However, Miller Homes objects to this policy requirement on the basis that the Design Guide (EB1406) contains two significant errors in respect of East of Harlow.

First, page 43 of EB1406 notes that road access will come from Moor Hall Road and Hobbs Cross Road. This is misleading, as the main access strategy for East of Harlow does not rely on either of these existing roads. Three potential points of vehicular access are being planned, including: one at Mayfield Farm; another from the new M11 J7A link road roundabout (known as The Campions Roundabout); and, the third to the south via HDC's depot site adjacent Gilden Way. No vehicular access is planned via Moor Hall Road or Hobbs Cross Road, other than to serve existing properties / land and potentially some limited frontage development. Detailed junction designs are being considered to prevent vehicles from the new development (with the exception of some limited frontage development) using these routes.

Second, the diagram on page 42 of EB1406 suggests that land to the north of the M11 J7A link road is "only to be developed for potential hospital relocation". Although Miller Homes has reserved this land for the potential relocation of the Princess Alexandra Hospital (PAH), if for any reason the PAH does not relocate here, this land could accommodate residential uses or other forms of development consistent with the overall strategic allocation at East of Harlow. Certainly it would be premature to rule out the possibility of other uses here (in the event that PAH does not relocate) or elsewhere on the northern part of the site, prior to the preparation of a collaborative Strategic Masterplan Document.

For these reasons, pages 42 and 43 of the Design Guide (EB1406) should be amended to correct the two issues described above. This will ensure that Policy SP4(C)(viii) is effective (i.e. deliverable over its period) and justified (i.e. the most appropriate strategy when considered against the reasonable alternatives).

- (xiii) This places emphasis on sustainable transport corridors and direct and permeable walking and cycling routes. This approach is supported generally, but Miller Homes reserves the right to make further verbal comments at the hearing session, once the final Harlow Sustainable Transport Corridor Study has been published.
- (xv) This refers to developing specific Garden Town parking approaches and standards. Miller Homes supports this approach, but requests that "... in collaboration with the development industry..." is added prior to "... recognising that car-ownership..." to ensure that unrealistic or undeliverable parking standards are not forced on the new Garden Town Communities, via Policy SP4(C)(xv). This amendment is necessary to ensure that the Plan is effective (i.e. deliverable over its period).



- (xvii) This seeks to achieve the highest standards of energy efficiency and innovation in technology. Miller Homes objects to this part of the policy on the basis that it is inconsistent with the Government's stated intention that the Building Regulations should govern building performance and energy efficiency. To be consistent with national policy, "the highest standards of energy efficiency and innovation in technology" should be amended to read "high standards of energy efficiency and innovation in technology".
- 13. These modifications are necessary to ensure that Policy SP4(C) is effective (i.e. deliverable over its period), justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence) and consistent with national policy as required by the tests of soundness contained at paragraph 182 of the National Planning Policy Framework (NPPF) (2012).

Issue 4, Question 1 –

Should Policy SP5 and the relevant supporting text exclude reference to the size of schools to be provided for flexibility? Should a land area be specified instead? Should the policy make it clear that financial contributions could be sought towards school provision?

- 14. For East of Harlow, Policy SP5(H) requires: a new two-form entry primary school; and, at least 10 ha of land to accommodate a new secondary school in addition to any necessary contributions.
- 15. However, there is merit in providing greater flexibility in the policy wording, to ensure that the Plan is able to deal with changing circumstances and is deliverable over its period. Therefore Policy SP5(H)(vii) should be amended from "a new two-form entry primary school" to simply "a new primary school". The size of the new primary school, whether measured by forms of entry or land area, can be established further at the Strategic Masterplan stage.
- 16. Furthermore, where Policy SP5(H)(viii) currently refers to "at least 10 ha of land to accommodate a new secondary school in addition to any necessary contributions", this should be amended to read "approximately 10 ha of land to accommodate a new secondary school (which could be located in either district) in addition to any necessary contributions." This change is necessary to provide flexibility in the event that further technical work carried out at the Strategic Masterplan or planning application stages demonstrates that less than 10 ha is sufficient to meet secondary education needs and / or that the new secondary school is best located to the south of Moor Hall Road (i.e. in Harlow District).
- 17. These changes will ensure that Policy SP5(H) is both effective (i.e. deliverable over the plan period), justified (i.e. the most appropriate strategy when considered against the reasonable alternatives), in accordance with paragraph 182 of the NPPF (2012).

Issue 4, Question 2 –

Will sufficient employment land be available in / near to the new Garden Town Communities to "enable residents to meet the majority of their day to day needs" within them and to "maximise the use of sustainable transport modes" as required by Policy SP4? Has consideration been given to providing more employment land (and less housing if necessary to achieve this) within the relevant allocations?



- 18. Miller Homes considers that there will be sufficient employment opportunities at and near East of Harlow to meet new resident's needs and to promote sustainable forms of travel.
- 19. The new Garden Town Community at East of Harlow, within both Epping Forest and Harlow districts, will accommodate two primary schools, a secondary school and two local centres (including scope for a modest quantum of B1 business floorspace). These facilities will provide a number of new local employment opportunities on-site. The reserve land for the new Princess Alexandra Hospital (PAH) could also result in one of Harlow's largest employers relocating onto the East of Harlow site.
- 20. Furthermore, East of Harlow is situated less than 2 km from two strategic employment locations, namely the Templefields Employment Area to the northwest and the London Road Employment Area to the southwest, both of which are designated Enterprise Zones. The new Garden Town Community at East of Harlow will be linked to these major employment destinations by the east-west Sustainable Transport Corridor (see page 7 of the Design Guide (EB1406)), the National Cycle Network Route 1 and a variety of other local bus, cycle and pedestrian routes.
- 21. Accordingly Miller Homes considers that there is no need to consider providing more employment land and less housing land at East of Harlow.

Issue 4, Question 3 –

What effect would the development of sites SP5.1, SP5.2 and SP5.3 have upon the purposes of the Green Belt?

- 22. The effects of development at sites SP5.1 (Latton Priory), SP5.2 (Water Lane Area) and SP5.3 (East of Harlow) on the Green Belt are set out in the Epping Forest District Green Belt Assessment: Stage 2 Report (EB705A). This confirms at Figure 4.6 that all of the sites will cause either a high or a very high level of harm to the Green Belt. However, this harm must be balanced against the pressing need for new homes and the sustainable and economic advantages of accommodating growth around Harlow.
- 23. Furthermore, once East of Harlow has been released from the Green Belt, the M11 will provide a strong defensible boundary to ensure that the revised Green Belt boundary is capable of enduring beyond the plan period.

Issue 4, Question 4 –

Do the maps of the Masterplan Areas require amendment to clarify that the "residential site allocations" are also expected to include land for schools and other services and infrastructure?

- 24. To make the Plan clearer the legend on Maps 2.1 to 2.4 could be amended to state "residential-led site allocation", rather than simply "residential site allocation". This should provide the necessary flexibility for the school land and other services and infrastructure identified in Policy SP5.
- 25. With regard to East of Harlow (i.e. Map 2.4), there is also a need to remove the dashed green hatching immediately to the north of Moor Hall Road and within the Masterplan Area. Although not listed on the legend, officers at EFDC previously advised that this was to delineate a Biodiversity Action Plan (BAP) Habitat. Miller Homes objected to this at the Pre-Submission stage, on the basis there is no published or survey evidence to justify including a BAP Habitat in this location. EFDC has now accepted that there are no BAP habitats on the East of Harlow site as set out in EFDC's Statement of Common



Ground with Miller Homes and Harlow District Council (HDC). Therefore, in order to be justified (i.e. the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence), the dashed green hatching / 'BAP Habitat' designation should be deleted from Map 2.4 of the Plan.

26. For clarity, the legend on Map 2.4 should also be amended to confirm that the continuous green hatching refers to an Area Tree Preservation Order (TPO).

Issue 4, Question 9 –

Map 2.1 shows that the Masterplan Area for this allocation [East of Harlow] crosses the boundary with Harlow. Have the Councils worked together to ensure complementary proposals for this area?

- 27. The overall East of Harlow site, including land in both Epping Forest and Harlow districts, has been the subject of various tripartite discussions involving Miller Homes, EFDC and HDC.
- 28. Although each half of the site is allocated in a separate local plan, all three parties are committed to working together collaboratively to deliver a single comprehensive new Garden Town Community. A Planning Performance Agreement (PPA) is currently being drafted to set out the framework for the preparation of a Strategic Masterplan Document. There will be a single PPA and a single Strategic Masterplan Document covering the whole East of Harlow site.
- 29. The three parties' commitment to ongoing joint working has been set out in a Statement of Common Ground.

Issue 4, Question 10 –

Are the requirements in Policy SP5(H) intended to apply to the whole Masterplan Area or only to the part within Epping Forest? Should this be clarified? In particular, is the "local centre" required by Part H(v) needed to support the whole area or just that in Epping Forest?

- 30. In theory the requirements in Policy SP5(H) apply to the part of the site that falls within Epping Forest District only. This is on the basis that once adopted, the Plan will form part of the statutory development plan for Epping Forest District, but will have no such status in Harlow District.
- 31. However, practically there are a number of requirements in Policy SP5(H) which may result in significant crossover between the two districts. For example, the 750 new homes planned on the northern part of the site (in Epping Forest District) does not alone generate a need for a new 10ha secondary school, but cumulatively with 2,600 new homes planned on the southern part of the site (in Harlow District) there is a clearly a need for this proposed provision. Similarly, even though the Epping Forest and Harlow local plans each propose a new local centre on their respective parts of the East of Harlow site, in reality the new local centre to the north will almost certainly serve more than just the 750 new homes planned in Epping Forest District.
- 32. These are matters that will be considered and planned in more detailed through a comprehensive sitewide Strategic Masterplan Document, to be prepared collaboratively by Miller Homes, EFDC and HDC.
- 33. In the interim Miller Homes has prepared an Indicative Master Plan (please see Appendix B) to identify how the quantum and mix of development allocated in both the Epping Forest and the Harlow local



plans could be accommodated at East of Harlow. This is based on work carried out by RPS in the latter part of 2018, including a series of site-specific baseline reports and advice in respect of access, air quality, archaeology, contamination, ecology, heritage, landscape and noise.

- 34. The Indicative Master Plan layout demonstrates that both EFDC's and HDC's allocations at East of Harlow are deliverable, including approximately 2,600 new homes in Harlow District and 750 new homes in Epping Forest District at densities consistent with those recommended on page 44 of the Harlow & Gilston Garden Town Design Guide (EB1406). The Indicative Master Plan layout also includes sufficient land for the potential relocation of the PAH, two primary schools (one in each district), a secondary school, two local centres (one in each district), attenuation basins, strategic landscaping and public open space / amenity space.
- 35. For the avoidance of doubt, the Indicative Master Plan is a proving layout that presents one option to accommodate growth at East of Harlow. It does not circumvent the more detailed Strategic Masterplan Document process which will follow in due course and does not prejudice future decisions regarding the location of new development on-site.

Issue 4, Question 11 –

I understand that no firm decisions have been made about the preferred location for the new hospital campus or secondary school referred to in Part H(vi) and (viii) respectively. On this basis, is it justified to include these requirements in the Policy? What will happen to the land safeguarded for these purposes if ultimately it is not needed? Should this be clarified?

- 36. Although no firm decisions have been made with regard to the preferred location for the new hospital campus and the secondary school, there is merit in including these within Policy SP5(H) to provide all parties with a sound policy basis to guide the subsequent preparation of a Strategic Masterplan Document, which will make firmer decisions with regard to preferred locations.
- 37. However, Miller Homes discussions with representatives of the PAH have, thus far, indicated that a new hospital campus at East of Harlow could be accommodated on closer to 10 ha of land, rather than 14 ha. With this in mind, Miller Homes requests that Policy SP5(H)(vi) is amended to read "The provision of appropriate community and health facilities including approximately 10-14 ha of land for a health and well-being hospital campus."
- 38. In the event that new hospital campus and / or the new secondary school are ultimately not required at East of Harlow, then Miller Homes expects the reserved land to be used for residential uses or other forms of development consistent with the delivery of a new Garden Town Community. New commentary could be added under paragraph 2.131 in the Plan to reflect this fall-back position.

Issue 4, Question 12 –

Should part H(xvi) concerning surface water run-off to Pincey Brook also require any increased volume of water discharging into the Brook to be mitigated?

39. The existing wording of Policy SP5(H)(xvi), which restricts surface water runoff from the site into the Brook at no more than existing rates, would appear to be sufficient. In reality the Lead Local Flood Authority (LLFA) will insist at the planning application stage that mitigation measures (including SUDS)



are used to ensure that surface water runoff from the proposed development is limited to existing greenfield runoff rates, plus an additional allowance for future climate change.

Issue 4, Question 13 –

Are the requirements of Part H(xii) concerning the highway works required too specific at this stage? Should this part be reworded to allow for detailed solutions to be determined at the planning application stage?

- 40. Policy SP5(H)(xii) and EFDC's suggested amendment are deemed to be unnecessary, as all "highway and transport improvements" are already covered in Policy SP5(H)(xi).
- 41. Miller Homes proposes that part (xii) is deleted from Policy SP5(H) and, if necessary, part (xi) can be amended to read "Highway and transport improvements to be agreed with the Highway Authority, including linkages into off-road cycle and walking networks".
- 42. Alternatively if part (xii) is not deleted in its entirety, Miller Homes requests that "ahead of development commencing" is removed from the end of this part of the policy. Subject to further technical and master planning work, there may be no need for a left-turn slip from the new link road to be delivered prior to development commencing, because other access options (including a new access near Mayfield Farm) exist to serve the first phase of development at East of Harlow.

SUMMARY

- 43. Miller Homes controls 249.7 ha of land to the east of Harlow. The northern part of the site is allocated in Policy SP5 of the Epping Forest Local Plan for approximately 750 homes, other associated uses and the potential relocation of the PAH, while the southern part is allocated in Policy HS3 of the Harlow Local Plan for approximately 2,600 homes and other associated uses.
- 44. Miller Homes made formal representations to the Epping Forest Local Plan in January 2018. This Hearing Statement supplements those representations and in particular:
 - It supports the allocation of the three Garden Town Communities in Policy SP4, particularly East of Harlow.
 - It comments on and seeks modifications to the wording in Policy SP4(C): to provide clarity
 on any requirement for community-led housing; to confirm that long-term governance and
 stewardship arrangements need only to be agreed prior to the 'determination' of an
 application; to amend the Harlow & Gilston Garden Town Design Guide (EB1406) which
 contains two significant errors (i.e. relating to access and the hospital land) at East of Harlow;
 to reserve the right to submit further comments once the final Harlow Sustainable Transport
 Corridor Study has been published; to ensure that specific Garden Town parking approaches
 and standards are prepared 'in collaboration' with the development industry; and, to ensure
 that energy efficiency expectations are consistent with the Government's stated intention that
 Building Regulations should govern building performance.
 - It seeks a modification to the wording in Policy SP5(C) to remove reference to the as yet unpublished IDP.

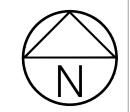


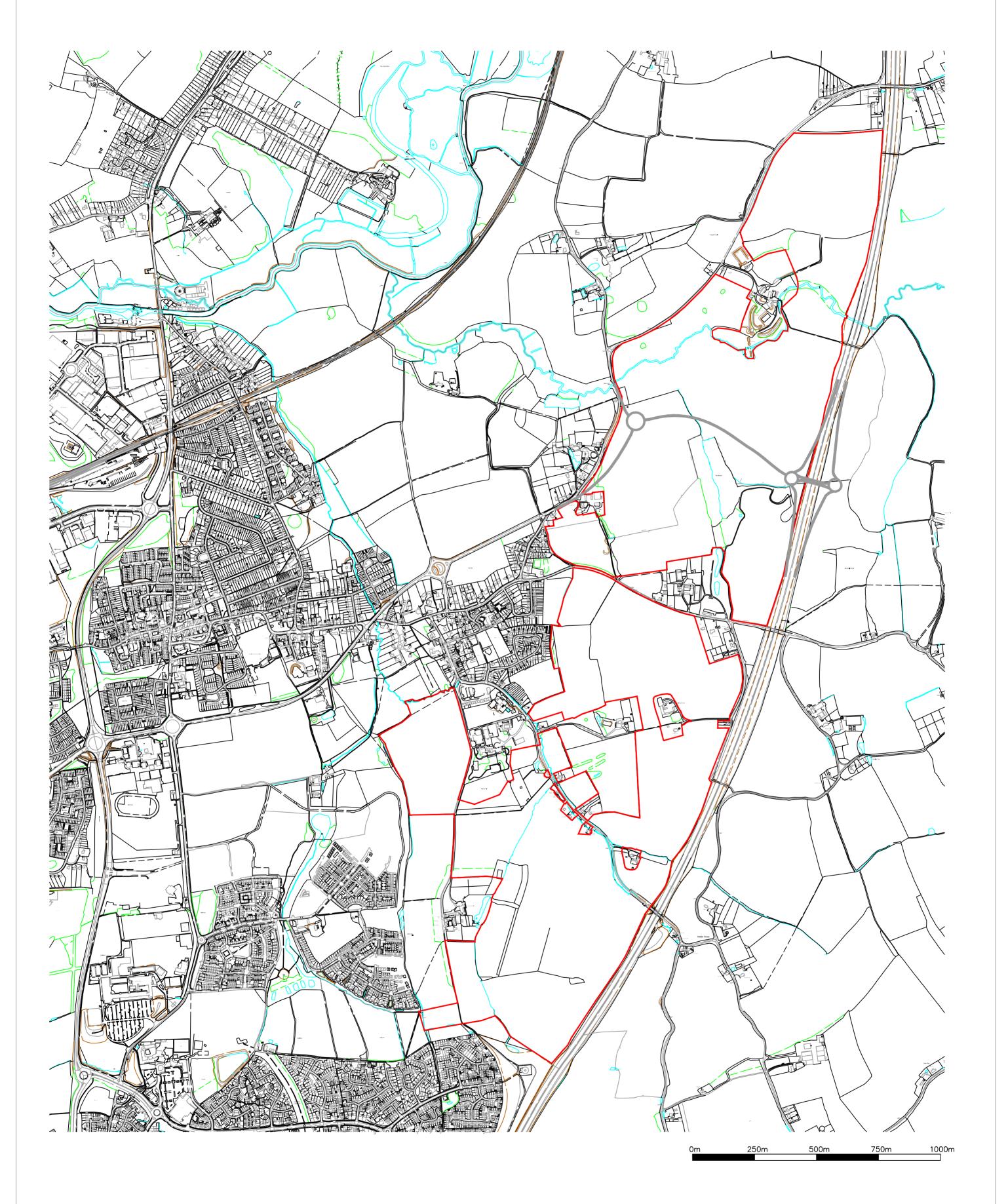
- It confirms that full funding for M11 J7a has already been secured.
- It seeks modifications to the wording in Policy SP5(H) in respect of the new primary and secondary schools at East of Harlow.
- It confirms that there will be sufficient local and strategic employment opportunities on-site and near to East of Harlow, easily accessible by bus, cycle or on foot.
- It notes that although strategic growth around Harlow is likely to cause significant harm to the purposes of the Green Belt, that harm must be balanced against the pressing need for new homes and the sustainable and economic advantages of accommodating growth around the Town.
- It seeks a modification to Map 2.4 to remove the BAP Habitat designation to the north of Moor Hall Road and to make other amendments to the legend.
- It confirms that Miller Homes, EFDC and HDC are committed to joint working and the collaborative preparation of a site-specific Strategic Masterplan Document.
- It refers to an Indicative Master Plan which demonstrates that the East of Harlow allocation is deliverable.
- It seeks a modification to the wording Policy SP5(H) in respect of the land for a new hospital campus and additional commentary elsewhere in the Plan in the event that the hospital and / or the secondary school are not required at East of Harlow.
- It seeks a modification to the wording in Policy SP5(H) in relation to highway and transport improvements, including the need to specifically refer to a new slip road from the M11 J7a link road.
- 45. Miller Homes also has additional comments to make in respect of the Inspector's other Matters, Issues and Questions, which will be set out in separate hearing statements to be submitted in February and April 2019.

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APPENDIX A – SITE LOCATION PLAN





Title	Title Site Location Plan Land at East Harlow			Andrew Martin
	awing mber 13001_05	Revision b	Revision Detail	Planning Design Development
Dra by		Date 02/19	Scale 1:10000@A2	Town Mill Mill Lane Stebbing Dunmow Essex CM6 3SN
				Telephone: 01371 855855 Fax: 01371 856201 Email: info@am-plan.com www.am-plan.com



APPENDIX B - INDICATIVE MASTER PLAN



by

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01/19

1:10000@A2

Indicative masterplan provides 58.1 ha of residential development land = 2614 dwellings @ 45dph.

Telephone: 01371 855855 Fax: 01371 856201 Email: info@am-plan.com www.am-plan.com

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