



Epping Forest Local Plan

Examination in Public

Hearing Statement

on behalf of

Miller Homes

Week 6

Matter 14 – Infrastructure & Delivery

April 2019

AM-P Ref: 13001



INTRODUCTION

1. This Hearing Statement has been prepared by RPS and 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.
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 6 Matter 14 of the Epping Forest Local Plan Examination.

MATTER 14 – INFRASTRUCTURE & DELIVERY

Issue 1, Question 3 – In Part B [of Policy D1], how would a potential developer find out specifically which items of infrastructure might be required as part of their scheme? Is this clear?

5. Firstly, during the March hearing sessions AM-P confirmed to the Inspector verbally that: *“Miller Homes has been engaging with the Council with regard to the forthcoming Garden Town IDP and Viability Study and we believe that this work will indicate that the East of Harlow site is financially viable at the broad strategic level. However, we would like to reserve the right to make further comments, once the final IDP and Viability Study have been published and considered.”* The final versions of the Harlow & Gilston Garden Town Infrastructure Delivery Plan (IDP) and the Harlow & Gilston Garden Town Strategic Viability Assessment (SVA) were not released until 17th April 2019 and mindful of the Easter bank holiday weekend, there has been very limited time to review these documents. Therefore Miller Homes would like to continue to reserve the right to make further comments in due course.
6. Secondly, regardless of the content in the Garden Town IDP, all planning obligations that are sought under Policy D1 will need to comply with the legal tests for a planning obligation – as set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
7. Thirdly, the Garden Town IDP can only be a guide to infrastructure requirements and can only ever represent a ‘snap-shot’ in time. It is inevitable that some requirements will change as more detailed technical work is undertaken by site promoters and the local authorities. Therefore, it would be inappropriate for a local plan policy to explicitly tie development proposals to the Garden Town IDP and its list of infrastructure requirements.
8. For example, Appendix A in the Garden Town IDP apportions various transport infrastructure costs to the East of Harlow site. Of these Miller Homes would question the validity of East of Harlow's costs



apportionment to TR9 (Velizy / Second Avenue Works), TR20 (Second Stort Crossing), TR28 (Sustainable Transport Corridors & Town Centre Transport Hub) and TR33 (Public & Active Transport Support) which amount to £ 46,496,264 or £ 13,880 per dwelling over the East of Harlow site as a whole. This is questioned on the basis that such apportionment, which is apparently based on 'professional judgement and unit numbers' (paragraph 4.9.1 of the Garden Town IDP), takes no account of the actual transport impact of East of Harlow – a fact also recognised at paragraph 4.9.1.

9. The Garden Town IDP's questionable approach to transport infrastructure cost apportionment manifests itself in the £ 18,094,833 sought for the Second River Stort Crossing, when in reality relatively few trips to and from East of Harlow will make use of such a crossing. For example, during a weekday morning peak period initial calculations suggest that only 100 to 200 trips to and from East of Harlow would make use of a Second Stort Crossing.
10. The Garden Town IDP's approach to transport infrastructure costs apportionment appears to be inconsistent with Regulations 122 and 123 of the CIL Regulations 2010 (as amended), in that there is no evidence to suggest that such costs are "...fairly and reasonably related in scale and kind to the development."
11. In order to provide greater flexibility at the application stage, Miller Homes believes that Policy D1 should be amended to remove reference to the IDP, as this document is suitably covered within the supporting text. This amendment will allow the policy to more correctly focus on the provision of equitable and proportionate infrastructure contributions and any viability constraints (if relevant).

Issue 3, Question 1 – Is it correct that utility providers have a duty to provide services to new development? If so, is Part B [of Policy D3] justified?

12. Policy D3A implies that there has to be sufficient utility capacity prior to granting of planning permission, whereas the correct approach is that development can be conditional on such capacity being in place. Therefore, Miller Homes believes that the wording of this policy should be amended as follows: "*Planning permission will be granted for proposals only where there will be sufficient capacity within the utilities infrastructure to meet the needs of the development...*"
13. With respect to Policy D3B, under the Water Industry Act: a water company is obliged by Section 37 to develop and maintain the system of water supply such that it can make such supplies available to persons demanding them; and, Section 94 requires sewerage companies to provide, improve and extend a system of public sewers to ensure an area is effectually drained. Such companies are required to invest in their water and sewerage networks to support growth and recover their costs from customers. Therefore, Miller Homes believes that Policy D3B is misleading and unnecessary, and should be deleted.

SUMMARY

14. 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.



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15. Miller Homes made formal representations to the Epping Forest Local Plan in January 2018. This Hearing Statement supplements those representations and in particular:
- seeks the removal of IDP references from Policy D1, to provide greater flexibility at the application stage;
 - seeks an amendment to Policy D3A to reflect that development can be conditional on utility capacity being put in place, even if there is no existing capacity; and
 - seeks the deletion of Policy D3B, which is misleading and unnecessary.
16. Miller Homes also has additional comments to make in respect of the Inspector's other Matters, Issues and Questions, which is set out in separate hearing statements.

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