

EPPING FOREST DISTRICT LOCAL PLAN EXAMINATION

Matter 14 Infrastructure and Delivery

Matter Statement on behalf of North Weald Bassett Parish Council

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1. Matter 14: Infrastructure and Delivery Issue 1 - will Policy D1 be effective in securing the infrastructure necessary to support development before it takes place?

1.1 The contention of North Weald Bassett Parish Council (“the Parish Council”) is that the submitted Local Plan fails to secure the necessary infrastructure, particularly in relation to the highway network and public transport necessary to support the development proposed by the plan. The plan is therefore unsound. It fails two of the four tests of soundness. It is not “positively prepared” in that it does not seek to meet the infrastructure requirements necessary to support objectively assessed development needs. It is not “consistent with National Policy”. It does not have strategic policies to deliver the provision of infrastructure for transport (NPPF para. 156). It does not assess the quality and capacity of infrastructure for transport and take into account the need for strategic infrastructure (NPPF para. 162). There is no reasonable prospect that planned infrastructure is deliverable in a timely fashion (NPPF para 177).

1.2 Whilst it is right that Policy D1 is not clear that any infrastructure necessary to support a development must be provided upfront/in time to serve the development (inspector Q1) that is only a small part of the problem; the underlying problem is that the Plan and the evidence base simply does not identify, and then make provision for, the necessary highways infrastructure to support the proposed development.

1.3 The draft IDP Schedules (EB1101A and EB1101B) are still the latest draft IDPs that we have at the time of writing this statement (16/4/19). The Schedule indicates that *"the IDP is an iterative process and further consultation and costing work is required to develop a comprehensive schedule. Infrastructure will be categorised into delivery priorities ('critical' 'essential' and 'desirable') once the cost and phasing have been*

finalised. This will take place prior to the regulation 19 publication and the subsequent submission of the Local Plan for Examination." Whilst infrastructure has indeed been categorised into delivery priorities, this has in many cases been done without the costing being finalised, the sources of any funding identified, and/or with the further feasibility work identified as needed. As one example of many, this is specifically the case for new bus services and increased frequency of existing bus services to connect key settlements (Page 18 of EB1101B). The Plan has been submitted for examination with a complete lack of information about how the necessary infrastructure has been planned for and secured to support the level of growth proposed. It is also worth noting that Epping Forest District Council at the Matter 16 hearing session day 9 (pm session, 21.30mins in) stated that *'the reason that we haven't adopted the Essex Design Guide is that we understand it is of an iterative nature and that it will constantly change, and to be bound by something that is going to be iterated and updated doesn't seem to us to be sensible.'*, however every resident in the Epping Forest District is expected to plan their future based on an iterative infrastructure document.

- 1.4 Essex Highways has prepared a series of technical notes by way of a Highways Impact Assessment. By way of example page 12 of technical note 1 lists modelled junctions with arms operating noticeably above capacity. They include junction 8 (Thornwood Road) Epping. It indicates that junctions 1, 8 and 24 are shown to have approach arms with queues exceeding 100 pcu's in length. It also indicates that "the severity of congestion modelled might warrant undertaking saturation flow surveys on the affected arms in order to further improve calibration to existing conditions."
- 1.5 Technical note 4 (unpaginated) also deals with junction 8 – B1393 Thornwood Road signaled junction. It confirms that the junction is operating over capacity in the base

model assessment and that significant congestion is modelled at the junction in all scenarios by 2026.

- 1.6 Technical note 5 at p.8 indicates that a Western Relief Road with extension provides *potential* for the signalized junction to operate largely within capacity in 2036 with no alterations to the junction other than signal optimization required. It confirms that *“given the lack of space around the junction in which to expand, removal of peak hour traffic from the junction (via a scheme such as a Relief Road) would appear to be the best means of mitigating the forecast growth in congestion at the junction.”* The plan does not provide for the provision of that necessary infrastructure, nor does the plan or supporting documents identify that this solution has even been investigated or considered by Epping Forest District Council.
- 1.7 In the absence of proper highway infrastructure, clearly necessary on the basis of the highway impact assessment prepared by Essex Highways, there is a hopelessly optimistic reliance on modal shift (without this modal shift being adequately planned for) to solve what is already chronic congestion without the proposed growth in the plan taking place. This is entirely unrealistic and an unsound basis on which to plan.
- 1.8 The situation is acknowledged in the submitted Local Plan at para. 3.84 on page 72 which acknowledges that *“even without development in the future, parts of the highway network will be operating over-capacity, in some cases by 2026 and in other cases by 2036”*. The paragraph goes on to indicate that some junctions cannot physically be improved or would have environmental consequences by doing so. Thus the problem is identified, but no realistic solution found.
- 1.9 Indeed the Plan appears positively to contemplate that the necessary Highways Infrastructure may not be provided. At para. 4.2 of the Infrastructure Delivery Topic

Paper of October 2018 it indicates that *“there is a realistic expectation that external funding will be secured where required, that the necessary steps have been taken to secure and progress this funding, but that growth will still be deliverable if funding turns out not to be forthcoming”*.

- 1.10 There are two points to make on that; the first is that quite clearly the necessary highway infrastructure has not been properly identified, let alone the funding secured. And secondly, the approach of the Plan appears to be that the development will take place in any event irrespective of whether there is adequate infrastructure to support it.
- 1.11 Essex Highways regard the submitted Local Plan as deficient in relation to the infrastructure needs for North Weald Bassett, set out in Policy P6. The update to the Statement of Common Ground between the Council and Essex Highways (EB1508A at page 7) has a section on “sustainable transport choices”. It is important to note that Essex Highways are requesting substantial changes to the proposed policy and supporting text to bolster provision of public transport or other initiatives which reduce the need to travel by car. Clearly this is because there is no proposed infrastructure which would begin to suggest that the highway network can cope with the traffic levels inherent in the proposed levels of development. A paragraph 5.99A is proposed which includes the following *“this will include the co-ordinated provision of safe and convenient sustainable routes to key destinations within, between and beyond the Master Plan areas, and maximising opportunities for existing residents within North Weald Bassett to benefit from new opportunities that the Master plan areas provide without having to use their cars to ensure impacts on the wider road network are similar to existing traffic levels, especially at sensitive locations in Epping”*. The District Council does not agree with the inclusion of the final part of that proposed change (i.e. “to

ensure impacts on the wider road network is similar to existing traffic levels, especially at sensitive locations in Epping”). This again confirms the Parish Councils contention that the plan is proposing to accept increased congestion on the Highway Network. The District Council acknowledges that it will not be possible to ensure that impacts on the wider road network are similar to existing traffic levels and that is in the situation where the existing network is already at or over capacity.

- 1.12 Matter 4, Issue 6, Q 5 asks if the IDP and schedule demonstrate that the development in the Plan can be served by adequate infrastructure at the appropriate time. Are there any significant omissions or funding gaps? EB1101A & EB1101B fail to clearly address the infrastructure needs of the District in terms of the growth proposed. This is recognised by the fact that a further Topic Paper was created, and as at 16th April 2019 we are still awaiting a further update to the IDP as confirmed by EFDC themselves. There is a clear failure to identify exactly what infrastructure is needed, when it is required, and who is required to fund it. For North Weald Bassett, it is unclear who will be implementing and funding the bus services required for the modal shift, when these are expected as part of any development, when and what the necessary infrastructure needs are. These are being left to Masterplans to agree. This goes directly against the Para 177 of the NPPF which states that *‘It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan.’* This also goes against PPG (018 reference ID: 12-018-20140306) which states the *‘Where the deliverability of critical infrastructure is uncertain then the plan should address the*

consequences of this, including possible contingency arrangements and alternative strategies. The details concerning planned infrastructure provision can be set out in a supporting document such as an infrastructure delivery programme that can be updated regularly. However the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself. ‘ The entire plan is based on a modal shift to sustainable transport, however within the plan itself it does not set out what those requirements are.

- 1.13 Furthermore a technical Highway Assessment of January 2019 (EB503) includes the following extracts. The emphasis is mine. Within their introduction on their page 2 of this report it states *‘The analysis shows that several junctions and links are currently either approaching or exceeding capacity. The Do-Minimum growth, where the full scale of development of the new Local Plan is not delivered, increases traffic levels by approximately 18% from current levels leading to additional capacity issues across the network. The introduction of some sustainable transport choices reduces the traffic impact, from unconstrained levels. However, noting this is considered a worst-case assessment, the analysis highlights that the Local Plan Submission Version (LPSV) increases traffic levels by up to 36% with residual impacts on key junctions and corridors, with the need for more substantial physical highway interventions as well as further improvements to sustainable travel options. A package of highway improvements has been tested and shown to either improve on the Do-Minimum or generate a similar level of performance at key junctions and links. **The highway mitigation package remains at the concept design stage and would be subject to more detailed feasibility, design and potential change as or when brought forward.***

On page 3 under the conclusion heading it states *'The analysis demonstrates that the combination of more ambitious sustainable modal shift, changes in travel behaviour and a package of physical highway improvements **could potentially mitigate** the most significant impacts of the Local Plan.'* It further goes on to state on the same page that *'It is acknowledged that the analysis identifies some localised residual impacts on part of the network, largely due to the challenges associated with delivering junction improvements in constrained urban or rural areas.'* This is the case for the Plain junction (junction 8).

Page 18 under para 4.6.1 states *'The rural nature of large parts of the District, and the distribution of population centres, currently presents challenges for the connectivity of local public transport, **particularly, buses**. However, this is not the case in Loughton, Waltham Abbey and Chigwell, which are served by sections of the London Bus network. The London Underground Line (LUL) stations of Epping, Theydon Bois, Debden, Loughton, Buckhurst Hill, Roding Valley, Chigwell and Grange Hill also provide frequent services to London, including Stratford and the City.*

Table 7.1 (page 55 of the report) shows how Essex Highways are relying completely on **'potential'** bus improvements only as the sustainable transport modal shift to accommodate 1,050 houses in North Weald and 172 in Thornwood.

Page 70-72 of the report identifies a proposed mitigation strategy by setting out what works may be needed to certain junctions. This includes approach widening at the Talbot Roundabout and signal changes at junction 8 (The Plan). Page 85 (para 11.8.4) states that *'The Thornwood Road signals (Junction 8), while demonstrating an improvement on all forecast scenarios, still demonstrates a worse level of performance in both peaks, marginally exceeding capacity in the AM and increasing on the congestion*

issues currently experienced in the PM. Again, the mitigation scheme tested at this junction has been designed to minimise the impact on adjacent Epping Forest land. The junction, and any future mitigation, would need to be monitored throughout the Plan period to identify whether a more substantial scheme could be implemented.

- 1.14 Matter 14 issue 1 Q4 asks whether, in relation to Policy D1 part C, it is intended that all the clauses (i – iv) should apply for an exception to be considered on viability grounds. It also asks whether if Part C (1) did not apply, would this risk development proceeding that could not be supported by infrastructure, and whether this would be justified.
- 1.15 We have sought to demonstrate above that the Plan does indeed risk development proceeding that could not be supported by infrastructure and is therefore unsound as drafted. We believe that the four sub-clauses should indeed be cumulative but it is clear that what is contemplated is development without a necessity for essential supporting highway infrastructure.
- 1.16 The allocations for North Weald Bassett are set out at Policy P6 on pages 143 and 144 of the Plan. Paragraph F deals with infrastructure requirements and includes at (iii) “highway and junction upgrades”. The preamble indicates that the requirements must be delivered in accordance with the IDP. Necessary highways and junction upgrades are not identified either in the Plan nor indeed in the IDP. There is no transfer of the Essex Highways Technical Note information and requirements to either the IDP or the submitted Plan. Again the Plan is unsound because of its failure adequately to provide for and secure the necessary Highways Infrastructure.
- 1.17 It is notable that Policy P6 L (ix) and O(iv)) refers specifically to a need to upgrade/widen the existing Vicarage Lane West access and to provide a new access from Epping Road to service the West of the North Weald Airfield, respectively. It is notable that these are

the only two specifically mentioned highway infrastructure improvements set out in Policy P6. The inference is that no other schemes are necessary (or they would be listed in the Policy). However, it is entirely clear from the Essex Highways Local Plan Highway Impact Assessment in its various technical notes that other highway infrastructure improvements are necessary. Technical note 1 at page 12 which includes junction 8 (Thornwood Road – Epping) is a very good example where Highways infrastructure is necessary but not provided for in the plan.

1.18 As indicated, the solution of the Plan, and the Highways Authority is to boost public transport provision requirements, along with other non-car mode opportunities and the proposed changes to Policy P6 via the revised statement of common ground seek to do that.

1.19 The reality is that any marginal improvement to public transport will be:-

(1) subject to viability exercises

(2) Be short term payments to improve services on a temporary basis, and

(3) Will not begin to alleviate what will demonstrably be chronic congestion on the highway network.

1.20 The following provides some examples of the concerns of North Weald Bassett Parish Council as to the failure of adequate infrastructure being planned for:

a) On page 18 of the IDP Part B (EB1101B), it is identified that £29million of improvements to junction 7 of the M11 are required, and classed as 'essential' from a district wide infrastructure perspective. Figure 4 on page 11 of EB1101B sets out that *'Essential infrastructure is that which is necessary to mitigate impacts arising from the development'* and *'enables development to come forward in a way that is both*

sustainable and acceptable in planning terms.' This costing was identified as being in addition to the plans for a new Junction 7a of the M11 which were also identified in the same document. However, it seems that these works are no longer being planned for within the plan period, despite the works being classed as essential. Is this the case, and if so how does the 'essential' prioritisation now stand? Are these works no longer required in the plan period, and if so has the IDP been updated to this effect? It should be noted that the £5m works identified on page 18 of the Infrastructure Delivery Topic Paper October 2018 are separate to the £29m of essential works for Junction 7 of the M11.

b) Further on page 18 of the same document it identifies *'Improved bus services between Epping and North Weald Bassett, including the opportunity to convert the disused Epping – Ongar line into a bus rapid transport line to North Weald Bassett and future extension to Ongar, and potential Park and Ride at North Weald Bassett'* as being essential from a district wide perspective, yet no costings are identified, with further 'feasibility work' being required. Has this feasibility work begun? The timeline for this 'improved bus service' is 2026-2031, however according to the housing trajectory houses will be built starting 2021. Does this failure to plan therefore actually encourage unsustainable travel patterns from the outset?

c) Within the Infrastructure delivery Schedule for North Weald Bassett itself (table 8.17 on page 69 of EB1101B) there seem to be no plans for improvements to the public transport provision for North Weald Bassett, other than to provide cycle access to 'rapid

transport bus stops' - a transport system that itself doesn't seem to be planned for or currently exists. Is this correct?

d) Within the Infrastructure delivery schedule District Wide (Table 8.3 on page 18 of EB1101B) is the proposed intervention to *'Explore the potential and viability of new bus services and increased frequency of existing bus services to connect key settlements.'* The dates set for this are 2016-2031, with unknown costing and an 'essential' priority assigned. Has this exploration work taken place?

e) Within the Infrastructure delivery schedule specifically for Thornwood (Table 8.23 on page 86 of EB1101B) there are in fact no plans for any Highway or Public Transport interventions. Is this correct, considering the development of 174 homes in Thornwood, and a further 1,050 homes at Latton Priority less than 1 mile away?

f) Concerning Latton Priory, it states within the Interim Sustainability Appraisal report Sep 2016 (EB202) on page 12, 6.2.11 3rd bullet point that *'The transport modelling undertaken to date demonstrates that growth of between 14,000 and 17,000 new homes in and around Harlow can be accommodated provided that the mitigation measures set out in the Draft Highways and Transportation Infrastructure MOU (EB1201) for the West Essex and East Hertfordshire HMA are delivered during the plan period. Evidence suggests that growth beyond 2033 is likely to be possible subject to further transport modelling and the identification and delivery of additional strategic highway mitigation measures.'* On page 9 of the MOU it states that *'The signatories to this MoU recognise that the following actions will be necessary with regard to Junction 7/7A:*

Highways England will continue to develop the RIS1 proposals for improvements to Junction 7.' Page 16 of The Infrastructure Delivery Topic Paper October 2018 (EB1101C) under table 'Roads Investment Strategy 2' suggests that this is now being dealt with by RIS2, or possibly even RIS3, and if that's not forthcoming, the cost (£5m) will need to be born by developers. In addition, the £5m is not about 'capacity' improvements to Junction 7, but purely about providing an access road to the new Latton Priory Development. In summary, it is not clear that the required identified mitigation measures for Junction 7 of the M11 in the MOU will in fact be delivered in the plan period, nor is it clear where the funding is coming from, which in turn raises concerns about the ability of Harlow and the surrounding areas to actually cope with the proposed 3,900 homes in the Epping Forest District. This is further exacerbated the lack of clarity concerning the £29m worth of works to Junction 7 of the M11 classed as essential by EFDC. There is also concern at the failure to adequately address how the traffic from the Latton Priory development (with the main access road to the site coming directly off the B1393) will affect Thornwood. Latton Priory is aiming for a 60% modal shift to public transport, however the Harlow and Gilston Garden town Transport Strategy (EB1408) and the Harlow and Gilston Garden Town Part 2: Sustainable Transport Corridors Strategy – Summary report (EB1407A) focus solely on sustainability transport links going to Harlow. There are no proposed sustainable transport links towards Epping proposed, with the wording 'possible future sustainable transport link' being mentioned. This is a development of 1,050 homes (with the developer proposing an additional 500 on top of this figure at a recent examination hearing), and there is a clear failure to address how these residents will travel south, specifically towards Epping

Station, in a sustainable way. Without sustainable transport links being implemented prior to occupation, residents will simply get in their cars and drive to Epping Station.

This list not exhaustive.

- 1.21 It is worth noting that Epping Forest District Council created a Cycle Action Plan (EB504) in March 2018 and there are no plans contained within the document to improve cycle links between North Weald and Epping or Thornwood and Epping. In fact on page 29 of the document it states *'In the more rural areas in this part of the District, there is a lack of off-road cycle routes, and limited provision of quiet lanes and signed routes between settlements. This is of particular significance between North Weald Bassett and Epping, where the busy road network and high vehicle speeds at points along the B181 are a deterrent to cycling.'* In fact, the possibility of any new cycle routes for North Weald or Thornwood is largely ignored, other than cycle routes within new developments themselves. The Cycle Action plan is referred to in the above 2019 Highways Assessment report under para 7.2 on page 50.

Matter 14 Issue 3

- 1.1 The question asks whether it is correct that Utility providers have a duty to provide services to new development and if so, whether Part B of Policy D3 is justified.
- 1.2 The Parish Council believes that Part B is justified because it indicates to the Plan reader what needs to happen to make development acceptable.

- 1.3 There is an overall point in relation to the D Policies in the Plan which is that it is the Local Plan itself which needs to set out the necessary infrastructure provision to support development and not simply delegate that matter to the Master Planning stage.

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