

Epping Forest District Local Plan- Inquiry: observations on late documents and their implications XXX

Statement by Henry Stamp 13/6/19

By way of an e-mail from the Programme Officer dated 27/5/19, comments have been invited on the following documents which were submitted late in the Inquiry process: 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.

Statement

The following Statement considers aspects of the above documents and the implications arising from their contents for the soundness of the Plan.

Documents were submitted late: too late for them to be included in Hearing Statements and for them to be properly considered at the Infrastructure hearing. The opportunity to comment now is welcomed, but earlier hearing sessions (not just the Infrastructure session but also Matters 4 and 8) probably would have gone differently if we had known then what has been revealed.

This Statement addresses the IDP and implications, and viability issues.

IDP etc.

Policy SP4 B. (Plan page 40) says "Delivery of each new Garden Town Community will be phased and underpinned by a comprehensive package of infrastructure as set out within the Infrastructure Delivery Plan." (my emphasis). These supposed new communities (suggesting they won't be dormitory estates like Church Langley, Harlow) include Latton Priory. (I gave the Inquiry figures for the lack of linkage of Church Langley to Harlow, even though Church Langley has a connecting bus service – a similar situation can be expected for Latton Priory: it is even closer to the M11 Junction7 and to Epping Underground.)

Policy SP4 C. (ix) on page 40 says new communities "must accord with.. principles..." ... : "Ensure that on-site and off-site infrastructure is provided in a timely manner, subject to viability considerations, ahead of or in tandem with the development it supports to mitigate any impacts of the new Garden Communities, meet the needs of residents and establish sustainable travel patterns;" (my emphasis).

Policy SP5 F. (page 42) lists requirements for Latton Priory, including "(xiv)Bus services and direct pedestrian and cycle links between housing and the facilities that serve them." (again, my emphasis).

But a comprehensive package, mitigating impacts and establishing sustainable travel patterns, for Latton Priory is absent from the IDP for Harlow and Gilston Garden Town (H&GGT); even though it a late/recently released document, written at least a year or two after the Plan. The IDP mentions a North-South public transport link for Harlow; but not the "comprehensive package" etc. as identified in the emphasised quotes above. EFDC may try to argue that this would extend south of Latton Priory, e.g. to the Underground Station at Epping railhead, but the IDP doesn't say this,

whereas for other IDP items where infrastructure goes beyond H&GGT the relevant towns/places to be linked are named.

Policy SP4 C. in the Plan says new communities “must accord with.. principles...” ... “(vi) Be consistent with and adhere to the relevant Design Code(s) which has been formally endorsed by Epping Forest District Council and where appropriate Harlow District Council;”.

The approved H&GGT Vision (Document EB1406) at page 21 shows: a “Cycle Super Greenway”, from Latton Priory to Epping Underground Station; and a “Bus route[s]” from Latton Priory (via Bush Fair, Harlow) to Epping Underground. (These are shown in a “Strategic diagram for sustainable and active travel network in and around the Garden Town.” (my emphasis). Page 20 of the H&GGT Vision says: “Harlow, Roydon, Broxbourne and Epping are all served by excellent rail infrastructure. Creating links to these stations supported by appropriate infrastructure will increase the appeal of travelling by bicycle.”; (while para.7. on that page suggests a “future extension of the Bus Rapid Transit network” to places like Epping could be achieved: i.e. more than the bus route shown on page 21.

Despite what Policy SP4 C. as quotes above says, none of these are identified in the H&GGT IDP!

At the Inquiry I was very sceptical, indeed scathing, about cycling and walking between Latton Priory and Epping, including via the completely unsuitable Rye Hill Road, and the also unsuitable B1393. Such proposals, and details contained in Evidence Documents, show that those proposing these routes obviously didn’t do site visits: i.e. walking or cycling the routes. In addition to safety and unsuitability, the travel times, especially for walking (including along non-continuous 0.5metre wide footways near speeding traffic) makes these unrealistic.

What the IDP does include is a link road between Latton Priory and the B1393 to enable very easy car access to (an improved) M11 Junction7 and thence onto the M25 (I gave the short travel times and distances during the Hearings) allowing car travel over a very wide area via Motorway access.

So for Latton Priory, the IDP projects give easy car access to many places, including Epping Tube Station; but no increased bus connections to the Underground network. The Plan says that existing people in Harlow use the Underground rather than overground rail (with no proposals to change this, in contrast to my proposal for differential parking charging to do so). At Church Langley the percentage of commuters using rail is only 1% more than those using the Underground: with Latton priory being closer to Epping Tube, a greater proportion of residents can be expected to travel by Tube. Which will increase parking pressures (EFDC at the Inquiry refused to consider increasing spaces in the redevelopment of Epping Station Car Park) and it is commuter parking that fills up much of the 2 car parks in Epping town centre; and the Inspector noted difficulty in finding parking space there (commuter can top up parking charges by ‘phone and at Bakers Lane there is a sign with a map giving directions to the Station).

Thus the Plan’s text around the sustainability of Latton Priory (despite the North-South link in the IDP, which won’t be of much benefit to a commuter orientated dormitory) is Greenwash to try to show the Latton Priory allocation is a sustainable location. This doesn’t comply with the old NPPF text para.84 “When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development.”; and

“sustainable patterns” has been clarified by the new NPPF para.138 “Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.” (my emphasis). I have pointed the Inquiry to two possible, sustainable broad locations which could accommodate 1,000+ homes etc.: Hunsdon Airfield (as a part of an expanded Gilston Garden Town) and immediately East of Theydon Bois Underground Station.

There are 35 references to “sustainable transport” in the main part of the Plan, with another 23 mentions in Appendix 6 (Site Specific Requirements); although none to “Active Travel”, which EFDC have referred to numerous times during Hearing Sessions. Just saying the words doesn’t mean sustainable transport is going to happen: the IDP shows it isn’t.

Incidentally old NPPF para.84 refers to the sustainable development benefits of channelling development towards urban areas inside the Green Belt boundary: at the Employment Hearing on the afternoon of 12/6/19 I showed how the Plan doesn’t take a ‘town centres first’ approach: not allocating available land in town centres for designated “main town centre uses”; and even allocating main town centre uses land within town centres for non-main town centre uses. Thus green belt land is allocated for employment (office) use (rather than housing which would be better there); and (due to a lack of consideration of the jobs:workers balance for each settlement) we have the situation where green belt employment allocations are placed in different settlements than the largest new housing allocation. That is not sustainable by any normal measure, and thus fails the test of soundness (not Justified as the most appropriate strategy, and not Consistent with national policy).

At the hearing on the afternoon of 23/5/19 I set out a number of planning and transport actions/policies that could greatly assist in making development over the Plan period more sustainable, with less damaging side effects. Rather than what the results of the Plan will be. Very unusually, the Inspector was twice significantly distracted by those from EFDC to her immediate right, also not making the usual copious notes; and my halting delivery indicates this (what they were saying to each other may have been important for her to hear). The video of this appears at 1:32:09 – 1:38:24 of the 23/5/19 afternoon session.

Policy SP5 F. includes for Latton Priory: “(xii) Highway and transport improvements including to the north-south sustainable transport corridor, works to Southern Way...”. Southern Way is the A1169, running East-West through southern Harlow. It has wide verges and could accommodate additional segregated bus services from Latton Priory through to Epping Underground, without the need for the link road to the B1393; which would do more to assist sustainable transport (for Latton Priory and Harlow) than the Latton Priory link road. This would also have the benefit of not making the Latton Priory allocation likely to be so car dependent.

Whatever, I didn’t see the Policy SP5 F. (xii) in the IDP for H&GGT. With a little more time I would have trawled through it again to double check.

I've already referred above to Policy SP4 C. in the Plan, which says new communities including Latton Priory "must accord with.. principles..." ... "(vi) Be consistent with and adhere to the relevant Design Code(s) which has been formally endorsed by Epping Forest District Council and where appropriate Harlow District Council;". The H&GGT Vision (Document EB1406) says in para.5 on page 11 "Views of the natural and built landscape will be retained, with views towards heritage assets framed and enhanced.". Page 11 of the Vision shows how-to and how-not-to drawings, including a how-to image of building each side framing views of distant hills and trees beyond with the text " New development should not mask views towards key landmarks or landscape, either by blocking the view or sitting prominently in the background". Latton Priory fails Policy SP4 C.; as I pointed out at the Inquiry (in general terms – there was not the opportunity to go through all the unsustainable aspects of all three urban extensions to Harlow).

Latton Priory is the one extension to Harlow that clearly fails the sustainability and urban design/planning tests in the Vision for H&GGT. With far better alternatives available, it should not be allocated in the Plan.

Viability, and implications

The IDP has a net funding gap of some £141million, as acknowledged at the hearing. That is after some transport grants already factored-in, e.g. for the new M11-Junction 7A.

The Viability Report (EB1417) included a section on Varied Developer Contributions.

At para. 12.120 this said " Generally, the strategic infrastructure and mitigation costs tested are at the top of the range normally found – and are about twice that anticipated in the Harman Guidance. The initial analysis assumes that the sites fund all their own infrastructure..." Paragraph 12.121 went on to say "Whilst the above is the correct starting point of the analysis, in order to give the Councils a greater understanding of how developer contributions impact on viability, a further set of appraisals have been run in the full policy on scenario, but with varied developer contributions up to £70,000/unit." and included Table 12.14.

The conclusion in para. 12.122 was: "The above indicates that generally, the tipping point in terms of viability is somewhere around £40,000/unit. Very approximately, an increase of £2,500/unit in developer contributions results in a fall in the Residual Value of about £40,000/ha. This is a very significant swing illustrating that a small change in the s106 costs can have a significant impact on the results of the viability testing."

From this, it would appear that there is little scope for CIL to be added on top of the Section106 costs modelled, without development becoming unviable (which the CIL rules do not allow). So CIL cannot be anticipated to help fill the funding gap, by much if at all.

As above, some transport grants are already included. EFDC told us at the Inquiry they had submitted a HIF bid for £151million. But bids to Government rarely receive the full amount requested: it used to be a working assumption in making bids that some 10% would be knocked-off

the amount of any bid, and could still well be. You will recall at the Hearing I mentioned that rarely is the amount announced by Government sufficient for the task or purpose required.

Government does not give figures for the HIF Forward Fund, but does for the HIF Marginal Viability Fund. The average award from this fund is £4,330 per dwelling which the bid covered. Multiplied by the 16,100 dwellings “in and around Harlow” in the Plan, this would amount to £69.7million; only about half of the net funding gap. My Hearing statement on Infrastructure discussed ways in which it might be demonstrated that a ‘feel’, or rough idea, for the prospects of bridging the funding gap might be given, be that through HIF or other sources. The absence of such is why I have looked at available information on successful HIF bids published.

On Latton Priory in particular, the Appendix to the Viability Assessment (i.e. Document EB1417A) says “report findings confirm the potential for the development to be viable, whilst supporting a range of planning obligations and contributions to new infrastructure provision”. It isn’t clear exactly what was included or not in that assessment, but from what the IDP includes sustainable transport items were not (they are not in the IDP, as above). So with the inclusion of items that ought to be, there is no certainty that the allocation would be viable with them costed. I know the intention is to ‘pool’ costs and contributions across H&GGT, but any site which is a ‘drag’ (not a net contributor) on the wider H&GGT project must be undesirable. Especially if there are other locations (perhaps Hunsdon Airfield and very likely immediately East of Theydon Bois Underground Station that are more likely to be viable. For example, East Theydon Bois would not need much by way of sustainable transport contributions, and not a £5million link road to the B1393. This would mean that money from developers could be far better spent: making a really good development with all other public benefits (affordable housing and the like, which are sometimes excluded due to viability concerns) fully funded. As the Inquiry has been told by others, East of Theydon Bois was previously included in the Plan as a sustainable location; but removed for no good reason. Public opinion at the time may have been against it; but if the true effects of traffic congestion under the SV of the Plan (“shouldering” and “peak spreading”) had been known then, a different conclusion may have been reached.

Henry Stamp 13/6/19