

Report title: Epping Forest District Local Plan: Submission Version (Regulation 19) 2017	
Report author: Dominic Collins, Director for Economic Growth and Localities	
Date: 22 January 2018	For: Decision
Enquiries to: Rich Cooke, Principal Spatial Planner rich.cooke@essex.gov.uk Ph: 07775 008049	
County Divisions affected: All Divisions within Epping Forest district and those divisions that adjoin Epping Forest district.	

1. Purpose of Report

- 1.1 The purpose of this report is to provide details of Essex County Council's (ECC) formal response to the final round of public consultation on the Epping Forest District (EFDC) Local Plan Submission Version 2017.

2. Recommendations

- 2.1 To agree and send EFDC the response to the consultation on the Draft Plan, as contained in Appendix 1 to this report (ECC's response) and endorse the comments in ECC's response as the basis for ECC's written representations to be submitted to the Planning Inspector appointed to conduct the independent Local Plan Examination.
- 2.2. To agree to confirm that ECC will continue to work with EFDC towards the refinement of the Submission Local Plan and the supporting evidence base with the aim of supporting EFDC's Submission Plan and its subsequent Local Plan Examination.

3. Summary of issue

Background – Local Plan Development

- 3.1 EFDC began preparation of a new Local Plan in 2012 and carried out an Issues and Options ('Community Choices') consultation in mid-2012 followed by a Preferred Options consultation in late 2016, with all statutory bodies, relevant public and private organisations and the local community invited to comment. ECC provided a response to both consultations, the latter through a CMA process (FP/604/09/16). Once adopted, the new Plan will replace the adopted EFDC Local Plan (1998) as altered and partly replaced in 2006 (pre National Planning Policy Framework (NPPF) of 2012). Therefore, EFDC is now seeking to produce a NPPF-compliant Local Plan (with regard to the Government deadline of end March 2018 for Local Plans to be submitted before the new standard methodology applies for calculating each district council's housing requirements expressed through the Objectively Assessed Housing Needs – OAHN figure).
- 3.2 EFDC reviewed the representations received in late 2016 at the Preferred Options consultation stage, including further work to develop the evidence base, further site (allocation) selection work and on-going work with statutory bodies, relevant public

and private organisations (including ECC) and the local community. EFDC is now consulting on a Submission Plan with consultation running (for six weeks) from 18 December 2017 to 29 January 2018 inclusive. This final stage of local plan preparation is known as the Publication stage (or informally 'Pre-Submission'), as it is this resulting version of the Local Plan that EFDC intends to submit to Government for approval through a Local Plan Examination. EFDC also received from landowners and developers a range of potential new or revised sites for development, which EFDC has then assessed for suitability. This exercise resulted in a number of changes to proposed site allocations. ECC has assisted EFDC throughout this time by progressing transport modelling, assessing minerals impacts on emerging Local Plan site allocations, providing an initial assessment of education requirements arising from growth proposals, providing an input to flood risk and sustainable drainage matters (through ECC's role as Lead Local Flood Authority - LLFA) and some informal feedback on emerging draft policies.

- 3.3 The Submission Plan sets out how the District's development and growth requirements for the twenty-two year period 2011 to 2033 will be met. In preparing the Submission Plan ongoing joint working has taken place between EFDC, Uttlesford District Council (UDC), East Hertfordshire District Council (EHDC) and Harlow Council (HC) in collaboration with ECC, to identify and address cross boundary strategic issues and priorities in accordance with the NPPF. One outcome that the district council partners hoped to promote, as far as possible, was the alignment of Local Plan preparation and consultation timeframes between the four Local Planning Authorities (LPAs). EHDC however, has forged ahead and is now towards the end of its Local Plan examination process. HC still intends to progress to a relatively similar timeframe to EFDC, although UDC has experienced delays and will need to follow the progress of EFDC, HC and EHDC.
- 3.4 The joint work has also led to the preparation of three Memoranda of Understanding (MOUs) in order to address common strategic / headline issues and these are being shared now (in living draft form) by EFDC and its partner district councils in order to support the current Local Plan public consultation. Two further MOUs are also planned (dealing with employment land issues / needs and with health matters).
- 3.5 The Submission Plan is the product of an evidence-based process in line with national regulations, policy and guidance. The evidence base supports all main thematic areas of the Submission Plan. This covers, but is not limited to, a range of topics such as housing, health, employment, retail, Garden Communities, transport, infrastructure (green / blue, social and physical), environment, flooding and viability. EFDC has been working closely in particular with HC and EHDC, in relation to the Harlow, cross-boundary growth (i.e. Harlow and Gilston Garden Town).
- 3.6 Following this round of public consultation, the Submission Plan and all representations on it received by EFDC will be submitted to Government in March 2018 for examination alongside the Sustainability Appraisal/Strategic Environmental Assessment (SA), and supporting evidence base. The examination process and timings are to be confirmed by the Planning Inspectorate (PINS) following appointment of a Planning Inspector and Programme Officer. The Local Plan programme for EFDC was reviewed and accelerated in October 2017 and anticipates a prospect of subsequent adoption in Spring 2019. The focus of this CMA report, for current purposes, is on the proposed changes that ECC needs to

seek to the Submission Plan through the Local Plan Examination process, whilst recognising that ECC continues to have a clear objective of supporting EFDC (and all Essex LPAs) to achieve a sound, adopted Local Plan and to deliver planned, sustainable growth across the county.

Submission Plan (this consultation) – Content and Structure

- 3.7 The Plan covers strategic and detailed policies that relate solely to the administrative area of Epping Forest District (subject to cross-border implications). The following paragraphs summarise key elements of the Submission Plan. The document structure remains in a similar format as the previous, Preferred Options Draft Plan version issued in October 2016.
- Chapter 1 sets the scene, explaining some key characteristics of the District; provides the strategic context and strategic Plan policies, including the key issues it needs to address, plus the overall vision and Local Plan objectives
 - Chapter 2 contains the seven strategic policies which set out:
 - how much development is to be planned for;
 - where that development should be located, together with major transport infrastructure;
 - Green Belt boundaries and draft policy; and green networks.
 - Chapter 3 contains ten relatively high-level policies that apply to a number of themes across the whole district: housing, employment / the economy, and transport;
 - Chapter 4 contains twenty-two more detailed development management policies;
 - Chapter 5 deals with policies that apply to specific places throughout the District and has a section on each of the main settlements and town centres;
 - Chapter 6 addresses Infrastructure & Delivery (including the Plan monitoring framework).
- 3.8 A brief summary of each Chapter 2 (Strategic) policy is provided below together with an overview on where amendments have been made following the Preferred Options consultation. Those changes have been made where relevant in consultation with ECC; and primarily relate to providing greater clarity and any minor modifications required to reflect updated evidence and process. It is recommended that ECC submits additional amendments as set out in the draft response in Appendix 1.
- 3.9 Policy SP 1 (The presumption in favour of sustainable development) has been included to comply with the NPPF and is a standard requirement from PINS.
- 3.10 Policy SP 2 (Spatial Strategy 2011 - 2033) outlines in broad terms how and where development will take place. This includes the proposed headline figure of 11,400 homes, remaining unchanged for the Plan period 2011 – 2033. New job creation projections and analysis, plus employment land requirements have been produced since the Preferred Options Plan stage (see results summarised in the table below for EFDC only). The spatial strategy will focus growth on existing settlements, prioritising the re-use of previously developed land and avoiding development of Green Belt land wherever possible. Development will be accommodated within or

adjoining settlements according to their scale, sustainability and existing role within the district. Beyond these settlements, rural diversification and the conservation and enhancement of the natural environment is supported.

Local Planning authority	Plan Period	Min additional homes in plan period	Net housing pa	Jobs growth / Employment Land (Ha. of B uses)
Epping Forest	2011 - 2033	c.11,400 ¹	c.520	c.10,800 land quantum: 2- 5 ha. for office uses; 14 ha for industrial uses; Remaining requirement to provide 16 – 19 ha. (2016-2033)

Proposed Strategic Developments in and around Harlow

District	Development	Approx. number of new homes
Epping Forest District	Latton Priory	~3,900
	Water Lane Area (developments also known as West Sumners and West Katherines)	~2,100
	East of Harlow	~750
	Total	~3,900
East Hertfordshire	Gilston	~3,050
Harlow District	East of Harlow*	~2,600
	Total in these proposed sites	~9,550
In addition Harlow District will deliver ~6,600 homes on sites not included in the strategic sites assessment		
*The East of Harlow area is split between Harlow and Epping Forest districts		

Proposed new homes for other places in EFDC district

Town or Village	Proposed Allocated Housing Number
Sites around Harlow	~3,900
Epping	~1,305
Loughton	~1,021
Waltham Abbey	~858
Ongar	~590
Buckhurst Hill	~87
North Weald Bassett	~1,050
Chigwell	~376
Theydon Bois	~57
Roydon	~62
Nazeing	~122
Thornwood	~172
Coopersale, Fyfield, High Ongar, Lower Sheering, Stapleford Abbots	~91
Rural areas East	~41

¹ This figure will be provided through Harlow strategic sites within EFDC area (see second table); proposed homes allocations for the other places in EFDC district (see third table); homes already completed to date; sites already with planning permission; and through an allowance for housing 'windfall' developments

- 3.11 Policy SP 3 (Place Shaping) applies development principles for all developments, particularly the major schemes to be covered by strategic masterplans.
- 3.12 Policies SP 4 and SP 5 EFDC continues to propose three new Garden Communities on the edges of Harlow that would supply a total of 3,900 new homes in the Plan Period (see table above), accompanied by some employment and community uses, including new primary and secondary schools, plus Early Years and Childcare provision. Harlow has been identified as the most sustainable location within the Housing Market Area and a suitable focus for substantial new growth. They will be developed broadly on ‘garden communities principles’ (based on the Town and County Planning Association’s principles for ‘Garden Cities’), with necessary infrastructure and facilities. These new Garden Communities are proposed in Policies SP 4 and SP 5 (Policy SP 5.1: Latton Priory; SP 5.2: Water Lane area; and SP 5.3: East of Harlow) and specific policy requirements for each Garden Community are outlined in Policies SP 4 and SP 5, supported by SP 3.
- 3.13 Policy SP 6 (Green Belt and District Open Land) provides a standard, NPPF modelled Green Belt protection policy, together with the equivalent, flowing from the NPPF, in respect of protected areas of land within settlements, outside the Green Belt. Policy SP 7 (The Natural Environment, Landscape Character and Green and Blue Infrastructure) protects natural assets and deals with requirements for new multi-functional green and blue infrastructure assets alongside new development.
- 3.14 The Chapter 3 (Housing, Economic and Transport) policies cover the matters set out below.

Chapter 3 – Housing, Economic Development and Transport Policies	
	Page
Housing	56
Policy H 1 Housing Mix and Accommodation Types	57
Policy H 2 Affordable Housing	59
Policy H 3 Rural Exceptions	60
Policy H 4 Traveller Site Development	62
The Economy and Town Centres	63
Policy E 1 Employment Sites	65
Policy E 2 Centre Hierarchy / Retail Policy	66
Policy E 3 Food Production and Glasshouses	69
Policy E 4 The Visitor Economy	71
Transport	71
Policy T 1 Sustainable Transport Choices	74
Policy T 2 Safeguarding of Routes and Facilities	75

Those of particular interest to ECC include Policy H 1, which deals with specialist forms of homes, such as those for older people, accessible / adaptable homes. Policies E 1 and E 3 deal with provision / protection of new / existing employment land and sites, plus food production and glasshouses, respectively. The latter subject area has great importance within the EFDC district. The ECC response was generally supportive of the proposed policy approach on this at the last Plan stage, since it was considered generally positive and providing for appropriate flexibility. Policies T 1 and T 2 cover Sustainable Transport Choices and Safeguarding of Routes and Facilities, respectively.

3.15 Also of particular note to ECC are the Chapter 6 Infrastructure & Delivery Policies. Policy D 1 (Delivery of Infrastructure) is supported by an updated and revised Infrastructure Delivery Plan (IDP). The policy refers to the key transport, education, health and broadband infrastructure requirements for the area. However, it is not felt that this policy makes it sufficiently clear that up-front provision of infrastructure is a fundamental principle of the Submission Plan, although ECC commented on this at Preferred Options Plan stage, with the ECC model infrastructure policy advocated to EFDC at that time. ECC has continued to work with EFDC in developing its IDP to its current stage and will continue to do so. Further changes, additions and refinement are needed but it is recognised that the IDP will continue to be a living / working document.

Policy objectives

3.16 ECC aims to ensure that local strategies and policies provide the greatest benefit to deliver a buoyant economy for the existing and future population that live, work, visit and invest in Essex. As a result ECC is keen to understand and support the formulation of the development strategy and policies delivered by Local Planning Authorities. Involvement is necessary because of the ECC role as:

- a. a key partner within Greater Essex and the London Stansted Cambridge Consortium promoting economic development, regeneration, infrastructure delivery and new development throughout the County;
- b. major provider of a wide range of local government services throughout the county of Essex;
- c. the strategic highway and transport authority, including responsibility for the delivery of the Essex Local Transport Plan and as the local highway authority; Local Education Authority; Minerals and Waste Planning Authority; Lead Local Flood Authority; and lead advisors on Public Health; and
- d. an infrastructure funding partner, that seeks to ensure that the development allocations proposed are realistic and do not place an unnecessary cost burden on ECCs Capital Programme.

3.17 The ECC response seeks to ensure the following ECC policy objectives are reflected in EFDC's Submission Plan:

- Essex Organisation Strategy, 2017-21
- Economic Plan for Essex (2014)
- Essex Transport Strategy, the Local Transport Plan for Essex (June 2011)
- ECC Independent Living Programme (May 2016)
- ECC Developers' Guide to Infrastructure Contributions (2016)
- Essex Minerals Local Plan (2014)
- Essex and Southend-on-Sea Waste Local Plan (2017)
- Greater Essex Growth and Infrastructure Framework (2016)
- Commissioning School Places in Essex 2016-2021.

4. Options

4.1 The full proposed ECC response to the latest stage of consultation is set out in Appendix 1 to this report. It is recommended that these comments form the basis for ECC's written representations to be submitted to the Planning Inspector appointed to conduct the independent Local Plan Examination. The Inspector's role is to

assess whether the Plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound. The formal ECC response to the Submission Plan only includes those areas where an amendment is required to update information, clarify intent or ensure soundness in accordance with the NPPF. Consideration is necessary by ECC on the option of working with EFDC further to explore and discuss ECC's representations wherever possible and to develop statements of common ground where appropriate.

Duty to Co-operate

- 4.2 EFDC has worked with ECC throughout the preparation of the Submission Plan, as far as possible in the period following the Preferred Options consultation in 2016. The joint work can be demonstrated through a range of EFDC and ECC officer meetings, the procurement and contribution to the evidence base to support plan preparation (notably transport modelling and the EFDC IDP), and through the Harlow and Gilston Garden Town meetings. Issues were identified, discussed and appropriate action taken (in some instances) to reflect requirements and address concerns within the emerging Plan and the supporting evidence base.
- 4.3 ECC is satisfied that EFDC has met the duty to co-operate requirements under Section 110 of the Localism Act. This covers ECC's role as Minerals and Waste Planning Authority, Local Education Authority, Highways Authority and Lead Local Flood Authority. However, it is recommended that amendments are made to certain policies to ensure effective delivery in particular. Engagement has also taken place in terms of ECC's role promoting economic development, regeneration, and infrastructure delivery; as lead advisors on Public Health; and as a major provider of a wide range of local government services. This includes ECC's key role as an infrastructure partner, that will seek to ensure that the development allocations proposed are properly funded by the proposed development, these are realistic and do not place an unnecessary (or unacceptable) cost burden on ECC's ability to deliver unfunded infrastructure or that raise other unmitigated impacts. The acceleration of the EFDC Local Plan programme and resulting pressures to meet the (end of) March 2018 submission deadline, plus scarce resources and the volume of work, including advance Local Plan implementation work, has proven challenging to EFDC. These factors may help explain the nature and extent of proposed ECC representations at this late (Submission Plan) stage. The resulting effect of this is an increased reliance for ECC on using the final representations stage, the period beyond that and potentially during the examination itself, to seek changes to the Plan. This will, in likelihood, have implications for additional ECC officer workload looking forward and potentially for the role to be played by ECC at examination.
- 4.4 It is recommended that ECC continues to work collaboratively with EFDC to progress the Submission Plan through to submission stage and then examination. This is likely to focus on the need for policy amendments, transport modelling and further assistance to refine and update the EFDC IDP. It is recommended that ECC continues to assist EFDC in identifying requirements arising from their growth proposals and provide the necessary updates to the EFDC IDP. Given current time constraints, it is proposed (as a general pragmatic principle) that ECC submits its representations before the representations procedure deadline, as substantive points, with as much detail as is currently possible, but precise proposed wording of

policy and text changes will need to be worked up beyond the CMA process itself, by ECC working collaboratively with EFDC, insofar as EFDC is able to commit staff resources for this. It is possible that this may need to be done through the Examination process itself, once the Planning Inspector has reviewed all submitted representations (if sufficient time is not available before then).

- 4.5 As regards highway (and transport) matters ECC has assisted the preparation of the Submission Plan through joint meetings with EFDC and where relevant Highways England, and has prepared transport modelling reports to identify impacts and required mitigation, where possible. Some elements of appropriate policies have been included in the Submission Plan and related detailed content in the IDP. Additional discussions with the West Essex Authorities have also considered the cross border impacts of growth identified for the emerging new Harlow and Gilston Garden Town. ECC will continue to be involved in any update required to the evidence base as the Submission Plan moves to submission stage.
- 4.6 It is recommended that ECC acknowledges references made to the Minerals and Waste Local Plans (developed by ECC, jointly in the case of the Waste Local Plan). In other respects ECC is also content with how waste and minerals planning matters have been dealt with in the Submission Plan.
- 4.7 In relation to the Harlow and Gilston Garden Town, collaborative work is progressing between EFDC/EHDC/HC and ECC. The Harlow Submission Draft Local Plan (Regulation 19) is anticipated to be considered by HC members on 25 January 2018. An element of this emerging Plan (Development Management Policies) was published previously (in 2017) for public consultation. The Submission Draft Harlow Plan could be anticipated to reference a cross-boundary new Garden Community for Harlow, and a collective target of some 16,100 homes up to 2033 (reflecting the agreed MOU on OAHN for West Essex – HC, EFDC and UDC - and EHDC). It should be noted that this Garden Town is different from others in Essex, since it will be based on an existing, established and substantial community, rather than creating an entirely new settlement and community, from scratch. The existing town, together with the new major developments planned to enlarge it, is to provide for the transformation and renaissance of a post-war new town. Moving forward, current and future workstreams of the relevant LPAs and ECC will need to ensure the Garden Town being planned for this location is jointly masterplanned and delivered to provide a coherent, quality, sustainable place in which to live, work and enjoy.
- 4.8 It is recommended that ECC raises an issue on duty to co-operate in respect of the Garden Town given a feature of the new approach in this iteration of the Local Plan. This is a change in description used, indicating a different focus, from a collective Harlow and Gilston Garden Town as a single entity, to what the Plan describes as four new Garden Communities (three of which are to be located within EFDC Plan area). This is seen as departing from the original Garden Town ethos. The collective nature of all planned growth was considered to be essential. This applies to elements such as masterplanning and the planning, funding and delivery of major infrastructure.
- 4.9 In a related vein, it is recommended that a potentially substantive point needs to be made in relation to future school provision. This concerns the need to make it clear

that future Garden Town focused education delivery will need to be planned in tandem with the housing allocations (and other growth) that will take place on Harlow's side of the boundary. The interdependencies between the two will require a statement of common ground between EFDC, HC and ECC. For example, in the case of secondary education, it may be more appropriate to locate the school on Harlow District's side of the boundary and there is insufficient evidence as yet for ECC to express a preference at this point.

Legal and procedural requirements including 'soundness'

4.10 Paragraph 182 of the NPPF states that a local planning authority should submit a plan for examination which it considers is 'sound' – namely that it is positively prepared, justified, effective and consistent with national policy. Compliance is examined below:

- a. 'Positively prepared – the plan should be prepared based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development'.

4.11 ECC response

It is recommended that ECC acknowledges and supports EFDC's work that seeks to meet its objectively assessed housing need in full over the plan period within its administrative boundaries. This is in line with a collective agreement (the MOU on OAHN) across the West Essex / East Hertfordshire Housing Market Area. EFDC is seeking to deliver approx. 520 homes pa and a total of 11,400 over the Plan Period. For the period 2017-2033 a land supply of 10,070 new homes (excluding known completions) has been identified over 16 years. For EFDC the spatial strategy includes provision for one cross-boundary development shared with HC (Harlow East), plus two others around Harlow, all forming part of the new Garden Town. For EFDC this will result in substantial new developments to the east, west and south of the Harlow urban area. The Submission Plan does not need to account for any unmet homes requirements from neighbouring authorities, however significant joint working has taken place between the West Essex / East Hertfordshire Authorities to ensure housing need can be met within each authority supported by employment opportunities and infrastructure.

4.12 As part of this, it is recommended that ECC acknowledges and supports job forecasts and employment land requirements contained in the Submission Plan. In accordance with national planning policy and guidance, the EFDC evidence base includes economic forecasts together with demographic projections to establish the inter-relationship between population growth, forecasts of new jobs and the number of new homes needed to accommodate these levels of growth. The annual job forecast creation is 490 and the associated requirement for class B use employment land is in a range of 16 to 19 hectares within the Plan Period from 2016-2033. An employment land review has been undertaken recently in accordance with national planning policy and practice guidance.

The second requirement in NPPF paragraph 182 is:

- b. Justified – ‘the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence’.

4.13 It is recommended that ECC supports, in principle, the spatial strategy as outlined in the Draft Plan. The spatial strategy put forward by EFDC reflects the outcome of SA and strategic sites selection work (for the whole housing market area), the overall evidence base, deliverability considerations, the availability of development sites, and an overall evaluation of the combination of allocations and policies that collectively it considers produce the most sustainable pattern of growth. This covers employment and housing allocations. EFDC states that the evidence base concluded that new settlement options were most acceptable if promoted through the Harlow and Gilston Garden Town and that there needed to be a combination of communities across the three LPA areas - Harlow, East Hertfordshire and Epping Forest (as outlined in Chapter 3 of the Local Plan and discussed earlier).

4.14 The Submission Plan is the product of an evidence-based process in line with national regulations, policy and guidance. The evidence base supports all main subject areas of the Submission Plan. This covers, but is not limited to, a range of topics such as housing, employment, retail, garden communities, transport, infrastructure (green / blue; social / community; and physical), environment, flooding and viability.

The third requirement in the NPPF paragraph 182 is:

- c. Effective – ‘the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities’.

4.15 ECC response

It is recommended that ECC acknowledges and supports the joint working on cross-boundary, strategic priorities that has taken place throughout plan preparation. This support was expressed at the previous, Preferred Options Plan stage. ECC is a signatory, along with West Essex / East Hertfordshire Districts, to the:

- Memorandum of Understanding on Distribution of Objectively Assessed Housing Needs across the West Essex / East Hertfordshire Housing Market Area;
- Memorandum of Understanding on Highways & Transportation Infrastructure for the West Essex/East Hertfordshire Housing Market Area; and
- Memorandum of Understanding on Managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation

The titles of these are self-explanatory but cover, in summary, a range of major, strategic cross boundary matters

4.16 ECC will continue to be an active and equal partner of a number of member and officer working groups regarding the meeting of the Duty to Co-operate by West Essex / East Hertfordshire councils and bringing forward the Garden Town

proposals to progress planning and delivery of the latter – as a cohesive whole – and its constituent parts.

- 4.17 A range of potential options for ‘Local Development Vehicles’ (LDVs) is being considered by EHDC, HC and EFDC in partnership, as a way of delivering the Harlow and Gilston Garden Town concept. Any such arrangements would need to involve ECC. If this approach is to be taken, being locally driven would ensure that infrastructure, facilities and services will be put in place when they are needed and seek to ensure that land is released for housing, employment, retail and other uses. However, current circumstances and timescales (including current development pressures) indicate that starting a LDV now would prove challenging. The Submission Plan (Policy SP 4) mentions important garden community principles, such as *‘agreeing appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm areas and community and other relevant facilities; such arrangements to be funded by the developments and include community representation to ensure residents have a stake in the long term development, stewardship and management of their community.’* However, consideration in this area has not yet reached a stage whereby specific local delivery arrangements can be established in the way envisaged for the North Essex Garden Communities. Accordingly, it is likely that the partners will continue to explore this and other ways of achieving the vision that offer similar levels of confidence that the right quality of development and supporting infrastructure will be delivered at the right time.
- 4.18 A MOU is also being prepared between the West Essex / East Hertfordshire partners to set a framework for collaboration between parties in order to promote the economic interests and prosperity of this Functional Economic Market Area (FEMA). This is currently being drafted and known as a ‘Memorandum of Understanding on Distribution of Objectively Assessed Employment Needs across the West Essex / East Hertfordshire Functional Economic Market Area’. The other MOU anticipated to be developed will deal with health needs for the area. This is intended to respond to a range of substantive health issues for West Essex / East Hertfordshire, including the potential relocation of Princess Alexandra Hospital (PAH). One of two potential new locations for this is in Epping Forest district, with a potential new location identified for the Harlow East development, allocated in the EFDC Submission Plan, through Policies SP 4 and SP 5.
- 4.19 ECC has and will continue to maintain close working relationships with the Department for Transport (DfT), Highways England (HE) and the West Essex / East Hertfordshire LPAs to facilitate the delivery of important strategic highway projects, namely M11 and A120 improvements. These include in particular the new Junction 7A scheme on the M11 (now with planning permission, fully funded and preparatory work underway) plus (longer term) improvements to M11 J7. Shorter and longer term improvements to M11 J8 are also now part funded and being planned. Improvements to both the M11 and A120 would be likely to have an overall significant positive effect on traffic and transport across the West, Essex / East Hertfordshire areas, in the Plan period. Similarly, ECC is collaborating with Hertfordshire County Council, which is assessing long-term options for the A414 route corridor, stretching from west Hertfordshire to eastern Essex.

- 4.20 As noted in the paragraphs above (4.2 - 4.5; 4.21 and 4.29) ECC will continue to assist EFDC in identifying requirements arising from their growth proposals and help provide the necessary updates to the EFDC IDP, to ensure deliverability. ECC has identified a number of issues arising through the Submission Plan relating to the effectiveness of the Plan. These are set out in Appendix 1 and most are, it is considered, capable of being addressed relatively easily, through policy revisions, rewording etc.
- 4.21 On more substantive points, it is important to note that the Submission Plan relies heavily on a step change in terms of sustainable travel and this is not fully addressed in the Plan. It is recommended that ECC continues to press its case, as the Highways Authority, around the Latton Priory development to the immediate south of Harlow. ECC representations at the Preferred Options Plan consultation stage alluded to this and the transport issues involved and these points have also been made through ongoing joint working processes with EFDC. In particular, the evidence available indicates to ECC that this development, as currently proposed, is not of sufficient scale and critical mass to support the delivery of the identified north-south sustainable transport corridor. This corridor is an integral part of an overall package of sustainable transport measures identified as critical to support the Garden Town growth. In this respect, the current scale of development proposed is considered to undermine part of the Plan's spatial strategy by bringing into question the means to deliver one of the infrastructure intervention measures required to support growth and the successful future transformation of the Harlow area. Evidence indicates that the Local Plan also needs to show a direct link from the Latton Priory towards M11 J7, the effect of which is likely to be increased transport network problems for the southern areas of Harlow. ECC raised points of concern about local transport network issues affecting this southern Harlow site at the previous Plan-making stage.
- 4.22 The provision of new employment land for this scheme, beyond the currently proposed one hectare of employment land, is also being sought by ECC, in response to the findings of highways modelling work. It is accordingly recommended that this part of the EFDC Local Plan economic development strategy (as yet unsupported by a MOU on employment land distribution) and the Plan's spatial strategy on employment land distribution, needs to be justified in terms of its effectiveness, including its relationship with the Garden Town objectives. This relates to ensuring sustainability and trip internalisation for the Harlow area and its future growth, much of which is to take place at strategic sites on the town's edges.
- 4.23 EFDC is not proposing to increase employment opportunities for the Garden Town significantly against the context of nearly 4,000 new homes to be located within EFDC area on the edges of Harlow. This places a reliance on the ability of Harlow town itself to provide adequate employment opportunities for much of the planned growth involving some 16,100 new homes (such as the planned, new Public Health England HQ and the Enterprise Zone, plus PAH). Increased unsustainable commuting and travel patterns may result from this.
- 4.24 A further sustainable transport and accessibility issue is considered to arise in respect of the substantial development proposed for North Weald Bassett, the likely impacts of which are deemed to be unmitigated at present. ECC considers

that this issue might be rectified, or at least mitigated through a feasibility study to establish whether a new sustainable transport route could be provided to link North Weald Bassett with Epping. Until mitigation measures are explored in this respect, ECC cannot support this proposed growth in view of its effect on the spatial strategy and sustainability. There may be some merits to the re-use of land at North Weald Bassett to suggest that a balancing act is appropriate. However, evidence work on the feasibility of sustainable transport solutions has not yet reached a sufficient stage of progress to demonstrate that adverse transport impacts on the network can be mitigated successfully.

- 4.25 The final transport matter to raise is the need for a sustained commitment to seeing through some outstanding evidence work on the potential for improvements from Epping through to the M25 in particular and deliverability of some of the sustainable measures in the area of EFDC outside of the Garden Town. This affects the forest area in particular. ECC is aware this particular piece of work is ongoing. This has a bearing on growth proposals for Epping and Loughton specifically, since growth there (in close proximity) will, as evidence indicates, add to further pressures on the transport network and mitigation measures for these have not yet been resolved. ECC is accordingly seeking a recognition of this and an expression of commitment within the Plan to progressing this work urgently and resolving the issues ECC is raising.
- 4.26 On a broader aspect of the Submission Plan's economic strategy, it is recommended that ECC needs to make representations that the evidence and justification are not deemed to be adequate. This is to ensure that the current proposed approach to dealing with proposals for employment land loss will not undermine the supply of employment land (and sites) for the district. Employment land loss to higher value land uses, particularly residential (or retail) use, might be anticipated if effective measures are not in place to manage this process. The current absence of an identified five-year housing land supply and / or other factors may exacerbate the tendency for such an issue to arise. In this context, the examination process will need to assess whether a five-year housing land supply can be demonstrated for EFDC through the Local Plan's adoption and its effective implementation, since this will be challenging. The nature of evidence to be applied in such case, including the nature and duration of marketing campaigns, is considered to be justified by further evidence. The effectiveness of local (and potentially wider) planning monitoring information and data also needs to be reviewed in this light. Similarly, ECC would wish to see further information on the proposed approach to delivering new employment land effectively. ECC would wish to resolve these matters by working with EFDC and seeking shared solutions through its representations and negotiation on these for the examination process for the benefit of the appointed Inspector's consideration.
- 4.27 In respect of health and well-being matters, the greatest ECC concern on the Plan is the focus of the content dealing with health and Health Impact Assessments (HIA) on access to healthcare infrastructure. It is recommended that this needs to be changed. The effect of limiting any HIAs carried out in line with the requirements and guidance as stated within the current Submission Plan to healthcare infrastructure (and access to it) would fail to cover the actual requirements for HIAs. The Submission Plan is also factually incorrect as it stands with the current references to Department of Health guidance on HIA. Whilst the

Submission Plan recognises projected demographic changes (especially for older people) it does not set out how the Plan strategy and planning process can support the wider health and well-being needs of the (current and new) population. Healthcare infrastructure plays a role in this, however, the environment and design have a very large influence in keeping populations healthy and this is not made clear within the Plan. It currently does not make explicit reference to the requirements of the NPPF on supporting healthy communities or the social role of the Plan-making process to support this and it is unclear to ECC how this role will be fulfilled. Again, it is proposed that ECC will work collaboratively with EFDC on how these matters could be resolved through agreed changes and rewording through the Planning and Public Health functions of ECC. It is anticipated that ECC representations can offer this means of resolving these points through statements of common ground. This would also represent a matter for effective cross-boundary co-operation between the parties involved and the proposed health MOU can be used to assist in this matter.

- 4.28 It is recommended that a substantive point is made in relation to future education provision, including its delivery and the need for Local Plan flexibility. This stems from the continued inclusion of a number of schools sites within the Green Belt. At present national policy and the current proposed Submission Plan policy is likely to treat development for education purposes in the Green Belt as inappropriate development. ECC has raised this point before (at previous Local Plan consultation stage) and its likely impact on potential risk, uncertainty and delay of delivering increased (or improved) future educational provision. It is considered this could be addressed by either removing the Green Belt designation from these schools (through Green Belt boundary revisions) or by inclusion of new Local Plan policy provision to address the need to meet future educational provision needs, as required by the NPPF. It is recommended that ECC also needs to seek a change to the wording of Policy D 4, which seeks to protect existing community facilities, including schools. This is considered to need a wording change that provides for an additional exception to its restrictive terms on loss of a particular kind of community facilities (that is schools) in identified circumstances. This exception would allow for the vacated site to be re-used in the event of a necessary school closure. In these cases the funds generated from the site disposal would be re-invested in the service that has given rise to a vacant site, thereby providing funds to deliver alternative education provision to serve the pupils of that locality. The wording of this can be worked up with EFDC for the Local Plan Examination, to the satisfaction of the Planning Inspector.
- 4.29 It is recommended that a number of more detailed / localised points are raised on Plan effectiveness in respect of education provision. These include:
- Drawing attention to the lack of current known status (in terms of deliverability) on relocating a secondary school for Waltham Abbey in view of ECC's role as education provision authority. It is noted that this aspiration is not expressed in the form of a proposed land allocation, so it is not a firm proposal. There would appear to be an option for discussions with EFDC to assess whether this would be beneficial in terms of costs, benefits and justification etc.;
 - Highlighting and changing-specific land allocations that do not mention the need for delivering new educational provision;

- The level of specificity about school requirements in respect of school sizes (by forms of entry) compared to more basic requirements such as just the size / nature of sites required (and their intended use) in line with the Essex County Council Developers Guide to Infrastructure Contributions (and meeting other needs stated in the guide). Some such information could be subsumed into the IDP instead;
- Locations where a need for developer contributions have not been and need to be identified for extra primary and / or secondary school capacity;
- The need to identify specific sites (or less specific) allocations for new educational provision, specifying the land uses class required for particular locations;
- Need for references to safer routes to school and related measures to reduce school run traffic and support the active travel agenda;
- Identification of new school provision to replace existing temporary school accommodation.

4.30 In relation to post sixteen age, adult education and skills, it is recommended that the ECC response is supportive of the approach used for the Submission Plan. ECC will be interested in working with EFDC to promote employment opportunities, plus greater skills and training development, including apprenticeships. Apprenticeship opportunities, particularly in the construction sector, will be encouraged, reflecting evidence² making clear the importance of this sector locally.

4.31 The proposed ECC response is supportive in relation to the natural environment, including ecology and landscape matters. Similarly, the response in relation to historic environment issues is also proposed to be supportive. This outlines the challenge of a scheduled monument (affecting the Latton Priory scheme) although this will need further detailed consideration and liaison with Historic England.

4.32 As mentioned in paragraph 3.15, the ECC recommended good practice, 'catch all' infrastructure requirements policy has not been included in some important respects of its recommended form. The text of Policy D1 as previously advanced by ECC stating that *'Developers and land owners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance'* has been removed, to the detriment of the policy's effectiveness. This has potential implications for effective infrastructure delivery and the sustainability of planned growth.

The fourth requirement in NPPF paragraph 182 is:

- d. Consistent with national policy – 'the Plan should enable the delivery of sustainable development in accordance with the policies in the Framework'.

4.33 ECC response

² Essex Employment and Skills Board District Profile 2016

ECC has worked to ensure through its representations and ongoing engagement with EFDC throughout plan preparation that this addresses ECC's areas of responsibility consistent with national policy to enable sustainable development. The ECC response to the Draft Plan recommends several areas for clarification to enable effective delivery and amendments to improve policy and explanatory text. ECC will work cooperatively with EFDC to ensure issues can be positively addressed prior to EFDC submitting the Draft Plan for examination. A Statement of Common Ground may need to be prepared at that time to address any outstanding issues. The approach will be confirmed closer to the time.

- 4.34 ECC has identified a limited number of issues arising through the Submission Plan relating to consistency with national (planning) policy. These are set out in Appendix 1 and most are capable of being readily addressed relatively easily, through policy revisions, rewording etc. One of these matters is the consistency of the Submission Plan with NPPF in relation to health and well-being matters. It is recommended that ECC urges the inclusion of an embracing health and well-being policy to reflect NPPF requirements and the profile of health and well-being within the NPPF. Some elements of these considerations are in evidence but these are not deemed sufficiently clear and explicit. This point was made by ECC at the previous Plan-making stage.
- 4.35 It is also identified that the current proposed Submission Plan approach on requirements when a flood risk assessment is needed for new developments is not fully consistent with national policy. This requires a change to more closely reflect NPPF policy on this question and the scale of developments concerned in relation to the different levels of Flood Zones (as identified by the Environment Agency). ECC is also seeking to require more evidential justification for proposed developments that will affect existing water run off rates adversely from greenfield sites. ECC advocates a policy requiring all developments classed as 'major' development to be supported by a site-specific drainage strategy. However, this is considered as more of a best practise approach than an actual national policy requirement.
5. The following documents have been used to inform the ECC response (web-links provided).
- [Epping Forest District Local Plan Submission Version 2017](#)
 - [Epping Forest District Local Plan Submission Version 2017 Amendment Sheet](#)
 - [Sustainability Appraisal \(incorporating Equalities Impact Assessment\) for the Epping Forest District Local Plan SA Report December 2017](#)
 - [Harlow Strategic Sites Assessment 2016](#)
 - [EFDC Local Plan Part A Report \(Infrastructure Delivery Plan\) Final December 2017](#)
 - [EFDC Local Plan Part B Report \(Infrastructure Delivery Schedule\) Final December 2017](#)
 - [National Planning Policy Framework](#)
 - [National Planning Policy Framework \(2012\)](#)
 - [Planning Policy Guidance \(2014\)](#)
 - [Essex Organisation Strategy, 2017-21](#)
 - [Essex Transport Strategy, the Local Transport Plan for Essex \(June 2011\)](#)
 - [Super Fast Essex Broadband](#)

- ECC Developers' Guide to Infrastructure Contributions
- ECC SuDS Design Guide
- ECC Independent Living Position Statement, September 2016

6. Issues for consideration

Financial implications:

- 6.1.1 There are no direct financial implications in respect of ECC's response to the consultation. The involvement of ECC in the Local Plan examination will involve staff resource implications, however, it is anticipated that this will be managed within existing budgets. There will be implications for ECC's financial position to assist implementation of the Local Plan once adopted. The Local Plan triggers requirements for infrastructure delivery when sites are brought forward for development. Site specific policies and 'infrastructure delivery and impact mitigation' policies cover ECC requirements to make the development acceptable in planning terms. An IDP has been prepared to support Local Plan delivery. ECC has assisted EFDC in the preparation of this document outlining the infrastructure requirements arising as a direct result of Local Plan growth. Funding sources include but are not limited to Section 106, CIL (if that is to be developed and adopted, although EFDC has not made a decision on this yet), Section 278 works (highway matters), HE, and South East Local Enterprise Partnership.
- 6.1.2 ECC has and will continue to maintain close working relationships with the DfT, HE and the LPAs to facilitate the delivery of important strategic highway projects.
- 6.1.3 In terms of the Harlow and Gilston Garden Town, options for various potential delivery mechanisms are being considered locally. The Local Development Vehicles (mentioned in paragraph 4.17) are among those being considered as a way of delivering the Harlow and Gilston Garden Town. Such arrangements would need to involve ECC. The three LPAs together with ECC will also continue to explore other ways of achieving the vision that offer similar levels of confidence that the right quality of development will be delivered at the right time.
- 6.1.4 Policy D 1 (Infrastructure Delivery and Impact Mitigation) requires all new development to be supported by, and have good access to, appropriate on-site and off-site supporting infrastructure. ECC supports the fact that this requires that proposals must demonstrate that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. ECC also needs this to insist that it is demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms and for developers to be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development, either alone or cumulatively with other developments. The latter considerations will be especially important for the Harlow growth context, since there are major infrastructure items that will be needed as an overall package to ensure that growth is deliverable and sustainable and that impacts are mitigated properly. The effectiveness of this policy has considerable importance to ECC, since it has infrastructure planning and delivery responsibilities but the policy wording in the Submission Plan needs strengthening. The ECC view that the currently proposed

policy does not provide sufficient clarity and certainty is part of the reason why it is necessary to make these representations, since there is a risk that adverse financial implications could arise for ECC if an appropriate level of financial contributions is not secured from landowners / developers, other parties etc. Issues of adequate education provision also arise to be addressed in this context.

- 6.1.5 This is supplemented by Policies D 2 – D 5 (dealing with more specific Infrastructure and Mitigation Requirements) and the Garden Town policies (SP 4 and SP 5). The policy states that in addition to site specific requirements identified in relevant policies, all proposals will be required to make contributions to the cost of infrastructure improvements and/or community facilities as required and supported by up-to-date evidence from appropriate sources including the IDP, or other specially commissioned work. Contributions need to be secured to an appropriate level by way of legal agreement and / or through a Community Infrastructure Levy (if EFDC takes up this approach) as may be appropriate and required. The policies cover relevant matters for ECC such as appropriate sustainable drainage systems for managing surface water runoff within the overall design and layout of the site; proportionate mitigation for area-wide transport issues and safe pedestrian access from the sites to existing footways to enhance connectivity.

Legal implications:

- 6.2.1 The duty to co-operate is contained in the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. It requires Local Planning Authorities to engage constructively, actively and on an on-going basis to ensure that the preparation of the Local Plan has regard to key strategic matters addressing social, environmental and economic issues which can only be addressed by effectively working with other authorities beyond their own administrative boundaries. This is echoed in paragraphs 178-181 of the NPPF.
- 6.2.2 Guidance issued on 6 March 2014 stresses that close cooperation between District Councils and County Councils in two-tier areas will be critical to ensure that both tiers are effective when planning for strategic matters.
- 6.2.3 As mentioned in section 4.12 of this CMA, ECC entered into relevant MOUs to steer these matters and ensure this took place.
- 6.2.4 A Local Plan may be found unsound at Examination if the duty to co-operate has not been properly undertaken and the implications of this require careful consideration.
- 6.2.5 Other issues that the inspector may need to consider on soundness are summarised in sections 4.2 – 4.35.

7. Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to ECC when it makes decisions. The duty requires ECC to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 An Equality Impact Assessment has been undertaken by EFDC to inform the new Local Plan (see weblink in section 5, above). It concluded that the Local Plan has no negative impacts and there is a low risk of negative impact on the affected groups. Impacts will continue to be monitored and if particular issues are identified, appropriate action will be taken. This could include changes to their consultation approach and activities. It is considered that all opportunities will be taken to advance equality through the Local Plan.

8. List of appendices

8.1 Appendix 1 – full proposed ECC response to the Epping Forest District Local Plan Submission Version 2017.

9. List of Background papers

None.

I approve the above recommendations set out above for the reasons set out in the report.	
Councillor Cllr Sue Lissimore, Cabinet Member for Housing, Property and Planning	

xx January 2018

In consultation with:

Role	Date
Executive Director for Corporate and Customer Services (S151 Officer)	
Nicole Wood, Director for Financial Services on behalf of Margaret Lee	17 January 2018
Monitoring Officer	
Angela Hutchings, Deputy Monitoring Officer on behalf of Paul Turner, Director Legal and Assurance	17 January 2018
Executive Director, Economy, Localities and Public Health	
Graham Thomas, Head of Planning on behalf of	21 January 2018

Role	Date
Dominic Collins, Director of Economic Growth and Localities	