

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION CONSULTATION RESPONSE

**ON BEHALF OF MARTIN GRANT HOMES, PERSIMMON HOMES AND
TAYLOR WIMPEY**

Pegasus Group

Suite 4 | Pioneer House | Vision Park | Histon | Cambridgeshire | CB24 9NL

T 01223 202100 **F** 01223 237202 | **W** www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester
PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

©Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited

CONTENTS:

Page No:

1. INTRODUCTION	1
2. POLICY SP2 SPATIAL DEVELOPMENT STRATEGY 2011-2033	2
3. POLICY SP3 PLACE SHAPING	8
4. POLICY SP4 DEVELOPMENT & DELIVERY OF GARDEN COMMUNITIES IN THE HARLOW AND GILSTON GARDEN TOWN	11
5. POLICY SP5 GARDEN TOWN COMMUNITIES	15
6. GENERAL POLICIES	18
Policy H1 Housing mix and accommodation types	18
Policy H2 Affordable housing	19
Policy T1 Sustainable Transport Choices	20
Policy DM1 Habitat protection and improving biodiversity	21
Policy DM9 High Quality Design	22
Policy DM20 Low Carbon and Renewable Energy	22
Policy D1 Delivery of Infrastructure	24
Policy D5 Communications Infrastructure	25
7. CONCLUSION	27

APPENDICES:

1. INTRODUCTION

- 1.1 We act on behalf of a consortium of developers comprising Martin Grant Homes, Persimmon Homes and Taylor Wimpey ("the Consortium") who are promoting land making up the northern part of the west of Harlow strategic site now known as 'Water Lane Area'.
- 1.2 Formerly referred to as 'West Katherines', this land under the control of the Consortium (henceforth referred to as 'land north of Water Lane') has now been coupled together with a separate site previously referred to as 'West Sumners' to the south. Combined they form the Water Lane Area which is identified for allocation in the Epping Forest District Local Plan Submission Version.
- 1.3 We write to express our support for the allocation of this site which it should be noted, will be in compliance with the original 1952 Gibberd Masterplan for Harlow, its underlying principles and the 1974 Expansion Plan. These are key considerations which make the fundamental approach behind allocating land north of Water Lane for residential-led mixed use development within the Water Lane Area entirely appropriate. We also support the evidence base and rationales which have led to its identification for residential-led mixed use development. However, we also wish to comment on the Council's stated housing requirement and the methodology used to arrive at this figure and also to outline some minor concerns we have with the wording of some policies elsewhere in the Local Plan Submission Version.
- 1.4 This representation will in the first instance address the strategic policies contained in the Local Plan Submission Version, before providing comments in respect to a selection of general policies considered to be of relevance to the Consortium's site.

2. POLICY SP2 SPATIAL DEVELOPMENT STRATEGY 2011-2033

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation

- 2.1 We agree with the Council that the proposed housing strategy for the period 2011 to 2033 is the best Spatial Option for delivering the minimum 11,400 new homes Policy SP2 states are required in Epping Forest District and therefore should be pursued. The alternative options would not have been sufficient in terms of supporting future housing needs in the district
- 2.2 We support the Council's focus on sites around Harlow as a means of delivering a significant proportion (approximately 3,900 dwellings (or 34%)) of the stated housing requirement of 11,400 new homes. It would be prudent to state "At least 3,900" rather than "~3,900" to offer greater flexibility to boost supply, particularly given that the housing requirement does not meet the district's Objectively Assessed Housing Need (OAHN) of 12,573 new homes.
- 2.3 Policy SP2 will enable the draft Local Plan to meet its objectives in respect to economic development, the environment and infrastructure. However, in terms of housing, the identified requirement does not meet the district's OAHN, albeit additional sites have been identified in the housing supply (13,152 new dwellings), which exceeds both the requirement and OAHN figures. The requirement fails to offer contingency should any sites stall and if further upward trends in housing need occur. In not positively planning to exceed the OAHN, it is open to question whether Policy SP2 will support the future need of residents for a mix of housing sizes, types, forms and tenures, ensuring better affordability levels in the process. Notwithstanding this, Water Lane Area with its contribution of at least 2,100 new dwellings, of which at least 1,100 units will be provided at land north of Water Lane (equating to approximately 10% of the number of homes required to be built in the district) will make a valuable contribution to meeting/exceeding the District's housing requirement.
- 2.4 We welcome the Council's use of the 2014-based projections (as opposed to the earlier 2012-based projections) as a starting point for arriving at its housing

EFDC Local Plan Submission Version 2017 - Consultation Response

requirement. It was unlikely that the use of earlier projections could have been justified due to out of date OAHN figures for the Housing Market Area and Epping Forest over the Plan period 2011-33 having been used. This would likely have resulted in the housing requirement being flawed leaving the Plan open to challenge at examination. In view of this, we no longer have concerns in respect to the level of the Council's OAHN or the methodology used, but we remain concerned about the unchanged housing provision target, which will see the District's unmet need being met elsewhere in the Housing Market Area as agreed through the 2017 Memorandum of Understanding. This redistribution of unmet need and the requirement itself will need to be robustly justified at examination.

- 2.5 The Council must be prepared to strongly defend its position and its housing target especially with regards to the relationship between Epping Forest's housing need and the provision of strategic sites on the periphery of Harlow. It is clear that by providing major residential development in close proximity to Harlow, the largest settlement in the Housing Market Area, this will meet the needs of the wider market area whilst supporting economic development and the regeneration of Harlow.
- 2.6 The Memorandum of Understanding on Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area (March 2017) sets out the joint working and understanding between the neighbouring authorities with regards to the impact of Harlow's growth on the adjacent authorities. Figure 5 provides a breakdown of housing provision per authority and states that 16,100 new dwellings will be provided in and around Harlow. There is concern that the evidence relating to the level of Harlow's growth outside of its boundaries may be subject to challenge and further interrogation. Policy SP2 does not make reference to meeting any element of Harlow's OAHN. Similarly, Harlow Council has not confirmed how many new homes would need to be delivered in Epping Forest District to meet its unmet need. Harlow Council has previously stated, through the preparation of their own Local Development Plan (Paragraph 4.22, Emerging Strategy and Further Options 2014) that they may be reliant on Green Belt land adjacent to the settlement of Harlow, but within the authorities of Epping Forest and East Hertfordshire to meet its OAHN. We are therefore concerned that if a proportion of the stated 3,900 dwellings to be built on strategic sites around Harlow (but within Epping Forest District) are to contribute towards Harlow Council's OAHN, then this would leave Epping Forest with a shortfall in supply which could potentially jeopardise its ability to meet its housing requirement, resulting in an even greater shortfall between homes

EFDC Local Plan Submission Version 2017 - Consultation Response

delivered and homes needed in the district than before. We consider that it must be made clear as soon as possible what, if any, proportional split exists, because any ambiguity around this matter at examination will leave both Plans open to significant challenge. It is imperative therefore that all Council's and stakeholders continue to work together to ensure a consistent and robust approach.

2.7 The area to the west of Harlow, including land north of Water Lane, was envisaged to come forward as part of the 1974 Gibberd Expansion Plan to support the future growth of Harlow. In keeping with the Gibberd Plan, Water Lane Area will provide a well-designed sustainable extension within the west of Harlow area identified in the Plan. From an environmental perspective, we support the findings of the Council's 2016 Stage 2 Green Belt Assessment which assessed areas which either make a limited contribution to the Green Belt purposes set out in Paragraph 80 of the NPPF, or as in the case of the area west of Harlow, are in close proximity to existing settlements where development allocations are more likely to be considered acceptable in sustainability terms. Land north of Water Lane was assessed as part of the area west of Harlow. The assessment demonstrates that even though the site has some function in the Green Belt, its proposed release from the Green Belt for allocation/development is acceptable in planning terms due to Harlow's status as a substantial town in the Metropolitan Green Belt with opportunities to meet housing, employment and regeneration needs along with necessary infrastructure. Land north of Water Lane is therefore a sustainable location for development, enjoying good access to services, facilities and employment thereby reducing the need to travel by car. In this regard, the site represents a natural evolution of the Gibberd vision, and so is an entirely appropriate allocation.

2.8 In relation to Travellers and infrastructure delivery contained in Policy SP2:

2.9 Point D requires provision of Traveller sites to be delivered via a sequential approach. Fifth in the sequence is the provision of land as part of the development of the Garden Town Communities around Harlow. It is our continued view that provision of Traveller sites should be considered as a whole and based on sound evidence as set out in Paragraph 158 of the NPPF which states that Local Planning Authorities "*should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about economic, social and environmental characteristics and prospects of the area*". In this case, the Council does not have adequate evidence, as required by the NPPF, to justify the proposal to incorporate Gypsy and Traveller sites within the Garden Town Communities. The evidence relates

largely to quantum of pitches required in each Local Authority area within Essex. The Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment undertaken by Opinion Research Services in 2014, does not give any indication of where those pitches should be located. The interim briefing note produced specifically for Epping Forest Council by Opinion Research Services in August 2016 only provides an update on the 2014 Assessment for Epping Forest based on 2014-based projections for West Essex & East Herts. Similarly, the subsequent study produced by Opinion Research Services in September 2017 only offers a revised assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Epping Forest District for the period 2016-2033.

- 2.10 In ARUP's Site Selection Methodology (August 2016; updated 2017), paragraph 16 states that the Council has identified a number of potential sources of sites, tenth in this list is: *(j) If insufficient potential suitable traveller sites are promoted by developers identified from the sources identified in (a) to (i) above an allocation within a strategic site allocation will be considered.* This wording is more appropriate in our view than the wording in the policy which makes the provision of land a requirement of each of the Garden Town Communities. Similarly, paragraph 53 states *"If, having followed the sequential approach outlined above, there remains a shortage of sites consideration will be given to the feasibility and scope for providing a traveller site in a strategic site"* again this wording is more reasonable and offers a great deal more flexibility than the wording in the policy.
- 2.11 Land uses should be directed to the most sustainable and appropriate locations and Local Plans need to be supported by the appropriate evidence to ensure that allocations are directed to the most suitable locations for all use types, including Gypsy and Traveller accommodation. National policy relating to Gypsy and Traveller accommodation is contained within the 2015 Planning Policy for Traveller Sites. Paragraph 11 of the document states that *"criteria should be set to guide land supply allocations where there is identified need"*. It is clear from this that, in identifying the most appropriate locations for Gypsy and Traveller accommodation, the plan-making process should involve a criteria-based approach, taking into account national and local policy, as well as the views of the Gypsy and Traveller community and relevant stakeholders. The Local Plan should direct Gypsy and Traveller sites to specific locations, taking into account the location from which the need arises, together with the capacity of the local infrastructure to support this type of development.

EFDC Local Plan Submission Version 2017 - Consultation Response

- 2.12 As it stands, it is not clear on what basis the Local Plan Submission Version includes a requirement for the provision of a Gypsy and Traveller site within the Garden Town Communities around Harlow and in the absence of any robust evidence for this, we consider that land within the Garden Town Communities should be brought forward for other appropriate uses. What is evident from the results of the Stage 1 Assessment of Traveller Sites (ARUP, 2016) however is that three parcels of land within the Consortium's site were assessed as part of 871 potential traveller's sites but each one failed to proceed to Stage 2 as their locations were deemed unsuitable. No other parcels of land within the site area were considered as part of the assessment. Furthermore, there is no evidence within the published information supporting the Submission Version Local Plan that the Council has engaged with the Gypsy and Traveller community in proposing the inclusion of Gypsy and Traveller sites in the Garden Town Settlements around Harlow.
- 2.13 Point G requires proposals to accord with the infrastructure requirements of the Infrastructure Delivery Plan and all other policies of the Plan, however, this seems like a 'catch all' policy which may be potentially onerous. Now that the IDP is published, it is important that the Local Plan Developer Forum clearly establishes the infrastructure requirements for each allocation in order to provide certainty and consistency for all parties involved.

Text changes required –

B.

Settlement	Allocated Housing
Sites around Harlow	<u>At least</u> ~3,900
Epping	<u>At least</u> ~1,305
Loughton	<u>At least</u> ~1,021
Waltham Abbey	<u>At least</u> ~858
Ongar	<u>At least</u> ~590
Buckhurst Hill	<u>At least</u> ~87
North Weald Bassett	<u>At least</u> ~1,050
Chigwell	<u>At least</u> ~376
Theydon Bois	<u>At least</u> ~57

EFDC Local Plan Submission Version 2017 - Consultation Response

Roydon	<u>At least</u> ~62
Nazeing	<u>At least</u> ~122
Thornwood	<u>At least</u> ~172
Coopersale, Fyfield, High Ongar, Lower Sheering, Sheering and Stapleford Abbots	<u>At least</u> ~175
Rural East	<u>At least</u> ~41

D. (v) the provision of land as part of the development of the Garden Town Communities around Harlow and other allocated sites in this Local Plan, if the need is evidence based and not met elsewhere; and

3. POLICY SP3 PLACE SHAPING

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation –

- 3.1 We support this policy and welcome the amendment to place shaping principle criterion H(x) which previously required a “contribution” to the revitalisation of existing neighbourhoods. This term seemed ambiguous in this context as it was not clear whether the Council were referring to the provision of on-site facilities, services and jobs accessible to existing residents or to off-site contributions, usually dealt with via planning obligations/legal agreement. We therefore support the Council’s decision to take on board our recommendation to amend the wording of this criterion to *“positive integration and connection with adjacent rural and urban communities thereby helping to revitalise existing neighbourhoods”* which removes any ambiguity.
- 3.2 The Council should ensure that design requirements are realistic in practice. We support the Council’s ambitions in setting out a rigorous set of place shaping principles which strategic masterplans must reflect and adhere to with respect to the scale of development proposed. Nevertheless, we consider that this policy must be applied flexibly in practice, particularly where viability is an issue.
- 3.3 Paragraphs 2.89 to 2.102 refer to Strategic Masterplans, Design Codes, Concept Frameworks, the Quality Review Panel and Planning Performance Agreements. We are generally supportive of the content of this text with the following comments.
- 3.4 In principle, we agree that a joined up, collaborative, cohesive and proactive approach is required to the planning and implementation of the key strategic sites and we welcome the inclusion of the Water Lane Area Masterplan as one of three required to guide the development and implementation of the identified Garden Town Communities. However, we consider that more detail is necessary under paragraph 2.92 as to the scope of the respective Masterplans, particularly where the nuances of a strategic site are more complex as in the case of Water Lane

Area which comprises two distinct parts. Whilst land to the north of Water Lane and West Sumners share the same geographical location to the west of Harlow, they are very different in relation to their characteristics, features, impacts and potential benefits, therefore these proposals will be masterplanned separately to take into account these differences and to address them individually. Each site is physically separate and does not contain any adjacent land and therefore will not share any vehicular access. However, opportunities may exist for some common approaches and connectivity between the two sites in the form of public footpaths and cycleways and potential communal use of some facilities. Such opportunities will be fully explored by the Consortium in collaboration with the promoters of the West Sumners site to ensure that, where possible, an integrated holistically thought out Garden Town Community can be achieved in spite of the absence of a physical interface between the component sites. We consider that the wording of the text in paragraph 2.92 of Strategic Masterplans should reflect the reality of these site-specific circumstances more explicitly.

- 3.5 Figure 2.1 sets out the planning process for Strategic Masterplans. According to the timetable (which we note is indicative), finalised Strategic Masterplans will be endorsed by the Council at the time that the Local Plan examination commences in Autumn 2018, Outline Planning Applications and Design Codes will be submitted/produced by the time that the Local Plan is scheduled to be adopted in Spring 2019, following which Reserved Matters Planning Applications will be submitted in Autumn/Winter 2019. We fully support this indicative timetable and we will work with the Council and the promoters of West Sumners to deliver in line with its key milestones as and when they are due. Notwithstanding this, we consider that the Council should nevertheless be realistic in terms of acknowledging that there is a large amount of work to be undertaken within a relatively short timeframe and so we hope a flexible approach will be adopted, which will include where practical, improving the efficiency of the process where opportunities arise. It is our view that some of the stages could be condensed, for example the finalised Strategic Masterplan and Outline Planning Application could be brought forward in tandem, with the Design Code conditioned as part of the outline permission and relevant design principles included in the Design and Access Statement accompanying the Outline Planning Application. This would enable the Consortium to bring forward the Outline Planning Application quicker, which noting that Water Lane Area is identified in the Council's latest housing trajectory to deliver its first 100 new homes in 2021/22, would give the Council

greater certainty with regards to early delivery of homes against its housing requirement.

- 3.6 Paragraph 2.95 refers to the approval process for planning applications. With regards to the requirement for planning applications and other consenting mechanisms for sites located within the Masterplan area to be in general conformity with the approved Strategic Masterplan, we consider that there needs to be greater flexibility in the wording of this section to allow for any unforeseen circumstances which might make departures from the Strategic Masterplan unavoidable. Additionally, there are also concerns that the proposed process for the adoption of Strategic Masterplans, Design Codes, Outline Planning Applications and Reserved Matters Applications will be significantly delayed by the requirement to consult with an independent Quality Review Panel. If the development is in accordance with a Design Code and a Strategic Masterplan (and other relevant LP policies), there is no need for a review of the detailed design proposals by a Quality Review Panel - assessment of the planning applications compliance with these documents can be undertaken by the LPA. We therefore seek further clarity as to the role of the Quality Review Panel and the need for it to be called upon at every stage of the process. We consider that combining internal Council processes such as these where possible in order to save time would be beneficial in terms of ensuring timely delivery.

Text changes required – N/A

4. POLICY SP4 DEVELOPMENT & DELIVERY OF GARDEN COMMUNITIES IN THE HARLOW AND GILSTON GARDEN TOWN

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation –

- 4.1 This policy sets the parameters for the proposed development sites and states that a Spatial Vision and Design Charter Framework will be adopted by the Council which all developments need to adhere to. The policy also refers to the Sustainable Transport Corridor Study and the aspirations for a 60% sustainable travel and 40% car based travel model. The policy states that the production of Strategic Masterplans will be overseen by EFDC and HDC and will be adopted as SPDs. These masterplans will require widespread engagement with at least 2 consultations: early engagement event to inform the options and a public consultation prior to the finalisation of the masterplan. Design Codes will be required to be adopted. The Masterplans, Design Codes, Planning Applications and Reserved matters will all be subject to consultation with an independent Quality Review Panel.
- 4.2 There are concerns that the proposed process for the adoption of masterplans, design codes, planning applications and reserved matters will be significantly delayed by the requirement to consult with an independent Quality Review Panel. It is considered that in order to meet the time frames discussed with the LPA in relation to the delivery of the site, then it is important to ensure that there is flexibility in the policy to ensure that where the masterplan documents and design codes have been agreed by the LPA and then reviewed by the Quality Review Panel, then the assessment of the planning applications compliance with these documents can be undertaken by the LPA.
- 4.3 We previously had concerns in relation to the reference to a high modal shift towards 60% sustainable travel. We welcome it being made clear that this is an aspiration and not a requirement, as the necessary transport modelling and site-specific work to achieve this has not yet been undertaken.

EFDC Local Plan Submission Version 2017 - Consultation Response

- 4.4 SP4 B highlights that the delivery of the new Garden Town Community will be phased and underpinned by a comprehensive package of infrastructure as set out within the IDP. Having now seen the final plan, it is apparent that there needs to be a consistent and viable approach to the delivery of infrastructure for each development and this will be discussed in more detail as part of the Local Plan Developer Forum.
- 4.5 SP4 C (iii) - It is not clear what the requirement is from this principle. Any requirement has to be evidence led but also not undermine the ability of the developer to bring forward the site on a viable basis.
- 4.6 SP4 C (vi) – This does not make clear the timescale for the Design Code. The Design Code should be agreed post outline permission and prior to Reserved Matters.
- 4.7 SP4 C (vii) - If the development is in accordance with a Design Code and a Strategic Masterplan (and other relevant LP policies), there is no need for a review of the detailed design proposals by a Quality Review Panel.
- 4.8 SP4 C (viii) – It is not clear what status the ‘Harlow and Gilston Town Spatial Vision and Design Charter’ will have and the extent to which the stakeholders will be consulted on its production. We consider that it is unreasonable to expect proposals to adhere to standards contained in an as yet unseen document. Furthermore, unless the document is part of the examination, it should not be given Development Plan status by referring to it in policy.
- 4.9 SP4 C(ix) - The wording ‘in tandem with the development’ implies that infrastructure has to be provided alongside any development. In some instances, there will need to be a critical mass of development to support the infrastructure (i.e. school, new bus service etc).
- 4.10 SP4 C (x) – It is unclear if the policy will include lifetime homes.
- 4.11 SP4 C (xi) - As stated previously, there is no evidence to justify the provision of employment in this location. Notwithstanding this fact, the need to provide and promote appropriate opportunities for small-scale employment generating uses will be met at land north of Water Lane through the provision of primary school, retail and community and health uses.
- 4.12 SP4 (xv) We have no information in relation to proposed parking standards. Upon review of these standards we can provide more comment.

- 4.13 SP4 C (xvii) 'Highest standards of energy efficiency and innovation in technology'. The 2015 Housings Standards Review removed the ability for local planning policies to require higher than building regulations energy efficiency standards for new domestic developments. 'Innovation' in technology may not be the most efficient and effective way of reducing the impact of climate change. This is unclear and could rule out many proven technologies.

Text changes required -

B. Development within the Garden Town Communities will be holistically and comprehensively planned with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education and community facilities, green space and other uses to enable residents to meet the majority of their day-to-day needs. 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 and where relevant, a site-specific viability assessment.

C. The design, development and phased delivery of each Garden Town Community ~~must~~ will seek to accord with the following principles:

C. (iii) Inclusion of opportunities for community-led housing development where this is based on need and where it is viable;

C. (vii) Strategic Masterplans and detailed design proposals ~~must~~ if necessary be reviewed and informed by the Quality Review Panel;

C. (viii) Promotion and execution of the highest quality of planning, design and management of the built and public realm so that the Garden Town Communities are characterised as distinctive places that capitalise on local assets and establish environments that promote health, happiness and well-being. ~~Proposals should adhere to~~ consider the Harlow and Gilston Garden Town Spatial Vision and Design Charter, and have regard to the original guiding principles established by Sir Frederick Gibberd's masterplan for Harlow, including the Green Wedge network;

C. (ix) 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;

EFDC Local Plan Submission Version 2017 - Consultation Response

C. (xv) *Develop specific Garden Town Community parking approaches and standards, in consultation with all stakeholders recognising that car-ownership will need to be accommodated without impacting on the 'quality of place, and sustainable transport objectives' whilst making the best use of land;*

C. (xvii) *Integrate a sustainable approach design and construction that secures net gains in local biodiversity, ~~and the highest standards of energy efficiency and innovation technology;~~ incorporates energy efficiency measures to reduce impact of climate change (including through the provision of electric charging points), water efficiency (with the aim of being water neutral in areas of serious water stress), and sustainable waste and mineral management; and*

5. POLICY SP5 GARDEN TOWN COMMUNITIES

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation –

- 5.1 This policy provides the specific detail for each development site. Water Lane Area (SP 5.2) is listed as providing: Approximately 2,100 homes; a local centre; appropriate community and health facilities; a new 2-form entry primary school and appropriate contributions towards a secondary school provision within the Garden Town; early years facilities; strategic green infrastructure. Other requirements include small-scale employment, retail and community uses, up to 5 traveller pitches, water supply and wastewater network infrastructure, bus services and direct pedestrian and cycle links. The site-specific highway improvements are listed as: Highway and transport improvements including works to Water Lane / A1169 roundabout; A1025/Abercrombie Way signals and traffic calming along the A1169 Southern Way Corridor.
- 5.2 The two sites located to the west of Harlow: Land north of Water Lane and West Sumners are being considered and listed as one Garden Town Community. As we have suggested before, we are able to support a co-ordinated approach and close working with the adjacent site on strategic matters. However, as the two sites are distinct and do not share similar characteristics and are being promoted separately, it may impact delivery if these two sites are brought forward as one. There is concern that the preparation of a joint masterplan (other than at a high strategic level) could delay matters and present difficulties. Insisting on a joint masterplan will stifle innovation and the ability for each site to address its own distinct features and issues. Whilst we agree there is a need for a co-ordinated approach, we consider a similar approach can be adopted with separate and distinct detailed masterplans for each site to the west of Harlow and separate references in the Policy to West Sumners and land north of Water Lane; possibly as sub-headings to the overriding Water Lane Area allocation. This approach will ensure the timely preparation of a masterplan for each site and delivery within the required timeframes.

EFDC Local Plan Submission Version 2017 - Consultation Response

- 5.3 As the two combined sites will deliver approximately 2,100 homes, it is recognised that there will be the need to provide a primary school plus additional capacity for other education facilities. As part of the ongoing work, the consortium is assessing the education needs arising from the development and the most appropriate mitigation in this regard.
- 5.4 The requirement to make provision for small-scale employment uses as listed in Criteria B of the policy is not justified in this location by the employment base evidence considering the location of the site adjacent to the Pinnacles Employment Area. The Employment Land Supply Assessment (Arup December 2017) provides a review of all available employment sites and in table 17 recommends that 19 individual sites are suitable for employment purposes and should be subject to a further site selection process to determine which sites are identified as new employment allocations in the Local Plan. The Submission Version Local Plan lists in table 3.1 the proposed new employment allocations. These comprise 5 sites from the list of 19 identified in the Arup assessment. Although there is mention of the Strategic Garden Settlement sites providing employment uses both in the Arup report and the Local Plan, with the exception of Latton Priory (Dorrington Farm), there is no quantum of employment provision identified for these sites and therefore the new employment allocations identified in table 3.1, are assumed to provide the full quantum of employment provision required. Therefore, it has been shown that total requirement of new employment provision can be delivered in more suitable locations than all but one of the strategic allocations. Nevertheless, as part of the emerging Masterplan work, a local centre is proposed for the Water Lane Area (at land north of Water Lane) which would provide for a range of retail / community and health uses. The provision of a primary school will make a further valuable contribution to meeting/exceeding the Council's employment provision requirement.
- 5.5 The list of highway and transport improvements listed as required for Water Lane Area are in line with our discussions with ECC Highways Infrastructure Delivery Schedule in the Infrastructure Delivery Plan. However, there is still a level of modelling and impact analysis to undertake so this list may be amended depending on the outcome of these studies. Therefore, it may be more suitable to remove the prescriptive list at this stage or include wording which allows additions or revisions to be made to these improvements.
- 5.6 Paragraph 2.123 regarding SAC mitigation needs to provide clear guidance on what approach is expected in order to ensure the schemes are deliverable.

EFDC Local Plan Submission Version 2017 - Consultation Response

- 5.7 Our previous comments regarding the need for traveller provision on this site still stand and criteria G(ii) on Policy SP5 does not provide sufficient justification for this requirement.

Text changes required –

G. (ii) 0.5 hectares for up to 5 traveller pitches, if the need is evidence-based and not met elsewhere;

G. (ix) Highway and transport improvements. ~~including works to Water Lane/A1169 roundabout; A1025/Abercrombie Way signals and traffic calming along the A1169 Southern Way Corridor;~~

6. GENERAL POLICIES

Policy H1 Housing mix and accommodation types

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation -

- 6.1 We welcome the wording of this policy in general with one comment. H1 A (v) requires housing mixes to provide for all new homes to be accessible and adaptable as defined by the Building Regulations in effect at the time of the application. We question whether all new dwellings need to be compliant with accessible and adoptable standards, and if it is considered that they do, where the evidence of the need for such a requirement can be found.
- 6.2 The forward to Policy H1 states; 'Consequently, the Council's approach is that all new homes should be built to Category 2: Accessible and Adaptable Homes standards, in order to maximise choice in the type, size and location of new homes available'.
- 6.3 Part A of H1 states;
- "(v) provides for all new homes to be accessible and adaptable as defined by the Building Regulations in effect at the time of the application".*
- 6.4 Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to requirement M4(2) and / or M4(3) of the optional requirements in the Building Regulations. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements.
- 6.5 Part M of the Building Regulations makes a distinction between a wheelchair accessible dwelling M4(2) (a home readily useable by a wheelchair user at the point of completion) and a wheelchair adaptable dwelling M4(3) (a home that can be easily adapted to meet the needs of a household including wheelchair users). There is a significant additional costs of meeting M4(3).

EFDC Local Plan Submission Version 2017 - Consultation Response

6.6 In light of this, Policy H1 should clarify that the reference is to Part M4(2) (accessible and adaptable dwellings) as indicated in the forward.

6.7 Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography and other circumstances, which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step-free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied. Policy H1 should therefore be amended.

6.8 In terms of Part E, this relates to incorporating specially designed housing/specialist accommodation for people with support needs (including for older people and housing with care). The Policy states;

"E. Where there is evidence of an identified unmet need in the local area and the location is appropriate in terms of access to existing or proposed facilities...."

6.9 It is considered that the Policy should identify the source(s) and nature of evidence used to identify need. Furthermore, that it needs to recognise (a) potential impact on development viability and (b) the need for a willing provider.

Text changes required –

A. (v) provides for ~~all~~ new homes to be accessible and adaptable as defined by the Building Regulations ~~in effect at the time of the application~~ Part M4(2) (accessible and adaptable dwellings) unless site specific factors mean that it is demonstrated that this cannot be achieved or is not viable".

E. Where there is published adopted evidence of an identified unmet need in the local area and the location is appropriate in terms of access to existing or proposed facilities, services and public transport, larger scale new residential developments should incorporate specially designed housing/specialist accommodation for people with support needs (including for older people and housing with care)- unless such provision would have an adverse effect on development viability or there is not a willing provider.

Policy H2 Affordable housing

Legally compliant – Yes

Duty to Cooperate compliant – Yes

EFDC Local Plan Submission Version 2017 - Consultation Response

Sound – Yes

If not sound, on what grounds? – n/a

Representation -

- 6.10 We endorse this policy. Our only comment relates to H2 A and is a repeat of the comment provided in relation to Policy H1. The requirement for all new homes to meet accessible and adaptable home standards as defined by the latest Building Regulations must be based on robust evidence for the need.

Text changes required –

A. On development sites which provide for 11 or more homes, or residential floorspace of more than 1,000 sq m (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site. The mix of affordable homes will be required to reflect the latest available housing need. ~~All~~ New homes will be required to meet accessible and adaptable homes standards as defined by the Building Regulations applicable at the time of the application and based on relevant evidence outlining the need for such a requirement.

Policy T1 Sustainable Transport Choices

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation -

- 6.11 We support the wording of this policy which seeks to promote sustainable transport choice through improvements to public transport services and through supporting infrastructure to provide a genuine alternative to the car facilitating a modal shift. The Garden Town Communities around Harlow will make an important contribution to achieving these policy aims.

- 6.12 We note that the policy has been partly informed by the Infrastructure Delivery Plan (2017). In view of this we have the following comments. Identified within the IDP (in the Infrastructure Delivery Schedule) are four transport interventions

relating to the Water Lane Area, two of these (upgrades to bridleways to provide footway/cycleway through the site and the possible extension of the Route 1 bus service or diversion of Route 87 bus service) will undoubtedly make valuable contributions to achieving the aims of this policy, and the rationales for these interventions have been made clear and the costings justified. However, the details of another of the interventions (the new busway service to support the development) have yet to be clarified nor the costs justified. Similarly, the costings for the stated highways improvements have yet to be justified. We consider therefore that there needs to be some flexibility in the policy wording to ensure the delivery of sustainable transport infrastructure is still based on a site-specific viability assessment.

Text changes required –

E. Development will, where appropriate and viable, ensure that transport infrastructure will be of a high quality, sustainable in design, construction and layout, and offer maximum flexibility in the choice of travel modes, including walking and cycling, and with accessibility for all potential users.

Policy DM1 Habitat protection and improving biodiversity

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation –

- 6.13 We are generally supportive of this policy with the following comment. DM1 H requires a Biodiversity Impact Assessment Calculator (BIAC) to be used where appropriate to quantify the ecological impacts of a proposed development and in doing so development proposals must demonstrate a net gain in ecological units. There is some concern as to how the BIAC works in practice given its relatively recent introduction, in view of this, our preference would be to see some flexibility incorporated into the wording to ensure that delivery is not compromised by unexpected BIAC outcomes.

Text changes required –

EFDC Local Plan Submission Version 2017 - Consultation Response

H. Ecological impacts of a proposed development will ~~be quantified by using~~ have regard to the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. Development proposals ~~must~~ will seek to demonstrate a net gain in ecological units.

Policy DM9 High Quality Design

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation –

- 6.14 We are supportive of this policy with the following comments. The Council should ensure that its detailed design requirements are realistic in practice. We welcome the Council's ambitions in setting out its requirements for all new development to achieve high specification of design and contribute to the distinctive character and amenity of the local area. We also support the parameters the policy sets for strategic sites and masterplans in relation to design standards, landscaping, public realm, connectivity and permeability and privacy and amenity. However, we consider that this policy must be applied flexibly in practice, particularly where viability is an issue.

Text changes required –

A. All new development ~~must~~ should seek to achieve a high specification of design and contribute to the distinctive character and amenity of the local area where feasible. The Council will require all development proposals to be design-led and:

A. (iii) where appropriate and viable, incorporate sustainable design and construction principles that consider adaptation and mitigation approaches to address climate change;

Policy DM20 Low Carbon and Renewable Energy

Legally compliant – Yes

Duty to Cooperate compliant – Yes

EFDC Local Plan Submission Version 2017 - Consultation Response

Sound – No

If not sound, on what grounds? – lack of evidence to justify the default use of district heating

Representation –

- 6.15 Our comments in respect to this policy relate to Point D and its requirement for Strategic Masterplans to demonstrate how the potential to incorporate infrastructure for district heating can be provided, and will be expected to connect to any existing suitable systems.
- 6.16 We welcome the Council offering greater flexibility in the wording of this policy specific to strategic sites to aid their delivery. Infrastructure for district heating should be an aspiration rather than a requirement, so that details can be discussed at the detailed planning stage for each development, with the implications for scheme viability being a key consideration.
- 6.17 There is insufficient evidence presented within the plan to justify the requirements of DM20 Part D in relation to its promotion of and default position of utilising district heating within Strategic Masterplans. District Heating generally relies upon gas fired plant and is therefore not necessarily low carbon or renewable. There is no evidence in the local plan to support the default to District Heating for the Strategic Masterplan areas.
- 6.18 The development plan default to District Heating is unduly prescriptive. The Policy requires District Heating unless (a) it's proven to render the whole development unviable or that (b) [unspecified] '*alternative technologies are available that provide the same or similar [unspecified] benefits and opportunities*'.
- 6.19 By requiring development to default to District Heating unless such a system is rendering the whole development 'unviable', it is placing a huge additional cost on development. A cost which is not factored into the 'Whole Plan Viability Assessment (Stage 2)'.

Text changes required –

D. Strategic Masterplans ~~will be required~~ should seek to demonstrate how the potential to incorporate infrastructure for district heating can be provided, and will be expected to connect to any existing suitable systems (including systems that will be in place at the time of construction), unless it is demonstrated that

this would render development unviable or that alternative technologies are available that provide the same or similar benefits and opportunities.

Policy D1 Delivery of Infrastructure

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation –

- 6.20 We support this policy with the following comments. We note that the Garden Town Communities will be key in the delivery of significant infrastructure in the district. There does however need to be a consistent and viable approach to the delivery of infrastructure for each development and this will be discussed in more detail as part of the Local Plan Developer Forum. Point A states that "*new development must be served and supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan*". The IDP Infrastructure Delivery Schedule identifies fourteen interventions at Water Lane Area for which an element of developer contributions will be sought. These fall within the following infrastructure type categories: utilities (2), transport (4), education (2), health (1), open space (4) and community facilities (1). However, the infrastructure costs and subsequent developer contribution requirements for four of these interventions are not yet known, whilst in a number of other cases the identified costs have not been fully justified, nor developer contributions separated out from the other sources of funding identified. For example, and as already mentioned, there are four transport interventions identified in the IDP's Infrastructure Delivery Schedule relating to the Water Lane Area, the details of one of these interventions (the new busway service to support the development), have yet to be clarified nor the costs justified. Additionally, the costings for the stated highways improvements have yet to be justified. Similarly, the cost identified at Water Lane Area for a new 2.5ha primary school (including early years provision) is proportionally higher, relative to the identified site area, than the cost at East of Harlow (Water Lane Area is higher by £6,123,809.52) and Latton Priory (Water Lane Area higher by £4,695,238), whilst the cost identified for ~690 sqm of additional community facilities space is proportionally higher, relative to the identified site area, than the cost at East of Harlow (Water Lane

Area is higher by £7,929). These are inconsistencies which have not been fully justified.

- 6.21 In view of the above comments, we consider that it is absolutely crucial that there is some flexibility in the policy wording of Policy D1 to ensure the delivery of infrastructure is still based on a site-specific viability assessment consistent with other Garden Town Communities.

Text changes required –

G. Development proposals within the Garden Town Communities (as identified by Policy SP 5) will be expected to contribute collectively, equitably and proportionally towards delivering the identified infrastructure requirements related to each of the sites taking into consideration site viability.

Policy D5 Communications Infrastructure

Legally compliant – Yes

Duty to Cooperate compliant – Yes

Sound – Yes

If not sound, on what grounds? – n/a

Representation –

- 6.22 We endorse the aspiration of this policy with the following comments. The wording of the policy should be explicit in conveying that whilst applicants should demonstrate how high-speed broadband infrastructure will be accommodated within a development, the actual provision of communications infrastructure is the responsibility of third party providers (who may not have the funding or the capacity to provide these facilities), it is not the sole responsibility of the housebuilding industry. This fact should be acknowledged in the policy wording (as it is in the IDP district wide Infrastructure Delivery Schedule which identifies broadband providers as delivery partners). The policy may be more reasonable and flexible, if it is requested that each scheme ensures provision for the necessary on-site infrastructure to facilitate the improvements as and when the providers are in a position to undertake these upgrades.
- 6.23 Our second comment is that whilst the policy states that "*the Council will promote enhanced digital connectivity throughout the District by supporting high speed*

EFDC Local Plan Submission Version 2017 - Consultation Response

broadband and telecommunication infrastructure”, there is no requirement listed in the IDP Infrastructure Delivery Schedule for the Water Lane Area for high speed broadband to be provided on site (albeit the requirement is listed in the overarching district-wide schedule). The policy would be clearer if it acknowledges that promoters of Garden Town Communities along with planning applications for major development should demonstrate how high-speed broadband infrastructure will be accommodated within the development (noting earlier comments relating to third party broadband providers).

Text changes required –

A. The Council will promote enhanced digital connectivity throughout the District by supporting high speed broadband and telecommunication infrastructure. In particular applicants submitting planning applications for major development proposals and Garden Town Communities should demonstrate how high-speed broadband infrastructure will be accommodated within the development.

7. CONCLUSION

- 7.1 We have provided comments on the key strategic policies and a selection of general policies from the Local Plan Submission Version. We are encouraged that the Council is committed to working positively and proactively with promoters to deliver sustainable development within the District and the housing market area. Furthermore, we agree that the spatial development strategy, with its emphasis on the development of Garden Town Communities around Harlow including the Water Lane Area is a robust and appropriate strategy. The identification of the Water Lane Area for residential-led mixed use development along with the other Garden Town Communities around Harlow will be key to the delivery of housing, employment and infrastructure in the housing market area.
- 7.2 We have also highlighted some areas of concern principally relating to strategic sites required to accommodate Traveller sites when standalone sites would be more appropriate. We would request that our comments on this matter and others are taken into consideration during the examination.
- 7.3 We are supportive of the Local Plan Submission Version and its allocations, specifically the Water Lane Area for a residential-led mixed use development. At the heart of the planning system is the need to plan for sustainable development, and to significantly boost the supply of housing as set out in the NPPF. We support the findings of AECOM's SSA which robustly demonstrates that land north of Water Lane represents a highly sustainable allocation and will assist the Council in meeting its OAHN.