

Epping Forest Local Plan – Main Modifications Consultation (September 2021)

Representations on behalf of CEG and Hallam Land Management - Main Modification 21 (MM21) Including Changes to Maps 2.1 and 2.2

This representation is submitted on behalf of Commercial Estates Group ('CEG') and Hallam Land Management ('Hallam'). These parties are the promoters of Land at Latton Priory, which is proposed for allocation at Policies SP4 and SP5 of the Local Plan Submission Version ('LPSV'). The representation concerns MM21, which proposes to amend Policy SP5 in a number of respects.

For the avoidance of doubt, CEG and Hallam support or otherwise have no comment on the following proposed modifications included within MM21;

- Removal of a reference to the site's size;
- Introduction of additional wording to indicate that a minimum of 1,050 dwellings will be delivered;
- New map (after Map 2.1) to indicate that land will be safeguarded for Sustainable Transport Corridors;
- Flexibility regarding the location of employment land within the Latton Priory allocation;
- Clarification on the number of traveller pitches required (five) at Latton Priory;
- Additional and revised wording to clarify the requirements for Strategic Natural Green Space (SNGS) and to protect the Harlow Woods Site of Special Scientific Interest (SSSI);
- New and revised text to align the Green Belt boundary with the Latton Priory allocation boundary;
- Introduction of a 'build-to' line;
- Additional and revised text to require a design that preserves and enhances the setting of heritage assets;
- Clarification concerning primary and Early Years education provision at the site;
- Revised text to clarify utility infrastructure requirements; and
- Additional text regarding flood risk.

In addition to the above, part of MM21 proposes to amend Map 2.2, so as to *“redraw the Green Belt boundary of Latton Priory to coincide with the boundary of the site allocation and to outline indicative access road”*.

The proposal to redraw the Green Belt boundary to align with that of the allocation and to indicate this on the revised mapping, is supported. However, the amendment to Map 2.2 and corresponding changes to Map 2.1, also introduce a new alignment for the access road, both within the extent of the allocation boundaries and beyond them. These changes give rise to a number of concerns and are the basis of CEG and Hallam's objection to this aspect of the proposed Main Modifications.

The amendment to Map 2.2, as well as corresponding changes made to Map 2.1 (that are not specifically described in the Main Modifications Schedule), appear to relate to paragraph 33 and Action 15 in the *“Inspector's Advice After Hearings”* (ED98).

Paragraph 33 of ED98 states:

“Additionally in relation to Latton Priory, the indicative access road shown on Map 2.1 and proposed to be repeated on Map 2.2 would lie to the south of the ridgeline discussed above, and cut through an open field to adjoin the B1393 to the east. This route would appear disconnected from the

developable part of the site and represent an intrusion into the Green Belt and countryside generally. Moreover, there appear to be several potential points of access to/from the north and west, which would better connect the new and existing development in the area. Therefore, further investigation/explanation is required before I can conclude that the present proposals are justified.”

Action 15 then states:

“ACTION 15: To review the access proposed to serve site SP5.1 (Latton Priory) and either modify it or provide further justification for its route.”

Paragraph 33 and Action 15 of ED98, therefore relate to the principle of an access road from the Latton Priory allocation to the B1393 (London Road), located to the east of the site, in relation to possible alternatives to the north and west. To address this, and as we note below, the Main Modifications consultation is supported by new evidence base material. CEG and Hallam maintain that this new evidence is sufficient to justify the principle of an eastern access road, on the alignment shown in existing LPSV Map 2.1.

However, the Council, in seeking to amend the access road alignment shown on Maps 2.1 and 2.2, go further than what is required in Action 15. In so doing, the modification effectively utilises a high-level concept plan, in an evidence base report, in order to pre-determine the detailed route of the access road through the site and beyond. This approach is not justified or effective, as it risks undermining the findings of more detailed technical assessments that are informing ongoing masterplanning work and which will support a future planning application.

Principle of Eastern Access in Relation to Alternatives

CEG and Hallam support the principle of the eastern access. However, an objection is raised to any modification that seeks to be prescriptive and which may fetter the ability to consider the design and the precise alignment of the access, based on the conclusions of the more detailed technical assessments that will be provided at the planning application stage¹. As such, CEG and Hallam are concerned that the proposed amendments to Maps 2.1 and 2.2, effectively portray a detailed alignment for the access, but do so on the basis of insufficient technical information. They therefore consider that the alteration is unnecessary. However, if it is retained, the alignment should be presented much more conceptually in order to confirm its genuinely indicative status.

In considering the background to this proposed main modification, the Council responded to paragraph 33 and Action 15 of ED98, by commissioning PJA (with Rumney Environmental) to prepare an access study for Latton Priory (the ‘PJA Report’). This was published in July 2020. In the first instance, this identified 10 options that included accesses from the west, north, east and south east, in different combinations. It concluded that *“Short List Option 3 – West and East”* was the preferred option for an access road. This included a potential highway access from the west (from Rye Hill Road), as well as from the east, via a connection to the B1393 (London Road).

The PJA Report provided detailed analysis to support this conclusion, which need not be repeated here. However, it is clear that this took account of the Inspector’s concerns. Indeed, the conclusion was based on an assessment of traffic impacts, amenity, sustainability, landscape, heritage, biodiversity and townscape. CEG and Hallam consider that the PJA Report provides the full *“investigation / explanation”* required by the Inspector and there is now no doubt that an access road from the east (as well as from the west) is the best option. This meets the Inspector’s Action 15 in ED98 and supports Map 2.1 (as already set out in LPSV) in depicting an *“Indicative access road for Latton Priory”* running from the eastern boundary of the proposed allocation to the B1393 (London Road).

¹ I.e., when an outline planning application and/or future reserved matters submissions are considered.

On this basis, there is **no need to modify Map 2.1** of the LPSV, as there is now sufficient justification for the principle of an eastern access road, as already shown indicatively on LPSV Map 2.1. It is not necessary (in terms of modifications needed to ensure the soundness of the Plan) or technically feasible, to define the detailed alignment of this access at this stage of the planning process. Yet, this appears to be what the Council are intending to achieve through this amendment.

The particular alignment of the access road, that is now proposed on Maps 2.1 and 2.2 (through MM21), is not justified. As indicated, it appears to be based on a "Concept Layout" shown on page 31 of the PJA Report, which we note is also different from the image in 'Short List Option 3' on page 26 of the document. However, there is no detailed technical work or analysis in the report to support the exact alignment and it is not the stated purpose of the report to define a detailed access / road alignment. However, the Council seek to use the document for this purpose.

PJA has carried out the work necessary to demonstrate that an eastern road link is 'feasible' in terms of its landscape, heritage and Green Belt impacts. However, the technical work supporting the PJA Report was necessarily high-level. As such, the report is not a substitute for the full assessments that will be required for the masterplanning process and a future planning application. The PJA Report certainly does not provide a basis to determine the precise alignment of the access road, either to or through the site. Indeed, the report provides a tacit acknowledgement of this, stating at paragraph 5.1.7 that its preferred option ('Option 3 Western and Eastern Access') *"is acceptable, subject to mitigation and design"*.

We also note that the PJA Report defines a package of mitigation measures in its concluding section (paragraph 5.1.8). This includes matters that the future road design will need to respond to and consider. The Report does not purport to predetermine the outcome of this design process and should therefore not be used to set the detailed access road alignment. Indeed, paragraph 5.1.9 of the PJA Report states that: *"Further mitigation would be necessary and should be assessed in detail as part of any subsequent Transport Assessment prepared in association with a planning submission for Latton Priory."*

The concerns cited, in respect of the proposal to modify the access road alignment, are relevant because (at Policy SP5 Parts D and E) there is a corresponding requirement for a Strategic Masterplan (for Latton Priory) to be prepared and endorsed by the Council. This is required to inform the composition of a future outline planning application and to facilitate its determination. To achieve this, there has been a separate and ongoing masterplanning workstream (being undertaken between CEG / Hallam and the Council), which has taken many months and several years to progress. This includes consideration of the alignment of the access road.

For the reasons described, the PJA Report cannot and should not be the basis on which the site is masterplanned, both internally and externally. Rather, the masterplanning of the allocation should be achieved as part of the 'joint' technical work undertaken in relation to the Strategic Masterplan. Indeed, the PJA 'Concept Layout' is only based on a notional internal layout of the development's streets and spaces, including where it connects to the access road (see page 26 of the PJA Report). Yet, it now appears to have the potential to pre-determine the location of the access road and its internal connections, based purely upon a broad highway 'feasibility' assessment. This is the risk that arises should the Council use Maps 2.1 and 2.2 to 'fix' the alignment, when considering the Strategic Masterplan and/or a future planning application.

The detailed alignment of the access road, both within and beyond the development area, is a matter to be determined through the Strategic Masterplan and the planning application processes. It cannot be predetermined by the Local Plan. CEG and Hallam therefore object to the proposed changes to Maps 2.1 and 2.2 as part of MM21, and consider that these changes should not be made to the Plan.

Access Road Alignment

Without prejudice to the conclusion drawn above and although no matter how unlikely it might be, if the Inspector is minded to favourably consider changes to Maps 2.1 and 2.2, then CEG and Hallam would wish to detail a number of major concerns about the road alignment between Rye Hill Road and London Road as depicted on these revised maps. These relate to the area within the allocation boundary and the area to the east.

Alignment East of Development Area

CEG and Hallam consider that the precise point of connection, where the Latton Priory access road meets London Road, is an important technical consideration. This is particularly the case, due to its proximity to J7 of the M11. Further detailed discussions will inevitably be required with National Highways² regarding the design of the proposed access, as well as any possible implications for the safety and efficiency of the motorway junction³.

As explained, there is no doubt about the feasibility of a connection to London Road. Indeed, the indicative access road, as currently shown on LPSV Map 2.1, depicts an east-west alignment to accommodate the Latton Priory development. In 2019, this requirement was tested (on behalf EFDC and Essex County Council Highways (ECCH)) by Jacobs, as the technical advisers to ECCH. The proposal for an east-west access road was then further validated in the PJA Report (in 2020) and was found to be suitable in-principle.

However, the details of the alignment will need to be fixed at the application stage, when the specific implications of the design can be fully assessed, including against a site-specific Environmental Impact Assessment, which will inevitably be more detailed than the evidence base of the Local Plan. CEG and Hallam's transport consultants, Brookbanks, note that in order to define the detailed form and precise location of the new junction to London Road, it will be necessary to hold further discussions with both ECCH and National Highways. Such discussions are normally associated with a detailed Transport Assessment which may (for example) include options testing, in order to ensure that the optimum junction is delivered. It will also be necessary to balance highway matters against other considerations, such as biodiversity.

Notwithstanding the above, Brookbanks consider that in principle, the alignment of the access road as currently drafted in LPSV (Map 2.1) is superior to that proposed through MM21. The road alignment, as currently drafted in LPSV, would connect to London Road some 500m to the west of the M11 J7 roundabout, where a fully 'Design Manual for Roads and Bridges' (DMRB) compliant junction can be delivered. The location of the new junction is therefore sufficiently distant from M11 J7, so as not to interfere with the operation of the strategic highway network. At the same time, the alignment shown in LPSV is close enough to the motorway, so as to provide a short and direct conveyance link for development traffic to reach the key destination of the M11, without impacting on other local roads. The JPA Report has not given consideration to such matters, with this going beyond the scope of that document.

Additionally, the indicative access point shown in LPSV Map 2.1 is also located at a point where the topography of the site meets London Road 'at-grade'. A connection at this location would therefore minimise the need for significant regrading works within the surrounding environment. Furthermore, a connection at this depicted location is also likely to result in minimal disruption to the existing field boundary, with there being no requirement to remove existing trees. The indicative alignment in LPSV (rather than the revised alignment proposed in MM21), is therefore more likely to make the best use of

² Formerly Highways England and the Highways Agency.

³ For the avoidance of doubt, it should be noted that the principle of the access has not been objected to by National Highways. However, this organisation has yet to consider the detailed design of the connection to London Road and the related alignment of the access road.

existing topography, thus minimising the scope and impact of regrading work, and the possible harm to biodiversity interests, whilst facilitating the delivery of a feasible conveyance link to London Road (and the M11).

It is premature then to seek to redefine the route alignment, as is envisaged in MM21, because many highways-related matters cannot be fully assessed in any detail at this stage. For this reason alone, the proposal to modify the alignment shown on Maps 2.1 and 2.1 is counterproductive and unjustified. Furthermore, PJA Report's consideration of landscape, heritage, nature conservation and Green Belt matters, is necessarily high-level and conceptual. In these respects, the report does not provide a substitute for the detailed assessments that are informing the ongoing masterplanning workstream and which will support a future outline planning application.

For example, in respect of landscape and visual impacts, the alignment identified on Maps 2.1 and 2.2 (as proposed to be modified) follows a route that (in part) lies at an elevated position, above the plateau / ridge line which characterises the field parcel to the south of Mark Bushes. It is therefore relatively visually prominent, which may also lead to concerns regarding lighting and 'light-glow' at night. Fundamentally, the revised alignment is not based on the detailed conclusions of a Landscape and Visual Impact Assessment (LVIA). Consequently, when an LVIA is submitted in support a future planning application, its findings may not endorse the route now identified by the Council on proposed Maps 2.1 and 2.2.

In addition to landscape and visual considerations, it is also the case that the newly depicted alignment would mean that the access road runs in close proximity to Mark Bushes. However, the potential for arboricultural impacts and effects on the biodiversity value of the woodland (which includes areas of Ancient Woodland), will need to be carefully considered through assessments provided in support of a future planning application. These detailed assessments may well support a different detailed alignment, particularly if it is found to be necessary to provide extended buffers between the woodland and the road, in order to reduce the impacts of vehicle emissions and/or road lighting.

Similarly, the route of the access road will need to be considered in relation to the design of the proposed SNGS, which will be situated to the east of the development area and the Public Right of Way (PROW) network. Indeed, as noted, MM21 introduces additional text (at the request of Natural England) that applies new design requirements and parameters to the proposed SNGS. The alignment of the access road cannot be allowed to compromise the effectiveness of the SNGS as a measure to avoid impacts on the Epping Forest Special Area of Conservation (SAC).

Alignment within Development Area

In addition to concerns regarding the access road alignment outside of the allocation, CEG and Hallam are also concerned that Maps 2.1 and 2.2 show a detailed alignment of the road through the site. Objections are raised to that alignment on the following grounds:

- The access road alignment within the development area has no clear rationale. It follows an alignment depicted in the PJA Report, yet it is not within the remit of that report to determine a road alignment through the site and no justification is offered for this.
- The access road alignment through the site should be determined through the Strategic Masterplan and future planning applications⁴, which will provide the necessary detailed consideration of the functionality and design of a multi-transport mode route through the site in relation to the disposition of land uses.

⁴ I.e., as part of the outline and/or subsequent reserved matters submissions

- The access road alignment through the site, as proposed in changes to Maps 2.1 and 2.2, varies from that defined by the strategic masterplanning process, within the context of which the alignment has already been the subject of detailed discussions with Council officers and the Quality Review Panel.
- The access road alignment shown in Maps 2.1 and 2.2 could prevent or delay the implementation of the development. This is because it crosses the access road to Riddings House, which is in third party ownership. This third-party land is also excluded from the Policy SP5.1 allocation and development area.

Overall, CEG and Hallam consider that the alignment of the east-west access road through the site, as is depicted in Maps 2.1 and 2.2 (as proposed to be modified as part of MM21), is not justified and not effective. It is therefore an unsound modification to the Plan that should not be made.