

FMM Consultation 2022

Planning Policy
Epping Forest District Council
Civic Offices
323 High Street
Epping
Essex, CM16 4BZ

The Coach House, East Hill House,
76 High Street, Colchester, Essex, CO1 1UF
01206 835150 www.lpppartnership.co.uk
Co. Reg. No. 5677777

Via online portal & email: MMCons@eppingforestdc.gov.uk

8th December 2022

Dear Sirs,

Epping Forest District Local Plan Submission Version (2017) – Further Main Modifications Consultation October 2022 (ED 145) – Representations submitted on behalf of Princess Alexandra Hospital NHS Trust

On behalf of our client the Princess Alexandra Hospital NHS Trust (PAH), we write to set out our representations on the Epping Forest District Local Plan Submission Version (2017) Further Main Modifications 2022 (ED 122), for your consideration.

Background

1. PAH is progressing a Business Case for the delivery of its preferred development option comprising a new and modern state of the art acute Hospital, in the form of a Health and Well-Being Campus on approximately 18.6 hectares of land located north of the adjacent M11 Motorway Junction 7a and South of Pincey Brook.
2. The Hospital development will involve a substantial investment in local health care facilities. It is a vital and significant component of local health and community infrastructure required to serve the existing and new Garden Town communities and wider catchment population area.
3. The PAH development and relocation strategy is embodied in the emerging Local Plan Submission Version 2017 (LPSV) for Epping Forest District and the adopted Harlow Local Plan (2020). This strategy is also reflected in the Harlow and Gilston Garden Town Vision (2018) and Design Guide (2018), which have been endorsed by the planning authorities as material planning considerations.
4. A Planning Performance Agreement (PPA) is in place between PAH, Epping Forest District Council (EFDC), Harlow District Council (HDC) and Essex County Council (ECC) to progress the planning elements of the Hospital at the pre-planning application stage in advance of a related planning application(s) on the identified site, currently programmed to be submitted to EFDC as Local Planning Authority in 2023/24. As part of this process significant masterplanning and related traffic modelling

Managing Director:

John Lawson, BA(Hons), MPhil, MRTPI

Directors:

Sharon Lawson, BA(Hons), DipTP, MRTPI
Georgina Brotherton, BSc(Hons), MSc, MRTPI

Technical Director:

Aarti O’Leary, BSc(Hons), MA(Merit), MRTPI

Associate Director:

Natalie Makepeace, BA(Hons), MSc(Dist), MRTPI

Consultant:

James Lawson, BA(Hons), MA, MRTPI



has been progressed and agreed with the authorities. Related unchallenged evidence was also presented to the Examination in Public in 2019 concerning the PAH relocation strategy to the East of Harlow site.

5. PAH forms one of the shortlisted schemes identified within the national New Hospital Programme. Progress has also been made on the acquisition of the intended new Hospital site with the landowners.
6. Consequently, with the above background position in mind, there is a need to establish a planning policy basis to help enable the hospital development and investment to be delivered. Having reviewed the Local Plan proposed Further Main Modifications (FMMs) and Additional Modifications (AMs) associated with the LPSV, it is considered that in broad terms the related planning policies do provide a suitable policy framework and level of certainty to enable the hospital masterplanning and subsequent planning application(s) to be taken forward for the East of Harlow area in line with draft Policy SP5 H (to be renamed SP4 H).
7. This is on the basis that the preferred development option favours the East of Harlow location within Epping Forest District, and our related representations have previously referred to and support this position.

PAH's Planning Policy Position Summary

8. However, there are a small number of matters relating to draft Policy SP5 D (to become SP4 D) and text included in the FMMs relevant to the delivery of the new Hospital and associated healthcare infrastructure which PAH requests revisions to. These are focussed on the proposed changes to the Planning Inspector's recommended amendments to the policy and supporting text references concerning the preparation of strategic masterplans.
9. In summary, PAH favours the Inspector's recommended wording, which would allow for a policy compliant planning application for the new Hospital to come forward in advance of a pre-endorsed strategic masterplan, whilst being accompanied by a strategic masterplan, which addresses the necessary related policy matters.
10. This is in contrast to EFDC's proposed approach, which requires planning applications to be accompanied by a strategic masterplan which has been previously endorsed by the Council. However, in the case of the East of Harlow strategic allocation in particular, covered by Policy SP5 H (to be renamed SP4 H), limited progress has been made on the associated strategic masterplan.
11. Conversely, PAH has made good progress with masterplanning the Hospital element of the wider allocation, whilst having regard to strategic masterplanning considerations for the wider area. However, the completion of an endorsed strategic masterplan is outside of PAH's remit and control and requires the input of other parties, which is likely to take a significant period of time to progress and conclude. This is likely to be beyond the predicted 2023/24 timeline for the submission of PAH planning applications including associated enabling works.
12. Therefore, with this in mind, it would seem reasonable and justified to adopt the Inspector's wording concerning the approach to be taken to the East of Harlow strategic masterplan and planning applications in particular, which would allow for the PAH applications to be progressed and submitted in advance of a subsequent strategic masterplan being endorsed by the Council. Albeit, the PAH

application(s) would address the key strategic masterplanning and sustainability considerations as set out in Policy SP5 D (to become SP4 D) referred to in the Local Plan and as envisaged by the Inspector in any event.

13. An alternative suggested approach would be to add a caveat to the Policy to acknowledge that PAH planning applications are likely to come forward in advance of an endorsed Strategic Masterplan for the East of Harlow site allocation and therefore, will be required to address the strategic masterplanning considerations set out in the Policy, again as envisaged by the Inspector.
14. It is considered that either of these approaches would be appropriate and justified in relation to the NPPF's Paragraph 35 'soundness' considerations.

PAH's Representations

Strategic Masterplan approval process FMM21

15. The Local Plan Inspector in his note dated 16th June 2022, explained that a common theme in the draft Local Plan is that it refers to development needing to be in accordance with (or be in general conformity with) documents such as the Infrastructure Delivery Schedule, Concept Frameworks, Strategic Masterplans, and the Air Pollution Mitigation Strategy. He also explained that whilst these documents might be material considerations in planning decisions, they have not gone through the rigours of development plan production and examination, and do not carry the status or weight of the development plan. The Local Plan cannot therefore require development to be in accordance, or in general conformity, with them.
16. Consequently, the Inspector recommended alternative wording to the related Planning Policy and explanatory text references. For Policy SP5 Garden Town Communities part D, the Inspector recommended the replacement of "Development proposals ... will be required ... endorsed by the Council" with "Planning applications for ... should be accompanied by and have regard to a strategic masterplan which will accommodate the development requirements set out in this policy."
17. However, rather than accept the Inspector's recommendation, EFDC has included additional wording requiring the planning applications to be accompanied by a strategic masterplan which has been 'endorsed' by the Council and such 'endorsed' strategic masterplans will be taken into account as material considerations in the determination of any planning applications.
18. PAH's main issue with this approach concerns the timing of the required sequence of events, which could create unnecessary policy tensions and possible delays at the planning application stage. This is because the planning application for the new Hospital at the identified East of Harlow site may come forward during 2023/24, to allow for initial enabling works to commence on site in 2025. This is likely to be ahead of a related strategic masterplan and it is noted that the latest housing trajectory (Local Plan Appendix 5, MM15) for East of Harlow indicates initial completions being put back to 2027/28.
19. However, notwithstanding the likely delays to the wider non-Hospital development, as part of its related background planning work, PAH has prepared a broad strategic masterplan framework, which illustrates how the new Hospital would connect to and integrate with the planned new East of

Harlow community and wider Garden Town. This has also been supported by a site wide masterplanning exercise and significant associated traffic modelling commissioned via Essex County Council (ECC) as the Local Transport Authority, all discussed and agreed through the related PPA process.

20. It is therefore, considered that the requirement to prepare an 'endorsed' strategic masterplan in advance of PAH's planning applications in order to be policy compliant is unduly restrictive, and unnecessary. It may also not provide sufficient flexibility to enable the PAH development programme and strategy to be realised. In the context of NPPF Paragraph 35 soundness considerations, it would not represent an appropriate strategy taking account of the reasonable alternatives available based on the evidence provided and would therefore, not be considered to be 'justified'.
21. Given the particular circumstances and importance of the delivery of a new acute hospital to the Garden Town communities, it is considered that such a separate approach to strategic masterplanning compared with other allocated sites in the Local Plan, is justified in this instance.
22. It is therefore, requested that FMM 21 is revised to reflect the Inspector's recommendation and worded as follows:

Planning applications for sites SP4.1-4.3 should be accompanied by a Strategic Masterplan which demonstrates that the development requirements set out in this policy have been accommodated ~~and which has been endorsed by the Council~~. The ~~endorsed~~ Strategic Masterplan will be taken into account as an important material consideration in the determination of any planning applications.

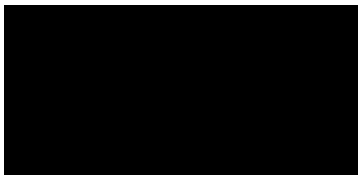
23. However, if this approach is not supported by the Inspector or Council, then it is requested that the following additional wording to Policy SP5 D (to be renamed SP4 D) is added to FMM 21. Add the following additional sentence to the end of Criterion D:

In the case of the PAH planning applications, which may come forward in advance of an endorsed Strategic Masterplan, proposed development should demonstrate how the wider planning requirements set out in this Policy have been addressed.

24. It is considered that the above suggested approach would address PAH's planning policy concerns.

We trust you will find the above representations to be useful and that they will be taken into account by the Inspector prior to publication of the Final Report.

Yours faithfully



John Lawson
Lawson Planning Partnership Ltd

cc PAH