

Name:

David Lock Associates on behalf of Hallam Land Management Ltd and CEG Ltd

Part B – Your representation on the further Main Modifications and/or supporting documents

If you wish to make more than one representation, please complete a separate [Part B form](#) for each representation and clearly print your name at the top of this form.

4. Which further Main Modification and/or supporting document does your representation relate to? (Representations are only invited on further Main Modifications within the Schedule. These are denoted by red text. The reference number can be found in the first column in red i.e. **MM2**, **MM11** and each Supporting Document has a reference number beginning with ED).

Any representation on a supporting document should clearly state (in question 6) which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific further Main

MM no.

MM21

Supporting document reference

5. Do you consider this further Main Modification and/or supporting document:

(Please refer to the Guidance notes for an explanation of terms)

a) Is Legally compliant

Yes

No

b) Sound

Yes

No

If no, then which of the soundness test(s) does it fail

Positively prepared

Effective

Justified

Consistent with national policy

6. Please give details of why you consider the further Main Modification and/or supporting document is not legally compliant or is unsound. Please be as precise and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to separate appended sheet and attached appendix.

The specific reference to the word "important" is considered unsound as it is neither explained nor justified. It is also inconsistent with National Policy (see paragraph 3.3 and 3.4 of the submitted Representation document).

MM21 introduces a new provision that requires " new development should deliver and/or contribute towards the delivery of infrastructure where this is necessary and fairly and reasonably related to the development **having full regard** to the Infrastructure Delivery Plan schedules and the wider infrastructure objectives."

The concern of CEG/HLM is that the suggested wording and inclusion of the word 'full' gives undue policy weight to the content of the IDP Schedules in determining planning applications. This is contrary to the advice of the Inspector who clearly highlighted that 'as with a number of policies, this treats the infrastructure delivery schedule as if it were part of the development plan, with contributions towards the items on the schedule "expected", but the schedule is not part of the plan. Infrastructure delivery and contributions should relate to the particular development proposed in accordance with the CIL regulations.'

7. Please set out what change(s) you consider necessary to make the **further Main Modification and/or supporting document** legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with national policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words.

CEG and HLM propose that the word 'important' in the amended text is omitted.

In seeking to make the proposed modification sound, it is necessary to delete the reference to **"full regard being had to the IDP and Schedules and their wider objectives"** from MM21.


(Continue on a separate sheet if necessary)

8. Have you attached any documents with this representation which specifically relate to a further MM or supporting document?

Yes

No

Signature:



Date

09/12/2022

Epping Forest District Local Plan - Further Main Modifications Consultation

Representations on Behalf of CEG Ltd and Hallam Land Management Ltd

MM21 and MM106

This document sets out the representations made in response to the consultation on the Further Main Modifications (28 Oct – 9 Dec 2022) to the Epping Forest District Local Plan 2011-2033 (Submission Version December 2017) The representations are submitted by David Lock Associates (DLA) on behalf of the land promoters, Hallam Land Management (HLM) and CEG, who are the promoters and prospective developers of Latton Priory garden community.

The Main Modifications (July 2021) (MM18) included a new paragraph, following 2.118, which referenced the HGGT IDP and identifies how developer contributions from the Garden Communities are expected to be apportioned, and what collection mechanisms can be utilised by the Councils to assist in funding the infrastructure items which serve more than one Garden Community. Rightly that main modification referred factually to the IDP and that it was a live document to be regularly updated. That element of MM18 appears to have been removed by the MMs published in October 2022.

Now MM21 proposes to amend section C of Policy SP5 in relation to Latton Priory such that a new provision is to be added into the policy requiring that “*new development should deliver and/or contribute towards the delivery of infrastructure where this is necessary and fairly and reasonably related to the development **having full regard** to the Infrastructure Delivery Plan schedules and the wider infrastructure objectives*”. [Bold italics for emphasis]

Moreover, MM106 proposes to add to Policy D1 ‘Delivery of Infrastructure’ part A of a new similar reference as follows; ‘New development must be served and supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan’ and the further Main Mods amends the word ‘Plan’ to ‘Schedules’. New text is then added in FMM106 that; ‘In assessing the need for particular kinds of infrastructure, **full regard will** be had to the Infrastructure Delivery Plan Schedules’. It is noted that this FMM has been added in relation to Action 44 of the Inspector’s note, however, his suggested wording did not include the word ‘full’. This was deliberate as his comments set out that ‘whilst regard should be had to the infrastructure delivery schedule, the issues arising from any particular site might in practice require deviation from it’.

The concern of CEG/HLM is that the suggested wording and inclusion of the word ‘full’ gives undue policy weight to the content of the IDP Schedules in determining planning applications. This is contrary to the advice of the Inspector who clearly highlighted that ‘as with a number of policies, this [policy D1] treats the infrastructure delivery schedule as if it were part of the development plan, with contributions towards the items on the schedule “*expected*”. But the schedule is not part of the plan. Infrastructure delivery and contributions should relate to the particular development proposed in accordance with the CIL regulations’.

This additional wording unreasonably attempts to elevate the status of the IDP and enshrines what it says into policy. This brings a lack of clarity and transparency into the requirements which can be stipulated and then changed through updates, as appears to be the case following an update issued in draft in November 2022 and soon to be adopted, presumably, by the HGGT partners. The Updated IDP includes significant and substantive changes in infrastructure and delivery expectations – particularly in relation to delivery mechanism and has not been

considered let alone tested through the Local Plan Examination. It therefore places an additional and unreasonable burden and level of uncertainty to developers.

The suggestion that full regard should be had to a moving IDP, which demonstrably has already included substantive changes to the 2019 document considered at the examination, is unsound. It is unjustified and contrary to effective delivery and the expectations of IDPs in national policy.

These points have also been made in our submission dated 29 November 2022 to the HGGT in relation to the proposed IDP update and Schedules (see appendix to this sheet).

In seeking to make the proposed modification sound, it is necessary to **delete the reference to "full regard being had to the IDP and Schedules and their wider objectives"** from MM21. It is also necessary to **delete the following from MM106 "In assessing the need for particular kinds of infrastructure, full regard will be had to the Infrastructure Delivery Plan Schedules"**.

MM21 also seeks to set policy (Part D) in place to ensure that the endorsed Masterplan is not only taken into account as a material consideration but an "*important*" material consideration. As described in relation to MM16, the Strategic Masterplan Framework for the Latton Priory Allocation is at an advanced stage of preparation; the draft document is the subject of a current public consultation exercise which ends on 9th January 2023.

CEG and HLM are generally supportive of MM16 and the consequential modification by the Council to reflect the response to the Inspector's actions advising that planning applications for development located within a Strategic Masterplan Area should be accompanied by a Strategic Masterplan which demonstrates that development requirements set out in the policy have been accommodated and which has been endorsed by the Council. The change also states that endorsed Strategic Masterplans will be taken into account as an important material consideration in the determination on any planning applications. This wording is repeated under additional text proposed as part of MM19 and under 'Amend Part D' as part of MM21. The specific reference to the word "*important*" is considered unsound as it is neither explained nor justified. It is also inconsistent with national policy (see below).

CEG and HLM propose that ***the word 'important' in the amended text is omitted***. Advice is contained in the NPPG and which references the Town and Country Planning Act 1990 and which is clear on how decisions on applications be made. The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. It is for the decision maker to decide what weight is to be given to the material considerations in each case and therefore, the word 'important' to describe a material consideration is not appropriate.

Appended Document:

HGGT IDP UPDATE - CEG Ltd and HLM LTD Response 29 11 2022

NOTE

HGGT IDP 2022

Written Response on behalf of CEG Ltd and Hallam Land Management Ltd, promoters of Latton Priory

November 2022

Introduction

This Note is prepared on behalf of Hallam Land Management Ltd (HLM) and CEG Ltd following the HGGT Developer Forum held Thursday 10th November and the item on the HGGT IDP 2022: Introduction to Fact Checking and at the invite of written comments.

A Briefing Note, updated IDP and Fact Checking Schedules on topics of Transport, Education, Healthcare, Emergency Services, Community Facilities, Open Space and Flood Defences have been issued.

The IDP Update reiterates the purpose of the IDP is setting out the infrastructure that will be required to deliver the planned level of housing and employment growth at the Garden Town.

As noted in the Updated IDP, it is important that where developers are asked to provide contributions for infrastructure, this is in accordance with CIL Regulations and ensuring that requirements do not undermine or threaten the deliverability of sites or the Local Plan. It is under this context, that these comments are provided.

CEG/HLM concerns regarding the IDP fall into 4 categories which are addressed below:

- Status of the Updated IDP
- Absence of evidence and costs available
- Requirements in relation to the delivery and timing of the STC network
- Impact on viability and deliverability of the development

By way of summary, CEG and HLM's concern is the fundamental change in approach proposed in the IDP Update regarding the delivery of the STC network and, in particular, the assignment of responsibility for the delivery of parts of the STC network to the developers of Latton Priory (and of other garden communities). This impacts the delivery of Latton Priory.

Updated IDP – Consultation, Status, General Approach

Consultation

HLM and CEG welcome the opportunity to be informed regarding the authorities proposals to update the 2019 HGGT IDP through the Developer Forum held on 10th November.

Equally HLM and CEG welcome the opportunity afforded to comment on the Updated IDP by HGGT.

However, HLM and CEG are concerned that the nature of the consultation process falls short of that which might reasonably be expected. For instance:

- The period for responses to the Forum documents and consultation event is effectively just two weeks – until 25th November (as set out in the Briefing Note, albeit HLM and CEG are grateful for the assurances that submissions after that date will be fully considered);

- The ability to influence the contents of the IDP appears to be extremely limited “when responding with new information please note that changes to the identified IDP infrastructure requirements may only be possible where suitable evidence is demonstrated” noting in addition of course consultees are afforded just two weeks to assemble such evidence;
- Important costing information being absent such as the costings of sections of the Sustainable Transport Corridor (STC) network being absent or unjustified; and
- The limited time available for commentary is exacerbated by the substantial changes or “moving of the goalposts” in certain areas of the IDP since 2019 – for instance in the passing of responsibility for the delivery of offsite elements of the STC network to the developers of each of the proposed garden communities.

Notwithstanding such concerns, CEG and HLM have set out such comments as they have been able to make in the time available focusing primarily on transport matters. CEG and HLM are yet to review the amended provisions in relation to education, health, emergency services and open space and sports and leisure.

CEG and HLM are grateful for the assurance made at the Forum meeting that responses received after 25 November will also be taken into account. CEG/HLM will seek to augment the representations made at this stage as appropriate and necessary.

Likewise, CEG and HLM affirm their commitment to work with the partners to seek to find ways to address the concerns raised.

Status of the IDP and General Approach

The Briefing Note to the HGGT Forum held on 10th November 2022 advises that “the IDP represents a ‘point in time’ picture of the likely infrastructure needs and plan for its delivery. The IDP does not seek to be definitive”. The document itself acknowledges that by their very nature, IDPs are a ‘snapshot in time’. It notes that IDPs are ‘live documents’ updated regularly to ensure they reflect current infrastructure requirements.

In contrast to the Local Plan documents, IDPs are not subject to rigorous testing or scrutiny or consultation in their preparation but are therefore not part of the Plan. HGGT appear therefore to take the view that the IDP and the costs and requirements contained therein are indicative and not requiring more considered and considerate consultation.

CEG and HLM are concerned however that this position – the treatment of the IDP as a live document that in effect can be updated as required - takes no account of the key role that the IDP plays in identifying the development, infrastructure and section 106 costs that have been fed into the viability assessment work that the Council has had to undertake to support the Local Plan. Local Plan viability evidence is based on the 2019 IDP. Substantial changes to the IDP – as proposed in the Update – may directly affect the viability assessment of the Local Plan and of individual proposals.

CEG and HLM are equally concerned that the treatment of the IDP as a live document is also inconsistent with the approach being pursued in relation to the Local Plan. This can be seen in the Main Modifications and Further Main Modifications to the Local Plan. The wording of the MMs and FMMs appear to intrinsically link the IDP with the Local Plan significantly raising the level of concern generated by the substantive change in the IDP Update to the delivery of the STC network.

The Main Modifications (July 2021) (MM18) included a new paragraph, following 2.118, which referenced the HGGT IDP and that it identifies how developer contributions from the Garden Communities are expected to be apportioned, and what collection mechanisms can be utilised by the Councils to assist in funding the infrastructure items which serve more than one Garden Community. Rightly that main modification referred factually to the IDP and that it was a live document to be

regularly updated. That element of MM18 appears to have been removed by the MMs published in October 2022.

Now MM21 proposes to amend section C of Policy SP5 in relation to Latton Priory such that a new provision is to be added into the policy requiring that “new development should deliver and/or contribute towards the delivery of infrastructure where this is necessary and fairly and reasonably related to the development **having full regard** to the Infrastructure Delivery Plan schedules and the wider infrastructure objectives”. [Bold italics for emphasis]

Moreover, MM106 proposes to add to Policy D1 ‘Delivery of Infrastructure’ part A of a new similar reference as follows; *‘New development must be served and supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan’ and the further Main Mods amends the word ‘Plan’ to ‘Schedules’.* New text is then added in FMM106 that; *‘In assessing the need for particular kinds of infrastructure, **full regard will be had to the Infrastructure Delivery Plan Schedules’.*** It is noted that this FMM has been added in relation to Action 44 of the Inspector’s note, however, his suggested wording did not include the word ‘full’. This was deliberate as his comments set out that ‘whilst regard should be had to the infrastructure delivery schedule, the issues arising from any particular site might in practice require deviation from it’.

The concern of CEG/HLM is that the suggested wording and inclusion of the word ‘full’ gives undue policy weight to the content of the IDP Schedules in determining planning applications. This is contrary to the advice of the Inspector who clearly highlighted that *‘as with a number of policies, this [policy D1] treats the infrastructure delivery schedule as if it were part of the development plan, with contributions towards the items on the schedule “expected”. But the schedule is not part of the plan. Infrastructure delivery and contributions should relate to the particular development proposed in accordance with the CIL regulations’.*

This additional wording unreasonably attempts to elevate the status of the IDP and enshrines what it says into policy. This brings a lack of clarity and transparency into the requirements which can be stipulated and then changed through updates. It therefore places an additional and unreasonable burden and level of uncertainty to developers.

This is particular emphasised by the very limited opportunity for engagement and, even more so, lack of rigorous scrutiny of the IDP.

Specific Matters

The general presentational message regarding the IDP update is that the 2022 document is a limited update only of the 2019 document focussed primarily on factual matters only.

HLM and CEG are however concerned that the IDP update has proposed rather more significant changes in the infrastructure elements set out in the 2019 IDP and in the means by which infrastructure is expected to be delivered. A particular example is in respect of the transport infrastructure anticipated within the HGGT and at Latton Prior in particular.

Requirements in relation to Sustainable Transport Corridors (STCs) for Latton Priory

There are some key additions in relation to the delivery of parts of the Sustainable Transport Corridor (STC) network which require particular detailed and further comment.

The previous IDP included row TR28 as ‘essential’ (not critical’ infrastructure) with identified funding sources listed as HIF/Developer Contributions (S106) with no mention of direct developer delivery which for Latton Priory resulted in a cost of £7,875,066.

This provided a transparent and robust basis for developers to understand and factor into their developments and a fair and reasonable approach through apportionment of contributions towards delivering the overall STC network which was to be delivered by the HGGT partners. CEG/HLM were and remain supportive of this approach.

The radically different approach now advocated in the updated IDP now includes an expectation that the developers of Latton Priory (and not the HGGT partners) will deliver on site and offsite STC connection works. In full the IDP Schedules detail the following project under STC-LP:

“Southern STC continuation into and through the Latton Priory new garden community, including:

- High Quality Walking, Cycling and Public Transport routes to connect to Southern STC at Latton Bush Centre/Commonside Road;
- Continuation of the STC on-site to serve the new neighbourhood(s) with on-site Hubs;
- Continuation of STC to connect with the B1393/M11 Junction 7.

The IDP schedules further, newly, advise that ‘Delivery of STC connection between Latton Priory new garden community and Southern STC currently expected to be required between 2024-26 to support occupation of development. Phasing of on-site works currently unknown’.

The schedules now include significantly more reference to the STC network and a recurring column for all the HGGT sites stating;

- ‘STC contribution of £8,226 per dwelling. Reduction for STC works in lieu (£TBC) £8,637,300. Value of contribution illustrative pending confirmation of value of STC works to be delivered in lieu’.

The accompanying note describes this as clarification of developer responsibility for delivery of STC accesses into new garden communities as part of respective site access arrangements as works ‘in lieu’ contribution to delivery of the STC network.

The cost notes for the elements set out for Latton Priory are not at all clear:

- In relation to the off site section of the STC network the schedules – presumably with an error in the site location (but unclear) refers to “cost of provision to east of Harlow [sic?] currently unknown indicative costs of £10m included”
- In relation to the link to the hub on site – this is dismissed as an on site development costs.
- With regard to the continuation of the STC link – this may or may not be addressed by the reference of a £2.9m cost applied to all garden community sites for links to the hospital – albeit it is as likely that there is an additional unspecified cost.

Unhelpfully the costs in the original 2019 IDP for the provision of the link road through Latton Priory to London Road – estimated then as £5million – have now been ignored.

The overall impression – is of a significant increase in costs for infrastructure delivery to facilitate the provision for transport at Latton Priory. The suggestion of in lieu payments for any off site works is welcome notwithstanding that the costs of delivering the link to Common side Road – appears to be being estimated to be £10million – and in excess of the pro rata’d contribution to the STC Network as a whole.

The IDP update states that it has been undertaken through joint working of ARUP and officers of the HGGT partnership. However, until now, there has been little or no developer input. The absence of a clear evidence base that explains the substantially different approach and the absence of information available or provided on costs give rise to the view that the infrastructure requirements required do not appear to be reasonable, proportionate to the development or required to make the development acceptable.

As presented, there is a lack of costs provided and transparency to what represents a complete shift in approach but is a position already being adopted by officers without any evidence or further policy backing. This clearly causes issues for developers in understanding what costs to factor into their development and gives rise to further uncertainty that costs continue to change.

Timing and Delivery of STCs (and relationship with MMs and Further MMs)

The previous IDP was clear in explaining that for the STCs to be effective in achieving the modal split targets for the Garden Town, they will need to work as a network rather than piecemeal interventions. It also explained that 'the network is considered to represent a single strategic item of essential infrastructure, with the cost of the works apportioned to all the strategic sites across the Garden Town (p30). The apportionment was set out as being based upon the number of dwellings that each site is contributing to the Garden Town's growth and that contributions would be pooled and used to deliver the STC network, which will be likely to be delivered in phases for practical reasons of delivery and funding.

In contrast, the updated IDP appears to be breaking down the STC into piecemeal sections and placing the onus on the developers of each respective strategic site for sections of the STC that provide the links to their sites – irrespective of land use controls, deliverability and effectiveness of provision.

The IDP update to STC-S is listed as the southern section from the town centre to Latton Bush Centre/Commonside Road with Essex County Council but also now the Developer (we understand of only a small but off site element of the route) cited under Delivery Partners. A cost of £62,585,429 is listed but with final route still to be defined.

Irrespective of the concerns regarding costs (and notwithstanding in lieu provisions) set out in the section above, there are a number of key issues associated with developer direct delivery. This includes issues already explained in our Planning Strategy Note issued to EFDC dated 13 October 2022 but in summary, relate to:

- Lack of policy justification – this division of delivery and breakdown into piecemeal sections is not explained in the emerging EFDC Local Plan or The HGGT Transport Strategy or the Sustainable Transport Corridor Study;
- Direct developer delivery on the current indicative route would require significant land assembly which involves risk and delay. There is no clear commitment by the Council to use compulsory purchase powers if so required;
- Reliance upon Harlow Council to positively determine a planning application and in a timely manner; and
- No clear and consistent detail on costings are available and no consideration has been given to the impact on viability of this development relative to its scale

The Main Modifications (July 2021) proposed additional new paragraphs to be included in the preamble to policy SP4. This included new paragraph after paragraph 2.117 which included the text; 'in order to maximise the promotion of use of sustainable transport measures, it will be necessary for key elements of sustainable transport provision to be available when Garden Communities are first occupied'.

Following concerns raised by the Inspector in his 16 June 2022 Note where he advised that the main modification was not clear enough as to what elements of sustainable transport will need to be provided at first occupation and that it was unclear whether such a requirement has been viability tested, Action 7 suggested this is replaced by one which seeks appropriate sustainable transport provision commensurate with the phasing of development.

As a consequence, the further Main Modifications (Oct 2022) amended the wording to read 'in order to maximise the promotion and use of active and sustainable transport modes, it will be necessary for

sustainable transport provision, including connection into the Sustainable Transport Corridor network, to be commensurate with the phasing of development of Garden Communities.'

The updated IDP states that '*STCs are required to support the overall mode share and mode shift targets necessary to deliver the HGGT Vision and maintain a safe and functioning highway network, as such, all developments are expected to contribute to delivery of the network*'. It states '*the connections of the STC into the four new garden communities are identified as part of the overall network but the responsibility of the respective new garden community developers due to the need for their early delivery to facilitate sustainable development of each site*'.

CEG and HLM have not seen and do not understand the evidence, or rationale that follows, that means that the developers should deliver off site infrastructure as opposed to the original intention of HGGT partners. HLM and CEG do not understand why delivery should pass to the site developers even if it were accepted that early delivery of the STC was appropriate. Nor does HLM/CEG understand how the delivery of limited sections of the STC network is effective in the absence of the delivery of the wider network by HGGT partners.

As per the original IDP, the STC needs to work as a network rather than piecemeal interventions, however, the central sections of the STC, for example from the town centre to Latton Bush/Commonside Road, under STC-S is described as '*Phasing of the Southern STC currently unknown*' and to be delivered by ECC/Developers. The lack of certainty and timing of the delivery of this section undermines any value in delivering piecemeal sections of the STC network.

The reference to '*early delivery*' of the STCs appears to undermine the intent of the fMM which states that this should be commensurate with the phasing of development and there does not appear to be any benefit, rationale or evidence for the connections into the garden communities to be delivered early when the timing of the central part of the network is unclear and uncertain. In addition, the STC within Latton Priory is centrally positioned and not easily connected to the first phases of the development which clearly has to start at an edge of the site (west or east).

Real benefits to modal split can only be achieved through the creation of the full STC network. Without certainty on the delivery of the other parts of the network, a piecemeal approach would have limited benefits to the objectives of achieving modal shift.

Therefore, it is considered sensible to discuss the possibility of interim solutions to work towards achieving the modal split targets for each of the garden communities ahead of the delivery of the full STC network, which needs to be coordinated and phased to bring about the maximum benefits with sensible trigger points in relation to development and the delivery of the rest of the network discussed. These interim solutions could evolve to adapt to the delivery of the STC.

Costs and Viability

PPG advice states that; "The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. It is the responsibility of plan makers in collaboration with the local community, developers and other stakeholder, to create realistic, deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage".

The original IDP (2019) was produced concurrently with the Strategic Viability Assessment, which considered the wider deliverability of the HGGT. The updated IDP states that figures in the updated IDP have been considered against those tested in the Strategic Viability Assessment in the context of changes to development values and construction costs and it concludes that whilst costs have changed they remain similar to those tested in 2019.

This statement is somewhat surprising owing to the well publicised increases in both development construction costs including materials, especially since the pandemic. CEG and HLM consider that HGGT should publish, alongside the IDP, the updated assumptions in relation to full range of costs that have been or potentially would feed into an updated viability assessment – IDP costs and development costs.

Moreover, it states that updated figures have been tested, however, as has already been set out, there are also a number of unknown costs which have been added into the IDP, with no figures against them and therefore, the question would follow as to what figures have been assumed to be tested (if they have at all) and therefore, the extent to which there can be confidence in the viability and deliverability of the strategic sites particularly the untested additions of further costs and requirements including in relation to the timing and means of delivery of infrastructure.

This statement is also made in the context of the findings reported in the original IDP of the Strategic Viability Assessment which showed that 'whilst the Councils can be confident of the deliverability of the Garden Town, there are challenges with the delivery of large scale development associated with both the level of infrastructure required and the timing of delivery and/or contributions (ref to Section 12, paras 12.137-12.139 of the Strategic Viability Assessment), and that some of the sites are more 'marginal' than others'. This text has now been omitted from the updated IDP.

The IDP does refer to the option of considering viability further through the assessment of planning applications. However, this should not be a reason to underplay or set aside costs and viability issues at the plan/IDP stage

If the full burden is placed on developers to deliver whole sections of the STC, this could have fundamental implications on the viability of development.

Conclusion

In conclusion, the new and amended information now presented in the IDP, published without an evidence base, causes significant concerns to CEG and HLM due to significant implications the requirements in the IDP would have on the viability and therefore, deliverability of the strategic site of Latton Priory. The changes in the Transport Schedule in particular fundamentally change the approach to the delivery of STCs. This new approach requiring developers to deliver sections of STC is being adopted by officers as though it is planning policy although it is outside of the Plan making process.

CEG and HLM remain willing to work with the partners and find alternative means to ensure the delivery of the Garden communities.