

## ***Report to the Cabinet***

***Report reference:***                    ***C-nnn-2009/10***  
***Date of meeting:***                    ***99 Month Year***



**Epping Forest  
District Council**

**Portfolio:**                    **Planning & Economic Development**

**Subject:**                    **Report re Northern Gateway Access Package (NGAP) proposed  
by London Borough of Enfield within its consultation on the  
North East Enfield Area Action Plan.**

**Responsible Officer:**                    **John Preston                    (01992 564111).**

**Democratic Services Officer:**                    **Gary Woodhall                    (01992 564470).**

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### **Recommendations:**

- (1) That this Council restates its objections to the Northern Gateway Access Road or NGAP which were put to the previous Public Inquiry in 2002; the reasons for which are amplified within this report; accordingly that it formally objects to the inclusion of NGAR or NGAP within the North East Enfield Area Action Plan.**
- (2) That this Council objects to the fact that NGAR or NGAP has been resurrected within the plan of one authority when as a scheme it requires development within two administrative areas, there is no clear analysis of what NGAR or NGAP is trying to achieve or how it overcomes the many objections made and sustained by the previous Inquiry and that, as such, it amounts to an unreasonable option.**
- (3) That this Council is not satisfied that the explanation for the scheme, or the consultation held is sufficiently adequate, and judges that the pursuit of the scheme is going to be costly for the public purse at a time of particularly scarce public funds.**
- (4) That the Council is asked to provide the resources necessary to pursue its objections, in particular to examination or other Public Inquiry, should that be necessary. Including the use of the same Counsel who successfully represented this Council at the previous Inquiry.**
- (5) That the Council's position is drawn to the attention of other stakeholders irrespective of whether they support or object to NGAR or NGAP.**

### **Executive Summary:**

The Northern Gateway Access Package is included within a consultation by London Borough of Enfield; that package in turn includes a scheme which was previously called the Northern Gateway Access Road (NGAR) and which was called in to be considered at a major Public inquiry some ten years ago, where it was rejected. Whilst the aspiration of the London Borough of Enfield for such a scheme has plainly continued, the Inquiry decision was a forceful rejection of it on many planning grounds and those grounds are not considered to have changed, or to have been overcome in the intervening years.

### **Reasons for Proposed Decision:**

Having carefully and thoroughly considered the case for NGAR at a major Public Inquiry ten years ago; the case of the proposers, and those who had concerns or objections was properly considered, but led to conclusions on many of the issues, and an ultimate rejection of it. It is not considered that evidence of sufficient nature has been produced meantime to deal with those issues. It should not therefore be surprising that this Council, and others, would continue to hold the position which was taken and tested in that Inquiry. What would be more surprising is for a party to take a different position now; there is a general expectation that decisions taken for the right reasons would be met with the same reaction and the same decision now.

### **Other Options for Action:**

1. To support the NGAP proposals.
2. To take a neutral view of the proposals and make no comment.

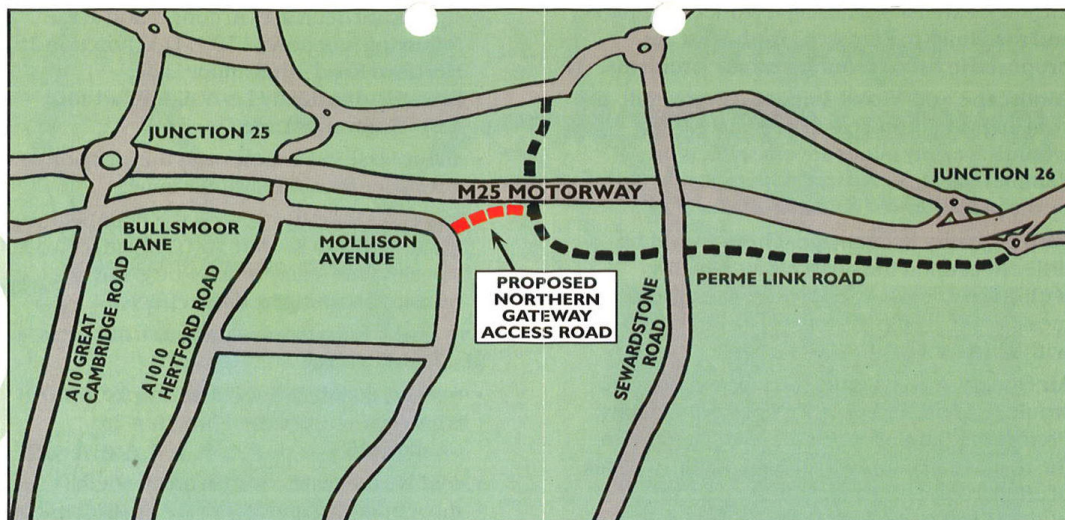
### **Report:**

1. The London Borough of Enfield (LBE) have aspired to a direct or indirect route for traffic using the North South Road (A1055) Mollison Avenue to the M25 for many years.
2. The North South Road serves many employment sites and activities within the northern part of Enfield, as well as allowing access to a variety of residential communities. It passes through a substantial residential community around Bullsmoor Lane before that Lane meets with the A10 a little way south of Junction 25 of the M25. At this northern end of the Borough of Enfield that is a congested, but longstanding, arrangement for traffic to access the M25 and the strategic highway network. For the most part the A1055 is a single carriageway/width road with only occasional sections with two or more lanes in the same direction at or near road junctions or on the approaches to roundabouts.
3. There is also a rather limited and complex access from a continuation of the North South Road where it meets the North Circular Road A406 which is also a part of the strategic highway network. The A1055 continues south serving further mainly employment areas to the east just to the north of the North Circular Road, but also serves employment areas running down to Tottenham Hale.
4. The Highways Agency have policies for motorways such as the M25 which seek to avoid new junctions being created between existing junctions. In addition the lengths of road within two kilometres either side of an existing junction on such a grade separated road are recognised for what are called weaving movements; essentially where drivers who are wanting to join or leave at the junction start to make manoeuvres to join the traffic from the slip road or lane, and move across the lanes if they are wanting to overtake other traffic, or if they are overtaking other traffic on their approach to an exit start to follow signs for the exit and move towards and into the near side lane.
5. Because the point at which the North South Road turns west at its closest point to the M25 is within two kilometres of the slip roads to Junction 25 of the M25, and because of the relatively short distance between Junctions 25 and 26 of the M25, The

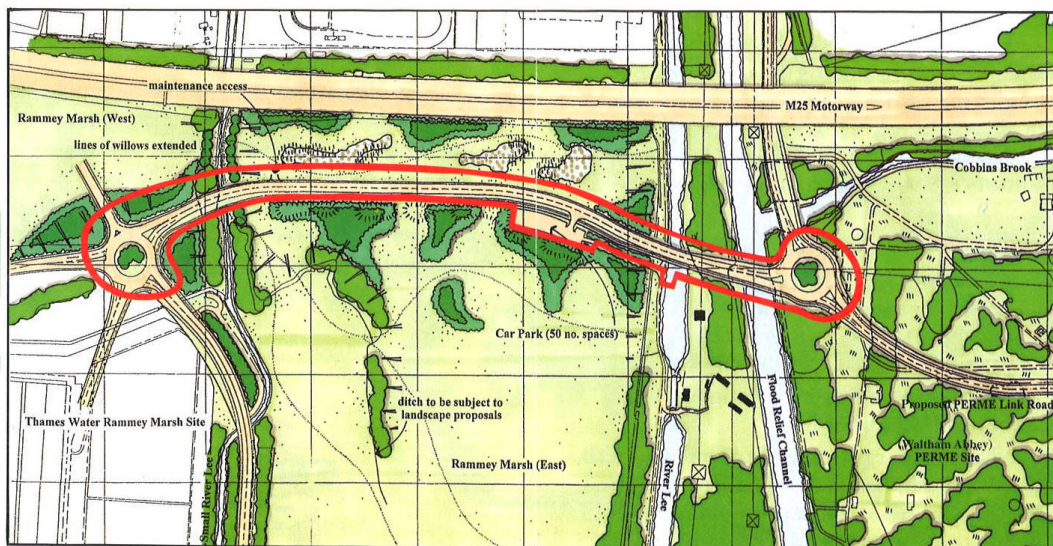
Highways Agency's approach on these points, which follow long standing highway safety principles, has precluded a direct route being achieved by the provision of a further junction giving a direct connection in all directions. It seems unlikely that those policies or the principles which underlie them are going to change to favour such a connection, quite apart from the land requirements that would go with it; there is employment development within the Borough of Broxbourne right up to the northern edge of the M25 at that point.

6. In pursuing their aspiration LBE developed a scheme called Northern Gateway Access Road (NGAR) which was submitted for planning and other approvals some sixteen years ago. In fairness, NGAR was always more than just a road, and would have had public transport and pedestrian improvements in mind as well as access for heavy goods vehicles, but the acronym NGAR was always associated with the road element of that package. Put another way, NGAP still includes NGAR. A brief plan of NGAR (taken from a leaflet produced by LBE some twelve years ago) is set out below.

Location Map



Site Plan



7. NGAR was considered at a major Public Inquiry when its pros and cons were

extensively examined. A copy of the 2002 decision is attached to this report as an appendix A.

8. In brief, the case for NGAR was that the existing congestion was holding back existing economic development, or redevelopment. across a large area of London, not only in Enfield and that for economic reasons a new route for traffic to get into and out of this part of London should be achieved by utilising the A121 to the south of Waltham Abbey (which had only recently been created as a single carriageway road) to achieve access and egress at junction 26 of the M25 rather than only at Junction 25.
9. The decision in respect of NGAR was to reject it firmly for a considerable number of reasons; there can be no doubt that many of the planning considerations that were material to that decision remain material in considering its resurrection/resuscitation now. Indeed, the Green Belt has been maintained for a further ten years despite the publication of the London Plan and its alterations, and so, in that sense, the importance of the Green Belt which would have been affected has been reaffirmed. The London Plan includes specific reference to the protection of the Green Belt, and more general references to economic growth, transport infrastructure (albeit with an emphasis on sustainable modes) but does not include specific reference to NGAP or NGAR including in the specific lists of schemes, including road schemes.

#### **The North East Enfield Area Action Plan**

10. This document is presently at consultation until 8 November 2012. As a document intended to support the planning of a complex area of an adjoining Borough it contains many proposals of merit, and where one might expect an adjacent Planning Authority would be supportive of the strategic approach and the tactics to be employed to achieve the intended actions.
11. For example, in seeking to improve the public realm around many shopping parades or centres or increasing the green links between the area covered by the plan and adjacent areas including those within Epping Forest district there is much to commend. In addition at page 27 is a cross reference to the London Borough of Enfield's 3 fundamental principles, one of which is Fairness. The London Borough of Enfield's commitment to fairness for its residents should not produce a situation where unfairness is caused to residents of this District.
12. However, the Plan seeks to include NGAP and this calls for a careful appraisal and response from the District Council in respect of this, as a strategic planning issue whose impacts cross the boundary of the two Authorities areas.

#### **Reasonableness/Deliverability of NGAP option.**

13. The Inspector's report and the then Secretary of State's decision on NGAR is considered a useful starting point in considering whether it is a reasonable option.
14. The decision letter focused on a number of issues, which are worth repeating, together with a brief summary of the findings, with cross referenced paragraphs from the Secretary of State's decision in brackets, and a commentary about whether the issue or finding is perceived to have changed since.

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#### **Issue**

The relationship of the proposed development to the relevant policies and provision of the development plan.

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#### **Summary of finding**

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Both for LBE and EFDC, NGAR complied with a number of policies, was not inconsistent with others, or with mitigation, would not cause unacceptable impacts with others, but what was overriding was the harm NGAR would cause by Green Belt inappropriateness not being outweighed by the regeneration case for it. (Para 19 of decision)

**Has this changed since?**

The policy background will have changed with the arrival of the London Plan and the National Planning Policy Framework. The Green Belt analysis is not considered to have changed, and nor has a more cogent case for very special circumstances been put.

**Issue**

The effect of the proposal on the Metropolitan Green Belt.

**Summary of finding**

NGAR was inappropriate development, would have some damaging impact upon the openness of the belt and conflict with key purposes; in particular preventing towns merging and safeguarding the countryside from encroachment, even if it partly assisted with regeneration generally. It conflicted with the fundamental aim of keeping land permanently open. (Paras 14, 15 and 16)

**Has this changed since?**

No.

**Issue**

The effect of the proposed road on traffic generation and car use, in the area where the road is proposed and over the wider area.

**Summary of finding**

Reliance had been placed upon the EEHBTS 1999 Traffic model. At the Inquiry a number of anomalies were identified and explanations were either not provided or failed to convince the Inspector (who had Engineering qualifications) The Highways Agency's concerns about the operation of J26 of M25 were noted as were more specific points about whether the model should be relied upon. It was accepted that the scheme would provide relief to some parts of the local road network, but it was doubtful that the level of induced traffic would be as low as suggested, bearing in mind that the proposed road was a new river crossing. On public transport and traffic control measures there were doubts about precisely what was involved and uncertainty about implementation including doubts about the funding contribution from transport for London, and the lack of specificity. Thus he was not satisfied that NGAR was appropriate in PPG13 terms. (Para 9, 10, 11 and 12.).

**Has this changed since?**

No; there is no new local traffic model to replace and overcome the issues found with the 1999 model. Whilst LBE have referred to work on a Transport for London (TFL) model, it is not understood how a general TFL model could deal with those points and findings. It is considered that a new and up to date model would be required that overcomes the previous problems, which, of course, has its own associated costs.

**Issue**

Whether the proposed public transport and traffic control measures would be effective in reducing use of the car in the locality and more generally.

**Summary of finding**

As mentioned above there were doubts about precisely what was involved and uncertainty about implementation. (Para 11.)

**Has this changed since?**

Nothing more specific is apparent.

**Issue**

The appropriateness of the proposal having regard to transport planning guidance in

PPG13.
<b>Summary of finding</b>
As explained above NGAR was found to be inappropriate having regard to PPG13. (Para 12.)
<b>Has this changed since?</b>
PPG13 has been cancelled by the National Planning Policy Framework (NPPF); however section 4 of the NPPF provides much advice; NGAR overall would probably not be judged as sustainable.
<b>Issue</b>
Having regard to the planning condition limiting the development of Phase 2 of the Innova Park scheme, whether access to Innova Park can be achieved by means other than the construction of the proposed road.
<b>Summary of finding</b>
The Secretary of State was not satisfied that NGAR was a necessary precondition for the release of phase 111 (three.) (Para 13.)
<b>Has this changed since?</b>
No further comment on the particular condition; however, the predictions of the absolute need for NGAR and the dire predictions as to the world without it have not come true; economic development and redevelopment has continued in the area since.
<b>Issue</b>
Whether harm to the Metropolitan Green Belt, nature conservation in the Lee Valley, and the wider environment, by reason of the construction of the proposed road and its likely effects, is outweighed by the contribution the proposal would make to the broader development strategy for the Lee Valley and towards achievement of other Government policies.
<b>Summary of finding</b>
No, it would not. In particular it was considered that the proposal would have potentially adverse impact on Rammey Marsh's features of nature conservation interest and that it was uncertain that the potential permanent damage to those interests could be mitigated to an acceptable degree. Other significant harm to the character and appearance of the River Lee Navigation was found, and there was a lack of certainty about the reliability of an air quality assessment concerning Epping Forest and features it contained of European interest. (Paras 17 and 18.)
<b>Has this changed since?</b>
No, there is no evidence to suggest this. The European status of Epping Forest has been confirmed/formalised in the meantime, and no air quality information has been provided.

15. Whilst the relative weight of some of those issues may have changed; for example the general economic case might have strengthened given the present state of the economy, and there will be a somewhat different policy context with the National Planning Policy Framework, many of the issues would not be expected to have a different finding now if considered afresh. Fundamentally NGAR was a flawed proposal, and it is not understood how one can consider that something has been done to resolve those flaws; it is still in the Green Belt, its is still in the Regional Park there is no new traffic model to overcome the drawbacks of the previous bespoke model, and it would still disgorge "Enfield" traffic into parts of Waltham Abbey before that traffic could reach the M25 at Junction 26.
16. For those reasons alone NGAP or NGAR can be re-badged, but its basic purpose is unchanged, and its disadvantages, particularly for this District, and for the Park, are

not overcome with the passage of time. Indeed it is not considered a reasonable option to pursue, and it cannot be delivered unless the disadvantages could be overcome.

17. A new factor or emphasis in the last ten years has been about the delivery of new infrastructure; this suggests that proposals which a public body are pursuing should be costed, and that there is more than a good chance of them actually being built.
18. The consultation document is very aspirational for a significant number of public realm improvements, but has no cost information about NGAP (and in particular that part of NGAP which amounts to NGAR)
19. Accordingly, whilst not losing sight of all those who have supported NGAR or NGAP in the past for the benefits that it might bring to certain residents of Enfield, or certain businesses, or even many businesses, its environmental impacts are considered to remain quite unacceptable, and leave it as an unreasonable option which would not likely be able to be delivered.

#### **Are there any other reasonable options?**

20. This is not a scheme being promoted by this Council, and it is not for EFDC to have to give other reasonable options as such. However, there is not any recognition within this consultation that the junction of the continuation of the north south road where it meets the A406 North Circular, lying in a very built up area, might be capable of alteration to improve accessibility to the strategic road network for all traffic, but including heavy goods vehicles. Neither is there any indication whether any consideration has been given to a different arrangement to secure direct access to the M25, and which the Highways Agency would sanction (even if these have been considered or rejected in the past.) For example, could there be an extension of the roads connected to junction 25 of the M25 to allow for traffic on the roundabout at the top end of Mollison Avenue to access the M25 by using a short spur thence making a left turn only into the now widened Holmesdale Tunnel? That does not, of course, deal with traffic movements in all directions, and the weaving impacts would have to be carefully considered. Alternatively, could there be an early left hand exit from the M25 by a short spur to that same roundabout? Could one do both? Although those would still be in the Green Belt, and the Park, the impacts and the costs would be of a much lesser order than NGAR. The Highways Agency has, after all, sanctioned other additions to existing motorway junctions to help ease difficulties, even for traffic only making a simple left turn, but without entering the main part of the junction; for example from M25 clockwise to the A12 at Junction 28 of the M25, albeit that they may have been the instigators of the projects.

#### **Has there been adequate explanation and consultation in respect of NGAP?**

21. Those who were involved in the previous NGAR Inquiry have probably recognised that LBE's aspiration did not depart once the decision was reached, however, for those not previously involved, this consultation may come as something of a shock.
22. The consultation document is not considered to be clear for those who have not been initiated; NGAP appears on a plan as a symbol at page 40. That plan, in contrast to nearly all the many others in the document does not show the development now present at Waltham Point, Meridian Park or the route of the A121; the symbol does not explain the NGAR component; rather one has to read the text at page 43 to begin to understand what is involved, and to perhaps set aside the reference on page 42 to biodiversity being protected and enhanced.



23. There are references to barriers to movement on page 23; some more general points about accessibility on page 30; the draft vision at page 38 has a reference to improving freight distribution networks; page 43 includes a reference to improve accessibility and connectivity, and to supporting the provision of transport infrastructure in various ways but specifically by “exploring the feasibility of direct access to the M25 through the NGAP project.”
24. At page 53 in a section concerning the policy approaches to different areas and in relation to the Ponders End waterfront is a reference that the Brimsdown and Meridian Business Park industrial areas continue to thrive. On page 59 in a sub section about the Areas of Improvement: 4.6 The Industrial Estates is, perhaps, the second most specific reference. This section reads; “However, there are concerns that the increase in strategic warehousing in the area and to the north is causing stress to the road network and so undermining what makes Enfield an attractive place for these businesses in the first place. Serious consideration will need to be given to improving access to this part of the Borough to facilitate further development potentially through the Northern Gateway Access Package (NGAP) that involves providing a new link road between the A1055 and the A121 to connect to Junction 26 of the M25.”
25. On page 62, in a section which reviews recent economic developments of some significance within the area, there is no sense that important economic development is being stifled in practice. Indeed attention is drawn to the recent Tesco development. ( It is understood that the purpose of that development is to provide a distribution facility for the smaller Tesco Express Stores, and that instead of “click and collect” customers being served by individual larger Tesco stores, that they are to be served from this one site. It would appear a strange decision for Tesco to introduce that operation here if the congestion or delays to vehicle movements during peak traffic hours, or the normal working day, were going to cause them to have to regularly have to run out of stock at Express Stores or to deliver later than the suggested agreed slot for individual customers expecting their home delivery. This is surely a strategic warehousing operation which cannot operate by limiting its turnaround window to the early hours of the morning in order to avoid traffic peak. (see Barriers to Movement section of document at page 23.)
26. In section 4.7 on page 65 is a section titled The Highway Network, Transport and Movement Infrastructure, which indicates that “Access to the M25 is indirect, convoluted and congested. A later paragraph which firstly deals with rail states that “...together with ongoing discussions with partners as to the feasibility and benefits of the Northern Gateway Access Package...”
27. At page 67 in a section about the Policy Approach in paragraph 1 there is a reference to traffic management measures across the local road network and routes leading to the strategic road network such as the A10, the M25 and the A406 North Circular Road. At paragraph 3 is the most specific reference to the scheme. This reads as follows; “Continued consideration will also be given to the potential benefits and merits of a Northern Gateway Access Package (NGAP) that involves providing a new link between the A1055 and the A121 to connect to junction 26 of the M25, mitigating the impact of the scheme in Rammey Marsh as much as possible. This has the potential of significantly improving access on to the M25 and beyond from key industrial areas. This again, will be considered in the context of further technical studies being undertaken in partnership with stakeholders such as Transport for London and the Highways Agency. Question 19 asks; Do you agree with exploring the need for the Northern Gateway Access Package?



28. At page 70 there is a plan which does not recognise that Rammey Marsh is Metropolitan Green Belt, but shows it instead as Metropolitan Open Land. It is also noted that parts of Epping Forest District are shown as shaded portions on the majority of the maps, described as figures. All areas to the West of the Sewardstone Road are so marked and the same applies to both sides of this road within the E4 postal district. It could be that this is simply to provide surround colouring, but with the combination of this colouring to both sides of the road within the E4 area this does raise some doubts as to its purpose on the maps.
29. It is considered that the explanation of NGAP is less than adequate because even for someone with intimate previous knowledge, one has to read a number of separate sections of the document to really understand what is possibly intended, and neither is there any attempt to revisit the 2002 decision and explain what has changed that would mean that a different decision could be expected now.
30. To resurrect NGAR/P is considered to require the proper updating of the previous traffic model, and in a manner which leaves the parties to that exercise comfortable that the model is accurate; this has a public cost attached to it, as does the pursuit of the scheme, and at a time when public resources are scarce, and, in particular, if the various and several stakeholders who were involved in the last Inquiry need to be involved in a similar exercise again. The Inquiry was also attended by a variety of environmental groups, which is a drain on their limited resources.

#### **Duty to Co-operate**

31. **The Localism Act 2012 introduced the statutory duty to Co-operate on strategic planning matters between neighbouring Local Planning and other Authorities. That duty is relevant to this plan making stage. EFDC have long participated in the Enfield Essex Hertfordshire Border Liaison Group, and its terms of reference were amended to include reference to the duty to Co-operate; EFDC is happy to continue to use that Group to achieve what is required under that duty.**
32. Whilst the aspiration for NGAR or NGAP has been mentioned at the regular meetings of the Enfield Essex Hertfordshire Border Liaison Group, there has been no meaningful and specific discussion about it, or other options that has involved EFDC.
33. Had there been, then one might have expected that EFDC would have included a specific reference to this in our Issues and Options consultation on the new EFDC Local Plan, and that the residents of Meridian Park Waltham Abbey in particular would have been made aware of its resurrection. Similarly businesses in Waltham Abbey should also be aware of this. It is not clear how they would be aware unless LBE have undertaken a specific exercise to draw their attention to where this has now reached. It is thus also considered that the consultation with EFDC, local residents and businesses in this area has also been less than adequate. It is not understood that Waltham Abbey Town Council were specifically consulted.
34. This must raise issues about how LBE will be able to persuade a future Inspector that their plan is sound.

#### **Resource Implications:**

At present the resource implications rely primarily on the time of officers and members spent in compiling and considering this report, and thus are achievable from existing resources. However, if EFDC was to be expected to contribute to the costs of a new traffic model, or to have to take these objections all the way to a further Public Inquiry of some sort, then there will be a need for a supplementary estimate to cover those costs. The development Committee at its meeting of 2 March 1999 item 4 agreed additional budgets of £50,000 for economic consultants (£20k), a contribution of £5k as a one fifth contribution to the costs of a traffic model and £25K for Counsel costs when NGAR was going to Public Inquiry on the first occasion. Similar costs, updated to reflect the passage of time, but running into tens of thousands of pounds would be involved now for each public body if the case goes to a similar Inquiry again.

#### **Legal and Governance Implications:**

The resource issues explained above have implications for the legal resources of EFDC in addition to those for Planning. There are concerns about how this proposal has been consulted about; whether it is a reasonable option, and the lack of reference to other options; the absence of information about the cost (understood to be £25 million) and hence the deliverability of NGAR. In turn, those issues suggest that an Inspector would have great difficulty in judging this action plan to be sound, and there must be doubts that the resurrection of NGAR is a reasonable approach, in particular in the absence of any analysis of the previous appeal decision, or suggestion as to how all the issues which led to the 2002 decision have been overcome.

#### **Safer, Cleaner and Greener Implications:**

The removal of some congested traffic from Bullsmoor Lane in Enfield might produce a situation for some Enfield residents that was safer, cleaner and greener, but the cost is the destruction of an important part of Rammey Marsh (whose importance was emphasised in the 2002 Inquiry) and the transfer of that congestion onto the roads of this District. In addition any inducement of traffic to use the new route so created is not a sustainable approach. The Lee Valley Park Authority called very particular evidence on these matters at the 2002 Inquiry.

#### **Consultation Undertaken:**

EFDC are a consultee in this case.

#### **Background Papers:**

The consultation document of LBE re the North East Enfield Area Action Plan.

The planning file for EPF/1277/96 including the Secretary of State's decision following the call in of that application, and its Enfield counterpart, and documents referred to therein..

Relevant minutes of meetings of the Enfield Essex Hertfordshire Border Liaison Group.

The Issues and Options Consultation document for EFDC's new Local Plan.

#### **Impact Assessments:**

##### Risk Management

There are clear risks in this case that the further pursuit of NGAR would be a particularly costly exercise for a number of public bodies, and environmental groups. That amounts to a use of scarce public funds which have many other pressures upon them.

However there is a risk to the environment and the local authority's reputation should the objections which succeeded previously not be sustained without good reason

##### Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? Yes

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?  
The requirements for a formal assessment of these points are considered to be for the London Borough of Enfield as the instigator of the proposal rather than for EFDC as a consultee; however, it is not considered that the Enfield principle of fairness has been applied to the impacts upon residents or businesses within the EFDC area.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?