

Report to the Cabinet

Report reference: C-017-2008/09.

Date of meeting: 14 July 2008.



**Epping Forest
District Council**

Portfolio: Planning and Economic Development.

Subject: Adoption of East of England Plan.

Responsible Officer: Ian White (01992 - 564066).

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

Recommendations:

- (1) To note the adoption of the East of England Plan on 12 May 2008;
- (2) To note that the Plan proposes within this district urban extensions to the east, and to a smaller extent to the south and west, of Harlow, and extensions to the north of Harlow within East Herts district;
- (3) That, in relation to the preparation of development plan documents in connection with the proposed urban extensions to Harlow:
 - (a) the requirements of the East of England Plan for “joint or co-ordinated” working be noted;
 - (b) the range of options for achieving such working between the local authorities involved be explored; and
 - (c) the terms of reference of the Portfolio Holder Advisory Group on the Local Development Framework be extended to cover consideration of:
 - (i) the form of joint or co-ordinated working which best meets the needs of this District, including the desirability of establishing a Joint Committee and Joint Sub-Committees dealing separately with areas to the east, south and west of Harlow, and to the north of Harlow;
 - (ii) the local authority membership of Joint Committees if that option is selected, and the relative powers of different authorities, eg the inclusion of County Councils because of their responsibilities for highways and education provision;
 - (iii) the basic negotiating stance to be adopted by the Council in future meetings with the local authorities; and
 - (iv) the manner in which negotiations are to be conducted with other local authorities, including the involvement of Overview & Scrutiny; and
- (4) To note the housing and employment targets for the rest of the District.

Executive Summary:

The report highlights the main implications of the East of England Plan – most notably urban extensions to Harlow and a target of 3,500 new houses up to 2021, although this figure is to be treated as a minimum. Further increases in the rate of housing provision are expected in the period 2021 to 2031. The report outlines a range of options for joint or co-ordinated working with adjoining authorities, including Essex and Herts County Councils.

Strategic reviews of the Green Belt will be needed to accompany the growth requirements of the Plan, although the district's location within the London Arc implies that policies of restraint will remain with the emphasis on promoting more positive management and use of the Green Belt.

The problem of affordable housing is discussed. The Plan includes reduced job growth targets and promotes the retention of town and neighbourhood centres, with the emphasis being on more clearly defining the role of each centre. The Plan is disappointingly light on infrastructure provision.

Reasons for Proposed Decision:

Early pressure for development around Harlow is expected, despite current economic conditions. Up to date policy guidance is needed as quickly as possible to deal with the anticipated applications. Joint or co-ordinated working is promoted by the Plan.

Other Options for Action:

There are no realistic alternatives to those discussed in the report. The Government is intent on there being a step change in housing provision, and there is the threat in the Plan that, if little action is taken by the planning authorities, their powers could be transferred to another agency to ensure delivery of housing in appropriate numbers.

Report:

Introduction

1. The East of England Plan (EEP) was adopted on 12th May 2008. It is the Regional Spatial Strategy for the counties of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk and, as such, is the top tier of the new Development Plan for the region. All Local Development Documents (LDDs) produced by this Council must be in general conformity with it. The EEP's policies must be used as material considerations in dealing with strategic or other appropriate planning applications and appeals.
2. The Plan takes account of the Regional Economic Strategy produced by the East of England Development Agency and incorporates the Regional Transport Strategy. It deals with the period up to 2021 but sets a vision, objectives and core strategy for the longer term and in particular seeks to reduce the region's impact on, and exposure to, the effects of climate change. Its intention is "to establish a development strategy with the potential to support continued sustainable growth beyond 2021".
3. The Plan will be subject to almost immediate comprehensive review, although most of the policies should be robust and not require fundamental revision. The main intention is to roll the Plan forward to provide for the 2021-31 period to take account, in particular, of increased figures for housing provision. This review is intended for completion by 2011, which means that the new Plan would have a 20-year time span.

4. A Single Issue Review of the Plan is also underway, dealing specifically with the provision of pitches for gypsies and travellers. An Examination in Public of this review is timed for October this year, and it is anticipated that the replacement policy will be adopted about a year later.

5. Under the provisions of the Planning and Compulsory Purchase Act 2004 all but eight policies of the Essex and Southend-on-Sea Structure Plan (2001) expired in September 2007. The adoption of the EEP reduces this to six, and of these, only three can be considered to have any significance, however remote, for the district. These are BIW9 (Airport Development); EG1 (Proposals for New Power Stations) and MIN4 (Sterilisation and Safeguarding of Mineral Sites). In preparing LDDs it is the responsibility of this authority to consider formally whether these remaining extant policies should be carried forward or be deleted.

Key Drivers of Regional Policy and Spatial Vision

6. Eight issues are identified as drivers for which policy responses are required:

(i) Fostering and developing European and inter-regional links – the area is seen as a “conduit” between Europe and the rest of the UK. Specific mention is made of integrating East of England policy with the Milton Keynes and South Midlands Sub-regional Strategy.

(ii) Recognising London’s role as a world city and national economic powerhouse – this particularly has implications for employment, migration, housing demand, transport and waste management.

(iii) Promoting sustainable development, by addressing economic, environmental and social objectives and the inevitable conflicts.

(iv) Reconciling growth with protection of the environment, with the emphasis on avoiding adverse effects on sites of European or international importance for nature conservation (eg Epping Forest).

(v) Concentrating growth at “key centres for development and change” (KCDC), whilst maintaining the “general extent” of the Green Belt.

(vi) Recognising the importance of a number of priority areas for regeneration, but not overlooking pockets of deprivation elsewhere in otherwise relatively buoyant areas.

(vii) Setting in motion a dynamic growth strategy that will endure beyond 2021.

(viii) Taking account of the 2003 Aviation White Paper, notably the continuing expansion at Stansted and Luton airports.

7. The spatial vision for the Plan is that “by 2021 the East of England will be realising its economic potential and providing a high quality of life for its people”. This will include:

(a) meeting their housing needs in sustainable inclusive communities; and

(b) reducing impact on climate change and the environment by savings in energy and water use, and by strengthening the stock of environmental assets.

8. The five general objectives to achieve the vision are to:

(i) Reduce the region’s impact on, and exposure to, the effects of climate change – this

will include reducing the need to travel, achieving a modal shift away from car use, maximising the energy efficiency of development, and reducing the risk of flooding.

(ii) Address housing shortages by securing a “step change” in the delivery of additional housing and giving priority to the provision of affordable housing.

(iii) Realise the economic potential of the region. This encompasses a wide range of more specific objectives, eg facilitating development needed to support business sectors and clusters, improving skills, and ensuring job growth broadly matches increases in housing provision. Inter-regional links and access to economic opportunities in London are listed again. Specific mention is made of “ensuring adequate and sustainable transport infrastructure”.

(iv) Improve the quality of life for people of the region – this addresses design, social cohesion, cultural diversity, community involvement and regeneration of disadvantaged areas.

(v) Improve and conserve the region’s environment. This deals with biodiversity, landscape, provision of “multi-functional greenspace”, the built and historic heritage, reducing the demand for water, other natural resources and the production of waste, and increasing sustainable waste management.

Implications for the District

9. The key issue is provision of additional housing and there are six factors to consider:

- (i) urban extensions to Harlow;
- (ii) provision of housing elsewhere in the District;
- (iii) Green Belt review;
- (iv) impact on Best Value Performance Indicators;
- (v) affordable housing; and
- (vi) provision beyond 2021.

Urban extensions to Harlow

10. The town is expected to make provision for 16,000 additional dwellings between 2001 and 2021, and this will include urban extensions in Epping Forest and East Hertfordshire Districts. These should be “to the north, east, and on a smaller scale the south and west” (policy HA1). Despite requests at earlier stages of the preparation of the Plan, not even broad-brush figures are given for the housing numbers to the east, south and west. The northern extension should provide for an eventual development of at least 10,000 dwellings, and possibly significantly more.

11. Policy HA1 (7) requires, as a matter of urgency, Harlow, East Herts and Epping Forest District Councils to work with the county transport authorities, the Regional Assembly, the Government Office and Harlow Renaissance to undertake an appraisal of planning and transport options so that these can “inform the preparation” of joint or co-ordinated Local Development Documents. Consultants originally appointed by Harlow to carry out an infrastructure audit have been invited to extend the study to assess the options for distribution of the housing target within the town and between the proposed extensions. This enlarged

study will also assess the infrastructure requirements of the different options and a separate set of consultants will carry out a Sustainability Appraisal. It is hoped that this additional work, required by the EEP, can be paid for through the Programme of Development, ie with Government funding. The objective is to end up with a development strategy which promotes Harlow's regeneration, is as sustainable as possible, and which can be implemented at the required pace.

12. While the current economic climate may slow things down, officers believe that there will be early pressure for development in the areas named in the EEP. Indeed there have been regular officer-level meetings with potential applicants for a site between Parsloe Road and Water Lane, adjacent to Broadley Common to discuss development for mainly housing (approximately 1500 units). These meetings now also involve officers from Harlow and Essex County so that implications for infrastructure provision can be fully assessed. The developers are intending to carry out a comprehensive public consultation exercise in the autumn and to submit a planning application in about a year's time. A similar very exploratory joint meeting has been held with other developers to discuss Harlow east proposals.

13. The Council is in a potentially weak position to deal with "early" applications for the east, south and west of Harlow. It is the function of the Local Development Framework to identify sites in accordance with the EEP, but all reasonable options have to be assessed and it is likely that the process of adoption of LDDs will take at least two years because of community involvement requirements and the Examination in Public. In the interim the Council will have to rely on the 1998 Local Plan and the 2006 Alterations to deal with any applications. Appeal Inspectors are likely to place less reliance on the older policies and to respond more to the Government's drive for a "step change" in housing provision. Officers therefore believe that the preparation of LDDs for the areas around Harlow as named in the EEP should be a priority.

14. The EEP strongly encourages the preparation of joint or co-ordinated LDDs to determine the appropriate distribution of housing between the urban extensions so that they:

- (i) promote Harlow's regeneration;
- (ii) are as sustainable as possible; and
- (iii) can be implemented at the required pace (delivery is a key component of the new development plan system).

15. Officer-level joint working has been proceeding for several months, mainly in connection with some of the studies needed as part of the evidence base to support the LDDs.

Joint or Co-ordinated Working

16. To comply with the Government's expectation (as expressed in the East of England Plan) that Development Plan Documents covering the urban extension areas to Harlow should be agreed between participating Councils as a result of co-operative arrangements, it will be necessary to give consideration to the arrangements which best meet the needs of the District.

17. Joint or co-ordinated working can be seen to fall into two main categories:

- (i) arrangements which establish liaison/consultation where each participating Council retains its existing decision-making powers as planning authority; and

(ii) a joint committee (or committees) where, by a process of negotiation and approval of a joint agreement by each Council, the decision-making powers are added to that committee.

18. Negotiations under either category would cover matters such as:

- (a) preparation of local development schemes/documents and approval/adoption;
- (b) oversight of consultation and liaison arrangements;
- (c) oversight of resources, budget and work programme;
- (d) steering arrangements for technical work to be undertaken on the Joint Committee's behalf;
- (e) meeting arrangements and support;
- (f) which councils are to be included;
- (g) representation for each council;
- (h) chairmanship;
- (i) whether sub-committees dealing with specific areas or topics are to be established; and
- (j) whether a Joint Committee should, in addition to plan-making powers, also be given responsibility for dealing with major planning applications.

19. The decision to establish a joint committee is a constitutional one and requires the approval of the Council.

Negotiating an Agreement

20. In considering the question of how negotiations are to be conducted, the Cabinet is asked to bear in mind that there are already two bodies appointed to deal with the LDF etc:

- (a) a Portfolio Holder Advisory Group; and
- (b) a Standing Scrutiny Panel on Planning.

21. In respect of the latter the relevant terms of reference are:

(i) to consider matters which arise through the process that the Government is driving to bring in an East of England Plan as issued in May 2008; these may range from how to respond to the initiatives or views of those who support or oppose us, and how we may support or oppose the views taken by others, and how to work in partnership with others to secure the delivery of the plan with adequate infrastructure. In particular, this is to allow the Portfolio holder for Planning and economic development to remain tuned in to local views;

(ii) in association with (i), to keep an overview of work associated with securing a sound new Local Development Framework.

22. The Cabinet may consider that there should be some involvement in negotiations from the Overview and Scrutiny side as well as the Cabinet.

Options for joint or Co-ordinated Working

23. In terms of preparing Development Plan Documents, the options for joint or co-ordinated working include:

- separate Core Strategies for each authority with growth agreed across boundaries to ensure consistency. This raises a number of issues – e.g.:

(a) what if the authorities do not reach agreement about the distribution of development within the urban extensions;

(b) is this process likely to be fast enough to deal with early pressure for development around Harlow;

(c) authorities cannot allocate land outside their administrative areas;

(d) would this arrangement be sufficient to amount to co-ordinated working as proposed in the East of England Plan;

- separate Core Strategies with a “common part” in each one prepared in co-operation with the other authorities dealing with the urban extensions to Harlow outside its current borders. This may satisfy (d) above, but the possible problems outlined in (a) to (c) remain. There may be particular issues with speed of decision making as the process would rely on each authority reporting to its own Committees, so it could only be as fast as the slowest Committee cycle;

- Joint Core Strategy for Harlow and its urban extensions as defined in the EEP, with the agreed boundaries defined on a plan, and development plan powers passed to a Joint Committee. It is known that Harlow Members favour this approach and are keen to establish a Joint Committee with this authority and East Herts. It may also be necessary to include Herts and Essex County Councils because of the infrastructure implications of Harlow’s growth – especially highways and education. There are several variations within this option which will require more detailed consideration – e.g.:

(i) the formation of sub-committees to deal with distinct areas (the East of England Plan recognises the River Stort as a boundary of sorts and encourages long-term significant growth to the north, while recognising that environmental and other constraints should restrict growth to the south);

(ii) whether the Joint Committee should also assume powers to make decisions on major planning applications;

(iii) whether sub-committees could be formed to deal with specific issues eg infrastructure provision;

(iv) whether the Joint Committee should have an agreed time limit to its existence – ie to be disbanded after the relevant Development Plan Documents have been adopted – with all planning powers reverting to the original authorities.

24. Officers are aware that Joint Committees have been established for Luton/South Bedfordshire and the County Council, and at Norwich with three adjoining authorities and the County Council. In both cases the arrangements are quite recent so it is difficult to draw conclusions about the successes or otherwise of the approach. Officer support is very different between the two schemes, with a “Joint Technical Unit” being established in Luton

which has brought all the policy planners from Luton and South Beds into one office. The arrangements are currently much more informal in Norwich with 2 officers each from three of the authorities working jointly for approximately two days per week. If the decision is taken to form a Joint Committee to deal with the urban extensions to Harlow, thought will have to be given to officer support for the Committee and how this will impact on policy resources elsewhere. If a Joint Core Strategy is prepared for the Harlow area, a separate Core strategy will be needed for the rest of the District.

25. The options are due to be discussed shortly with officers from the neighbouring authorities and GO-East.

Housing Provision in the Rest of the District

26. Policy H1 states that this district should make provision for an additional 3,500 houses in the period 2001 to 2021. This figure has been adjusted to run from April 2006 to allow for new build between 2001 and March 2006. The minimum still to be provided is therefore 2,290 units – an average annual building rate of 150. The Council's Annual Monitoring Report from last December further updates these figures: net dwellings built between 2001 and 2007 – 1,519; commenced but not completed – 148; with planning permission but not yet commenced – 1,352. Theoretically therefore, the Council would only have to make provision for an additional 481 units to meet the 3,500 target.

27. The Plan stresses on several occasions, however, that the housing targets should be treated only as minimum figures and all authorities are being encouraged to make greater provision. It is also known that a major scheme in the District that has not been commenced has been withdrawn, and the replacement proposal will significantly reduce the number of houses – this will be reported in the next version of the Annual Monitoring Report.

Green Belt Review

28. Policy SS7 of the EEP indicates that strategic reviews of green belt boundaries are needed to meet regional development needs at the most sustainable locations. Harlow and land in East Herts and this district are specifically mentioned (among other areas) as requiring review. This obviously will cover the proposed urban extensions to Harlow, but it may also need to include other settlements in the district because para 3.32 of the Plan advises that the review should “aim to release sufficient land to avoid further review before 2031”. Land released for long-term housing and associated development needs after 2021 should be safeguarded for these purposes in accordance with para 2.12 and Annex B of PPG2 (Green Belts). The Harlow review should identify compensating strategic extensions in East Herts district.

29. The District is also included in the definition of the “London Arc” (para 13.34) – ie the area closest to and most strongly influenced by London. Within this area, policy LA1 states that the emphasis will be on “retention of long-standing green belt restraint, supported by more positive green infrastructure use of neglected areas in accordance with green belt purposes. ” Para 13.37 advises that there is a need to balance the priorities of restraining urban sprawl, enhancing the countryside and meeting development needs in sustainable ways. This should be achieved by retention and enhancement of the green belt, and by accommodating development through effective use of the land within urban areas and selective green belt review.

30. Policy SS8 promotes urban fringe management across administrative boundaries where appropriate, again emphasising the provision of green infrastructure and the protection of recreational and/or biodiversity value. Policy ENV1 deals more specifically with the provision and protection of green infrastructure, and Epping Forest and the Lee Valley

regional Park are identified as areas of regional significance.

Best Value Performance Indicators

31. The target for BV 106 (the percentage of new homes built on previously developed land) is currently set at 89.67%. It is very likely that none of the development on the east, south and west of Harlow will be on PDL, so it will be quite impossible to meet this target. Policy SS2 of the EEP states that the target should be for 60% of development to be on PDL, but this is the regional target and there are bound to be quite wide variations across the region. The review of the EEP will consider whether the target should be amended. In the light of the EEP proposals for development around Harlow, this Council's very high target needs also to be reviewed. Options include an overall significant reduction, or separating the Harlow urban extensions from the rest of the district.

Affordable Housing

32. Policy H2 requires LDDs to set appropriate targets for affordable housing, within the overall housing requirement of policy H1 (ie the 3,500 target outlined above). A target of 35% is set, although the Plan acknowledges that more than this may be justified in the more pressurised areas. Consultants have been appointed to prepare a Strategic Housing Market Assessment for this district and neighbouring authorities. This will identify the current need for affordable housing and update the last survey from 2003.

33. Despite the Local Plan Alterations setting a target of 40% affordable housing on suitable sites, inadequate provision continues to be made, and the housing waiting list continues to grow. Other methods will have to be found to significantly increase provision if this problem is to be seriously addressed. In the current economic climate it is likely that the 40% target will be seen as unrealistically high, and this situation may persist for some time. The Plan supports the use of "rural exception" policies to deliver affordable housing, but officers believe that this can only be one of several methods to increase provision. Members will have to consider increasing overall housing numbers significantly higher than the EEP targets if serious inroads into affordable housing provision are to be made, and options such as compulsory purchase of suitable sites may be part of the process.

Housing Provision after 2021

34. The EEP advises on several occasions that it is following the strategy of the Housing Green Paper (Homes for the Future: More Affordable, More Sustainable (July 2007)). This means further increasing the level of new provision in the period 2021 to 2031, and increasing social rented housing and low cost home ownership. Para 5.5 indicates that the review of the EEP will bring forward proposals for higher growth in the period 2011 to 2021, in addition to setting requirements for 2031. There is a strong warning about not relying on existing plan policies to restrict housing growth – para 5.4 states "It is important that policies in existing plans do not constrain inappropriately the build-up of the house building rate while development plan documents which give effect to the EEP are put in place."

Other Issues

35. The previous consultation version of the Plan (Further Proposed Changes: October 2007) suggested the provision of 14,000 jobs shared between this district and Brentwood. Following this Council's objection to the figure, In the "Schedule of Changes and Reasons" which accompanies the adopted Plan, it is acknowledged that the 14,000 figure was too high. It implied a job to housing growth ratio of 2.0 compared with the regional ratio of 0.89. The adopted Plan now includes the district in the "Rest of Essex" (comprising Braintree, Brentwood, Chelmsford, Epping Forest, Harlow, Maldon and Uttlesford) with a combined job

growth target of 56,000. This gives a job to housing growth ratio of 0.98, which is significantly closer to the regional average. Officers will continue to work with Brentwood to commission an Employment Land Review, and will contact the other authorities in the “Rest of Essex” to establish their individual job growth targets.

36. Policy SS6 requires LDDs, Sustainable Community Strategies and economic strategies to define the role of each town centre, include a strategy to manage change, and ensure land is allocated to meet the full range of each centre’s needs. Neighbourhood centres should also be protected and enhanced. After the Employment Land Review is underway, officers will be commissioning a study of the district’s centres to meet these aims.

37. Despite its intention to promote sustainable development, the Plan remains very light on the subject of infrastructure provision. Para 13.61 discusses the need for increased wastewater infrastructure, and a study of the Rye Meads sewage treatment works is now underway, funded by Government through the Programme of Development. A similar study will commence shortly on the need for an extra electricity sub station in Harlow to cope with housing and employment growth. The study will again receive Government funding, but will also have some private resourcing.

38. Paragraphs 13.60 and 13.61 also briefly discuss current congestion problems in Harlow and the need for a bypass, but decisions on the latter’s funding are being left till later in the Plan period. Officers are very concerned about this approach, as a bypass is considered to be key to promoting Harlow’s regeneration and to unlocking the potential for significant growth in the Harlow north area.

39. The new version of PPS12 (Local Spatial planning) was published in early June. This deals in detail with the production of Core Strategies and an item will be prepared shortly for the Council Bulletin.

Resource Implications:

A budget of £1.2 million over the next four financial years was agreed at Cabinet on 17 December for the production of the Local Development Framework. This will be monitored with regular, probably quarterly, reports to Cabinet. If the option to form a Joint Committee is pursued, the sharing of costs will need to be investigated in detail.

Legal and Governance Implications:

Formation of a Joint Planning Committee with Harlow and East Herts districts, and possibly Herts and Essex County Councils would raise more significant issues than the other options.

Safer, Cleaner and Greener Implications:

The Plan specifically promotes more positive management and use of the Green Belt, and the provision of additional green infrastructure where appropriate.

Consultation Undertaken:

None.

Background Papers:

East of England Plan (May 2008) and the Schedule of Changes and Reasons (May 2008);
Housing Green Paper (2007).

Impact Assessments:

The Plan has been the subject of Sustainability Appraisal and Strategic Environmental Assessment. It has also been subject to Appropriate Assessment to check its impact on sites of European importance for biodiversity.