

Report to the Cabinet

Report reference: C/052/2006-07.

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**Epping Forest
District Council**

Portfolio: Planning & Economic Development.

Subject: Draft East of England Plan - Report of the Panel of Inspectors.

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Recommendations/Decisions Required:

(1) That responses to the Panel Report concerning North Weald, District housing and employment provision, Harlow urban extensions and infrastructure, Green belt boundaries and car use, as set out in paragraphs 13 to 22, be endorsed;

(2) That these responses will form the basis of a letter to be forwarded as soon as possible to the Secretary of State for Communities and Local Government, local MPs, Go-East and the East of England Assembly (copied to Harlow, Brentwood and Essex Councils).

Introduction:

1. A 250-page report (plus volume of Appendices) of the Panel which conducted the Examination in Public (EiP) November 2005 to March 2006 into the Draft East of England Plan was published at the end of June. Copies are in the Members Room.
2. The report is formally addressed to the Secretary of State for Communities and Local Government; it contains conclusions about and many recommended changes to the Draft Plan. The next formal stage is for the Secretary of State to consider the recommendations and to publish Proposed Changes, to be accompanied by further Sustainability and Strategic Environmental Assessments (SA/SEA), as well as any "appropriate assessments" under the European Habitats Directive. The Secretary of State may not accept all the Panel recommendations. The Government's Proposed Changes are due out in November, and a 12-week consultation on these and the SA/SEA will follow.
3. Meanwhile there is an opportunity to send a response to the Secretary of State, GO-East, local MPs, and the Regional Assembly. Although there is no formal mechanism to do so at this stage, it is considered important to try to influence thinking of key players and advisers now, before the Secretary of State is committed to the Government's Proposed Changes in the run-up to November.

Summary of Panel conclusions/ recommendations:

4. A brief summary of matters most directly relevant to the District is at Appendix 1, indicating whether or not the Panel recommendations are consistent with the Council's representations about the Draft Plan.
5. Overall, the Panel supports the case for even greater housing numbers in the region and for speedy implementation, but shares the reservations of the District Council and others about job growth and timely infrastructure provision. The Panel therefore recommends a more widespread distribution of growth amongst urban areas, and

notably less concentration in the southern end of the London-Stansted-Cambridge-Peterborough corridor (i.e. in the Harlow area). A First Review of the Plan by 2010 would examine longer term development options elsewhere 2011 – 2031, including new settlements e.g. in the Stansted area. This again is consistent with EFDC representations.

6. Harlow is still regarded as one of the “Key Centres for Development and Change”, and as the main location for Stansted related homes and businesses. (N.B. Government proposals for expansion of Stansted were “taken as read” by the Panel.) However, North Weald and Harlow North are recommended for deletion as growth locations. The Panel endorses EFDC arguments about infrastructure deficits and timing issues at North Weald and that development would be London commuter oriented and compete with regeneration of Harlow itself. In several respects the Panel sees similar objections to development to the north of Harlow.
7. On the other hand the Panel favours development of about 3,000 dwellings (up from 2,700): to the west/south of Harlow (in Epping Forest District); and more development than originally proposed to the east, between the built-up area and the M11 (with some potentially in Epping Forest District). These are seen as early development opportunities, with transport issues in Harlow addressed by greater use of non-car modes. An “east-west” by-pass is only to be considered in the medium to longer term and the Panel does not recommend whether its route should be north or south of Harlow
8. Apart from the Harlow urban extensions, the recommended policies for Epping Forest District – seen by the Panel as part of a London Arc Sub-Region rather than the Government’s London-Stansted-Cambridge-Peterborough Growth Area – are based upon Green Belt restraint and urban regeneration, making the most of development opportunities within built-up areas as is compatible with retention/enhancement of their distinctive characters and identities. The opportunities offered by proximity to radial public transport nodes (i.e. rail stations) are highlighted, in the context of a general aim to increase public transport use and restrain car use.
9. Against this background, the Panel considers that the present plus future housing capacity in the District is 3,500 dwellings rather than the 2,300 identified by EERA. The Panel identifies an indicative job growth target of 12,000 for the District, in combination with Brentwood.

Issues arising for EFDC:

10. There is much to welcome and support in the Panel report – not only specific recommendations such as the deletion of North Weald and strengthening of regional environmental policies, but also the general redrafting and simplification of the Plan and focus on strategic issues. More local matters are recommended to be left to the discretion of Local Planning Authorities.
11. However, there are also serious concerns about the soundness of the recommendations about Harlow urban extensions and scale of housing and job growth in Epping Forest District; and about apparent departures from Ministerial assurances that growth would be infrastructure led, and not commuter dependent. It also remains to be seen whether the proposed wider spread of growth locations in the region will be regarded as sustainable, better related to jobs and infrastructure, and acceptable to the Government and local authorities concerned.
12. The most significant issues for the District are set out below, with proposed responses. (In addition, a number of detailed points of correction or clarification have been identified).

North Weald:

13. The proposed deletion of major development at North Weald is welcomed. However, strong arguments against development clearly distinguish North Weald from Harlow North, also recommended for deletion (the Panel considers that some of the same arguments apply to both locations):
- (i) North Weald is obviously more separate from the existing Harlow urban area, but close to the M11 and more likely to be a rival attraction to Harlow regeneration (Harlow North can be seen as assisting regeneration of Harlow);
 - (ii) Harlow North is close to the town centre, the out-of-town retail parks, existing employment areas, West Anglia Main Line and bus station; parts at least are within walking/cycling distance; it offers a sustainable balance to the existing urban structure, unlike North Weald;
 - (iii) The scale and location of the Harlow North development creates scope for developer funding – in part at least – of a northern by-pass (which would also help to “unlock” the larger scale growth now proposed at Harlow East) and a High Quality Public Transport System running into the existing town, without the expense of a route to the south running through open countryside where nobody lives;
 - (iv) This transport infrastructure would help to relieve congestion and improve motorway access as part of an urban transport strategy, significantly assisting attractiveness to business and regeneration aims;
 - (v) A northern by-pass and new northern link onto the M11, together with proximity to the railway line, would assist the Stansted Airport support role envisaged for Harlow in a way that North Weald could not. Planned connection of Harlow North to the railway and bus stations would also encourage sustainable inter-urban travel to the Lee Valley, London and Cambridge;
 - (vi) North Weald is more likely to be commuter oriented because of links southwards to Epping, London and further afield via the M11 and M25;
 - (vii) The wastewater infrastructure constraints which apply to North Weald are more fundamental (i.e. capacity of watercourses to take treated waste) than those at Harlow North; and
 - (viii) North Weald Airfield has specific potential in uses other than housing i.e. aviation and leisure, as well as heritage value.
14. Therefore, although the Panel states that both North Weald and Harlow North “would be capable of producing a large amount of additional housing in due course “ (para 5.94), the more fundamental arguments against North Weald put to the EiP should be recognised. Any expectation about longer-term development at North Weald is not justified and therefore should not be created.

Housing provision:

15. Whilst the policy emphasis of restraint for the District as part of the London Arc Sub-Region is accepted and should continue long term, the increased housing provision from 2,300 to 3,500 was not debated at the EiP and is not soundly based. An existing and future capacity figure of 2,400 is acceptable. Exceptionally high building rates in 2001-2004 (which the Panel Report refers to) reflected the 442 home Meridian Park development on the Royal Ordnance Site; such a large brownfield development

scenario will not be repeated. A proposed annual rate higher than previous Structure Plan provision is not considered compatible with the aim of retention of distinctive character and identity in recommended Policy LA1 (3). Unrealistic provision could generate over-development and pressure on Green Belt sites.

Employment:

16. The derivation of the indicative employment growth target of 12,000 for Epping Forest District and Brentwood is not understood. Nor is the split between the two districts or whether any employment would be targeted towards Harlow (as with the 3,000 dwelling allocation). The figure is high if intended to be provided for in urban areas (which the Panel see as the focus for other activities) especially as the Panel propose more housing development in urban areas at the same time. It seems high by comparison with London Arc West. It is completely out of scale with the housing allocation proposed by the Panel (whereas the employment target for the “rest of Essex” seems very low for places including Harlow and Chelmsford and their proposed housing allocations). It is a high figure for Epping Forest and Brentwood Districts that have a lot of out-commuting (which the Panel acknowledges), and is likely to attract in-commuting from further afield. In the absence of more explanation its usefulness is questioned, especially when combined with another District which will add complication. The Regional Plan is required to give housing allocations for each district, it would be better if it provided district by district employment allocations/targets also. The 12,000 figure would seem to be an error.

Harlow urban extensions:

17. It is not considered that the “package” of East/South/West urban extensions to Harlow recommended by the Panel is soundly based in terms of supportive infrastructure, contribution to regeneration, and as the most sustainable form of development necessary to justify Green Belt land take. There is no tested transport strategy for this scenario – including travel demand management - which resolves traffic congestion and achieves a major increase in the use of non-car transport. It is not clear why the Panel do not see water/wastewater constraints applying to the numbers of homes they propose in and around Harlow, and other locations they propose in the region which are also served by Rye Meads Sewage Treatment Works (e.g. Stevenage). It is inconsistent for the Panel to doubt the regeneration support role of Harlow North as a "satellite" whilst endorsing at Stevenage at least 5,000 dwellings to the west of the A1(M) in order to help address that town's regeneration issues. The broad disadvantages of Harlow East/South/West by comparison with the Harlow North urban extension/by-pass option are apparent from (ii) to (vi) in the comparison with North Weald at para 13 above. The overall strategy should be revisited, especially the omission of Harlow North and the northern by-pass (including the possibility of a phased approach without a complete bypass at the start), the inclusion/scale of Harlow South/West, and the feasible scale/pace of growth at Harlow East. The Panel identified some problems with Harlow North, including landscape effects (which may be based on inaccurate information). Even if these are true for the 10,000 homes proposed there is the Draft East of England Plan, the approximately 3,000 homes proposed around the edges of Harlow in Epping Forest District would be better located to the North of Harlow. Unsound proposals will create long term uncertainty and pressure on the Green Belt.
18. EFDC, Harlow DC and Essex CC all consider in particular that a South/West extension does little or nothing for Harlow's regeneration or a sustainable pattern of development. Harlow North could offer substantial “built-in” better public transport leading directly to the town centre and public transport interchanges, with such routes having higher density residential and jobs developments along them. Whereas extensions to the South/West would be dependent on less attractive connections through busy road corridors that would be harder to “retro-fit”. The net effect is likely to be continuing congestion in Harlow and even more southbound car commuting

along unsuitable rural roads, through communities such as Nazeing and Epping, and through Epping Forest – with implications for the EU Habitats Directive.

19. The Panel reference in para 5.83 to PDL on the western fringe of Harlow presumably relates to glasshousing. However, this is a proper Green Belt use and does not fall within the Government's definition of Previously Developed Land (PDL). Indeed, the existence of several areas of existing or proposed glasshousing between Harlow and Nazeing/Roydon heightens the argument against urban extensions as worsening the separation of settlements favoured by the Panel. In addition, the recent binding Inspector's Report on the adopted Local Plan Alterations confirms glasshouse designations. The dwelling capacity apparently ascribed to Harlow South/West (approx. 2,700 in the Draft Plan) is considered to be a substantial over-estimate; at the EiP the District Council advised that it should be no more than 750-1,000. This is consistent with sufficient landscaping to secure the "landscape setting of Harlow and the physical and visual separation of the town from smaller settlements to the west" in the recommended Policy 5.10 (3), plus green/community infrastructure.
20. Transport analysis submitted to the EiP by Essex CC (EiP Papers HTSG 4 & 6) indicates that major investment would be required to support an enlarged Harlow East extension. It appears that a completely new access to the north would be needed – but this requires a northern by-pass. There is therefore doubt about the achievability of the proposals, and the prospect of more traffic using rural roads through villages to the east in order to avoid continuing congestion in Harlow (not in accordance with the broad traffic and sustainability aims of the Panel). Development at the far eastern extremity would also transgress the ridgeline important to the setting of Harlow to the south and east of the town.

Green Belt:

21. Whilst Green Belt boundaries will have to be reviewed to accommodate urban extensions in the adopted Plan and "so as to maintain the purposes of the Green Belt" in accordance with Policy 5.10 (3), it is not considered that the Policy SS7 requirement to "ensure that sufficient land is identified to avoid further Green Belt review before 2031" can be applied in the particular circumstances of the Harlow/Epping Forest area, pending the First Review of the Plan. In this area the Panel effectively acknowledges fundamental obstacles to major growth, and the key purpose of the First Review 2011-2031 will be to examine other options for longer term growth, including new settlements in the Stansted area and further afield. This qualification should be explicit in the Plan. In the Cambridgeshire area, 'roll-back' of Green Belt boundaries are proposed for the period up to 2021, not 2031.

Car travel restraint:

22. The case for influencing public behaviour, network-wide car travel restraint, and reduced traffic growth, especially in the London Arc, is promoted by the Panel and acknowledged. However, this will inevitably be very difficult to achieve, involves a step-change in public transport investment, and any timescale is uncertain. In the meanwhile it does signal that rapid growth at a Key Centre for Development and Change within the broad London Arc, such as Harlow, must be closely related to existing public transport systems or feasible and effective non-car transport strategies. The Panel recommendations for development around Harlow do not satisfy this requirement.

Resource implications for future work:

23. The Panel stresses that, once the Plan is adopted, Local Authorities should set aside any differences and work promptly and speedily to secure implementation. For EFDC this would include the following policies/studies/evidence research:

- (a) Joint LDD with Harlow for new urban extensions and Green Belt Reviews;
 - (b) Co-ordinated identification, with other LPAs, of “compensatory” Green Belt additions;
 - (c) LDDs for Epping Forest District, consistent with strategic London Arc policies;
 - (d) Creation of new policies re: Green Infrastructure Networks, landscape character and biodiversity, renewable energy, waste management in development;
 - (e) Housing market area and land availability assessments (as in Draft PPS3);
 - (f) Updated housing needs studies;
 - (g) Completion of an inter-authority study of needs of Gypsies & Travellers and an LDD to implement it;
 - (h) Employment Land Review, with EEDA and other stakeholders, joint with Brentwood;
 - (i) Brownfield land strategy – updated urban capacity study;
 - (j) Participation in an Area Regeneration Partnership approach to delivery of strategy for Harlow (with the possibility of this becoming an Urban Development Corporation if delivery is not fast enough);
 - (k) Preparation of Design Codes;
 - (l) Annual monitoring of delivery of infrastructure, housing, employment and environmental objectives (esp. water consumption, emissions);
 - (m) Regular RSS reviews (5 year intervals);
24. This is a very demanding agenda, albeit shared with other authorities/ agencies, and the Council will have to consider the implications in more detail. In particular there will be further work on the early review of the East of England Plan to plan for the period 2011 – 2031 (including looking at large new settlements).

Statement in Support of Recommended Action:

25. The opportunity should be taken now to attempt to influence DCLG reaction to the Panel recommendations, which concern matters of great long-term importance to the District. Less influence is likely to be achievable once DCLG considered views take the form of published Proposed Changes.

Other Options for Action:

26. To make no representations or comments at this stage, but to wait for the formal consultation on the Government’s Proposed Changes in November.
27. To make the Council responses to the Panel Report known as soon as possible, and to thereby seek to influence the Government’s Proposed Changes (which the Government see as very close to the final version of the Plan).

Consultation undertaken:

28. A briefing of District and Local Councillors took place on 19 August. Some Officer level liaison has taken place with Harlow DC, Essex CC and EERA. The Leader has arranged to meet the MP for Harlow.

Resource implications:

Budget provision: within existing resources.

Personnel: within existing resources, supplemented by consultant support.

Land: Not certain at this stage.

Community Plan/BVPP reference: GU1(a)

Relevant statutory powers: Powers to make regional plans in the Planning and Compulsory Purchase Act 2004.

Background papers: Communications from Essex CC, EERA and PORA.

Environmental/Human Rights Act/Crime and Disorder Act Implications: Environmental impacts of Panel recommendations on landscape/heritage value of countryside, traffic generation and emissions – both local (e.g. Epping Forest SAC) and global – as indicated in the report.

Key Decision reference (if required): N/A.

Draft East of England Plan (DEEP) – Panel Report June 2006

	Panel Conclusions/Recommendations	Consistent with EFDC representations?
Regional level.		
A)	Strong case for greater housing provision than DEEP and for step change in rate of housing supply, taking account of demographic evidence.	No – EFDC reservations about growth distribution between regions and capacity of infrastructure to cope with rapid change.
B)	London-Stansted-Cambridge-Peterboro' Corridor lacks functional coherence; a job-led strategy is largely illusory, but London and Cambridge are recognised as major economic drivers.	Yes – major doubts about job growth in Harlow area, as opposed to long distance commuting.
C)	Whilst maintaining urban concentration strategy, locations with growth potential more widespread than assumed in DEEP (or Sustainable Communities Plan), incl. Peterborough and Mark I New Towns	Yes – in principle, and with respect to Peterborough.
D)	Serious question marks over provision of key infrastructure (especially transport, water and wastewater) to match DEEP housing supply proposals.	Yes – in principle, a key issue for Harlow and North Weald. EFDC concerns about education, health and leisure facilities, too.
E)	Strong emphasis given to planning for climate change and environmental management policies e.g. water conservation, energy efficiency, renewable power generation, green infrastructure networks and landscape character assessments. Travel demand management a crucial challenge, especially close to London.	Yes – Environment policies generally supported. Attention drawn to Green Arc Project, and difficulties with e.g. Area Wide Road User Charging – both arguments against large scale growth in Harlow area.
F)	A First Review of the Plan 2011-2031 Should: (a) give clearer guidance about inter-regional planning and means of implementation, and be better integrated with infrastructure planning and SA/SEA; and (b) focus on options for longer term growth locations, incl. large/small new settlements e.g. Stansted area.	Yes – although EFDC preference for examination of new settlement option sooner.
North Weald		
G)	6,000 dwelling development NOT endorsed: Separateness from Harlow and links southwards mean danger of counter attraction to Harlow regeneration. Landscape /environmental objections. Case for airfield retention for aviation and heritage reasons. Water/wastewater/transport (HQPT) issues not resolvable until latter half of Plan period. Deletion assists forecast jobs/homes imbalance in the Stansted/M11 sub-region.	Yes – though no explicit reference to some other EFDC arguments e.g. traffic impacts on Epping Forest, M11 congestion, how to co-ordinate with Stansted access strategy. N.B. The Panel “recognise that the proposals would be capable of producing a large amount of additional housing in due course, as well as jobs and supporting infrastructure” but also recognise a number of objections, and even if two major ones could be resolved others remain. North Weald is not carried forward in recommended Policy wording.

Harlow South and West		
H)	Urban extension to the south, south west and west proposed (approx 3,000 homes), subject to physical and visual separation of Harlow from existing smaller settlements	No – EFDC objections (shared by Harlow and Essex): no regeneration benefits, remote from town centre/station, London not Stansted oriented, traffic impacts on rural roads/Epping Forest, landscape impacts. Constraints mean maximum capacity of 1,000 homes.
Harlow East		
I)	Urban extension endorsed between built-up area and M11, but increased by approx 2,000 homes	Yes – no objection to principle of development in this location. No – concerns about enlargement landscape/GB impacts at easternmost end (in Epping Forest District), traffic on rural roads avoiding Harlow/J7 congestion
Harlow North		
J)	10,000 dwelling development and Northern Relief Road not endorsed for similar reasons to North Weald separateness from Harlow, delayed infrastructure, landscape impacts.	No – this location regarded as preferable in sustainability terms to development to the south or west. N.B. Same Panel comments about potential capability as North Weald (see above). Panel recommends transport priorities to include consideration of an east-west by-pass (whether north or south) in the medium to long term.
Green Belt boundaries		
K)	To be reviewed to accommodate new urban extensions, so as to maintain the purposes of the Green Belt incl. landscape setting of Harlow. Regional Policy SS7 requires that sufficient land is identified to avoid further GB reviews before 2031	No – insofar as urban extensions into the Green Belt were not supported. No – EFDC argument that it is not possible to anticipate any longer term development at Harlow pending First Review of the Regional Plan and examination of alternative locations elsewhere.
Epping Forest District (apart from Harlow urban extensions)		
L)	Included within “London Arc Sub - Region” with emphasis on Green Belt restraint and urban regeneration and sustainability especially increased use of non-car transport.	Yes
M)	Housing provision increased from 2,300 to 3,500 – “would give greater scope to maximise additional housing from urban redevelopment, mixed use and small scale opportunities”. Maximise development in built-up areas, incl. nodal points on public transport routes, compatible with retention of distinctive characters. Indicative housing phasing 160	No - urban capacity figures not debated at EIP. Panel assessment influenced by housing pressures close to London and unusually high completion rates 2001 - 2004.

	pa 2006-2021	
N)	Affordable housing targets to be set by EFDC in LDDs, taking account of local needs assessments and housing market considerations; expected to be higher than regional expectation of 35% of new housing permissions.	Yes – compatible with current EFDC policy of at least 40% on sites above certain thresholds.
O)	All LAs to provide sites for Gypsies and Travellers living in/resorting to their Area. District numbers to be subject of early single issue review of Plan (perhaps by end of 2007), after joint studies across region.	Yes – further work with other LAs and stakeholders essential. Concern that assessment not based simply on numbers resorting to unauthorised sites in District in recent years.
P)	EFDC to provide for employment sites in LDDs to meet needs of growth sectors and indicative job targets (12,000 growth 2001-2021 in Epping Forest/Brentwood) following collaborative employment land reviews.	Topic not addressed explicitly However, greater local discretion in line with EFDC representations.
Q)	Network-wide approach in London Arc to more inter-urban travel by public transport (e.g. to and from London, Harlow, Stansted, Chelmsford). Includes better access to railway stations, rail investment, east-west bus links, Park and Ride; coupled with demand management measures (e.g. road user charging) to reduce road traffic growth	Topic not addressed explicitly. Although case for demand management recognised in order to help deal with congestion in London Arc, serious difficulties in the way of achievability. EFDC representations did address problems of congestion, pollution, and increased car commuting and therefore the need for more and better rail-based solutions.