

Date: 7 September 2006

Our ref: PL/HS/11.2.2.1

Your ref:

Rt. Hon. Ruth Kelly M.P.  
Secretary of State for Communities  
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Dear Secretary of State,

**Draft East of England Plan / Regional Spatial Strategy  
Report of the Panel of Inspectors following the Examination in Public**

The Council and the Epping Forest Local Strategic Partnership have instructed us to write to you concerning the above. For simplicity six main points are made in this letter which relate to issues of soundness and clarity. These points are explained in more detail, with technical references, in the attached appendix. The Council expects your officials to give you sight of this letter, but you do not have to look at the appendix.

The Council recognises the advice in paragraph 2.50 of PPS 11 about representations on the Panel Report. However, the following are matters which we are sure you would wish to be informed of as soon as possible, and are not minor corrections that could readily be sought when we comment formally about the Proposed Changes.

The process of regional planning demands the achievement of a sound spatial approach for the East of England, based on sustainable principles and a firm evidence base. This Council and its residents and businesses expect no less.

The Panel has assisted you across much of the region, but there are quite unacceptable mistakes concerning the future of Harlow and Epping Forest, as follows:

- The total employment allocation is incorrect, as is its calculation. The approach that has been used is unsound and may have contributed to the error. A sound approach would be to give an indicative figure for each District.
- Incorrect assumptions/conclusions have been made about locations for development around Harlow. These would have the effect, amongst other things, of dismantling a mutually supportive package of development proposals that led Harlow DC, Essex CC, EFDC, and others, to oppose extensions to the south and west, in favour of Harlow North. In their place is a disorganised set of ingredients never likely to be a successful recipe.

- The Panel underlined the need for travel restraint, but the proposals for the southern and western expansion of Harlow are likely to achieve the exact opposite; more dormitory houses accessed through congested once rural environs, rather than achieving genuine homes in a sustainable pattern of development worthy of being called a community.
- In arriving at a figure of 3,500 homes, erroneous assumptions have been made that past building rates in the district, which were skewed by the development of the former Royal Ordnance site, can be continued in the existing spatial pattern surrounded by Green Belt.
- It is quite illogical to roll back Green Belt boundaries in this part of the Stansted/M11 sub-region to allow for future development up to 2031, ten years beyond the twenty-year draft plan. It is particularly illogical when a forthcoming review of the plan, which will cover this period and look at different spatial options, has not even commenced.
- Development of North Weald has been soundly rejected, but the Report leaves references to future possibilities. It should be categorically rejected from this plan.

Thank you for finding time to read, consider, and act positively in response to this letter.

Yours faithfully

**John H. Scott**  
**Joint Chief Executive (Community Services)**

**David Butler**  
**Chairman Epping Forest**  
**Local Strategic Partnership**

c.c. Yvette Cooper M.P., Minister for Housing and Planning, DCLG  
 Bill Rammell M.P. for Harlow, Nazeing, Roydon and Sheering  
 Eleanor Laing M.P for Epping Forest  
 Eric Pickles M.P. for Brentwood and Ongar  
 John Dowie, Director of Development and Infrastructure, GO-East  
 Brian Stewart, Chief Executive, EERA  
 Gill Wallis, Coordinator, Harlow Strategic Partnership  
 David Marlow, Chief Executive, East of England Development Agency

**P.S.** Bill Rammell M.P. and Eleanor Laing M.P. have seen a draft of this letter and want it made clear to you that they agree with the content. Eric Pickles M. P. has not yet had that opportunity, but may make comments in due course.

## **Appendix**

### Draft East of England Plan / Regional Spatial Strategy Report of the Panel of Inspectors following the Examination in Public

#### Introduction

The Council will be making a response to the Proposed Changes when they, together with the SA/SEA and the necessary Appropriate Assessments under the Habitats Directive, are published in November of this year.

There are, however, issues that ought to be addressed now. These are matters that the Government will want to incorporate into the Proposed Changes, and the SA/SEA/Appropriate Assessments that will need to be carried out before November (or at least use some of them as alternatives to be tested under these assessment processes). Such appraisals and assessments take time to carry out, which is one reason why these points are made now.

There is much on which to commend the Panel Report, particularly but not exclusively in terms of its recommendations on some Strategic Objectives (e.g. an increased focus for the RSS on sustainability and on development being joined up with enhanced public transport).

However, probably due to the Panel addressing more the regional strategy scale of the Draft RSS (and the time available to the Inspectors), there are a number of unsound aspects in some sub-regional policy recommendations, but specifically concerning the southern part of the Stansted/M11 sub-region.

This is the case whether you judge soundness just on the tests set out in PPS11 and the Panel Report, or what a reasonable person would judge as sound. (In terms of tests, the Panel at paragraph 3.12 has noted that the test it considers most important is missing from PPS11 for Regional Spatial Strategies – whether strategies/policies/allocations represent the most appropriate in all the circumstances – but the Panel points out that it is a test of soundness for Local Development Documents under PPS12. Whether this extra test will lead to challenge and delay when we try to translate RSS into LDDs one cannot be certain; we have a new planning system, this is the first complete RSS, and we will be taking forward some of the first Land Allocations LDDs under the new system.

There are a number of implications arising from sub-regional policies in the draft East of England RSS being unsound. One in particular, which we presume will be of concern to Government in its desire to achieve more housing development and faster delivery of it, is the uncertainty, objection, and delay etc in translating the housing allocation provisions of the RSS into LDDs to bring forward development which the Government and others seek. We are aware that one of the Government's objectives in scrapping Structure Plans was to save time on process and procedures. It would therefore be unfortunate for unsound sub-regional policies (which in effect replace Structure Plans) to lead to delay in the adoption of LDDs. It would be more unfortunate for such delay to be made worse by the new provisions for enhanced public involvement in LDFs, which would give more scope for the public to be rightly critical of any perceived lack of soundness.

The very first paragraph of PPS11 says that the new RSSs will focus more on implementation and on achieving sustainable development. However the unsoundness of the matters in this appendix means that implementation will be hampered, and sustainable development not achieved.

The Panel Inspectors judged their proposals to be sound, but in the respects set out below we strongly suggest otherwise. To avoid crucial points within the plan being found to be unsound the matters below must be revised before the Proposed Changes to the RSS are subjected to SA/SEA/Appropriate Assessment, prior to being issued for consultation in November. We trust that by alerting you to these now that this can be done to avoid the undesirable consequences alluded to above.

### **Issues of soundness for incorporation into Government's Proposed Changes prior to SA/SEA and Appropriate Assessment under the Habitats Directive**

#### **1) Employment allocations for the 'Rest of Essex' (25,000) and Brentwood/Epping Forest Districts (12,000). RSS Policy E2: Jobs Growth 2001-2021**

These recommended allocations by the Panel, totalling 37,000 jobs to 8 districts must be completely wrong. An average of 6,000 jobs for 2 London Arc districts, yet an average of only about 4,000 to each of the 6 'Rest of Essex' districts – including 2 Key Centres for Development and Change (KCDC) must be unsound. A 12,000 jobs allocation to Brentwood and Epping Forest Districts would in any case run counter to the Panel's recommended London Arc restraint strategy.

In raising regional housing numbers and job numbers the Panel broadly retained the 0.88 EERA ratio (0.87). Applying this 0.87 ratio uniformly (although this would not be correct given 2 districts of KCDC status) to the 'Rest of Essex' 52,200 homes would mean 45,414 jobs, not the 25,000 that the Panel recommended. Applying the 0.87 ratio to Epping Forest and Brentwood Districts housing figure of 7,000 homes would mean just 6,090 jobs, not 12,000. (The jobs associated with the about 3,000 homes proposed at the edges of Harlow in EFDC area should logically be located in Harlow itself given the Panel's urban concentration aims (or to Harlow North – see (2) below)).

As Brentwood and Epping Forest are more commuter Districts than the others, a ratio of something along the lines of Epping Forest's current figure of 0.76 would be more appropriate. Whatever the ratio there is a dilemma in job numbers and jobs-homes alignment in Epping Forest District (unlike Harlow where rail capacity could be significantly increased). On one hand the Panel recognises that some commuting to London will continue but the Panel seeks to reduce car commuting and increase the use of public transport. However there are capacity constraints, even with identified and potential enhancements (including Crossrail), on the London Underground Central Line so that more Epping Forest boarders will mean greater crowding within London (where housing numbers are set to rise anyway in the London Plan). This would result in additional car commuting, especially given the area's good road/motorway access. But the Panel rightly see such additional commuting as what the region has to move away from, in favour of public transport. On the other hand, provision of more jobs in a district like Epping Forest tends to attract "ripple-in" commuters from further afield: and so probably by car given a lack of identified public transport links – which the Panel again wants to avoid.

All this also has clear implications for, and links to, the urban area housing numbers for Epping Forest about which the Panel has been over-optimistic (unsoundly so) – see (4) below.

Delay in implementation of the RSS would be reduced by district-by-district employment allocations/indications, in the same way as the RSS is required to allocate housing numbers to help achieve delivery. However, if delay is desired, then a good way to achieve that would be to allocate an unsound combined number to two districts with no guidance on the division between them and with no apparent RSS evidence base! (Which is also needed to guide LDD production).

A total figure for two districts without any direction as to how the total is to be apportioned is less than helpful.

## 2) Development outside the administrative boundary of Harlow

The Panel propose “about 3,000 dwellings” to be located “outside the administrative boundary of Harlow” (Table 7.2 note 2 and R5.10 (2)). This administrative boundary largely follows the ridge around the southern and eastern edges of Harlow. This ridge defines Harlow’s landscape ‘bowl’ which is a major feature of Harlow’s landscape setting, to which the Panel refer in R5.10. Development opportunities to the south/west/east of Harlow that “maintain the integrity of the .... landscape setting of Harlow” (R5.10 (3)) are very limited. Whereas there are greater opportunities, which would better assist Harlow’s regeneration, to the North.

Harlow’s landscape ‘bowl’ is actually part empty so it does not make for sound planning to breach the ‘bowl’ to the south and east when there is space within the ‘bowl’ to develop to the north. The Panel’s reasons for not agreeing with development to the north are based on inaccurate assumptions. One reason seems to be based on flawed data supplied to the landscape study of Harlow which overstates the landscape significance and how much land is significant north of Harlow, and therefore its sensitivity to development (even without this, the Government Growth Areas funded study showed the landscape to the north to be less sensitive than to the south and west).

While recommending against 10,000 dwellings with jobs etc. within the northern part of the ‘bowl’ (with a possibility of up to 25,000 homes in later decades as may be required) the Panel did not examine what lower figure could be accommodated there compared to the less advantageous locations for 3,000 dwellings they did recommend. This is unsound. So the Panel ended up recommending poorer locations (as below) that also do not have the potential for growing in future decades.

The Panel Report finds that physical separation by the River Stort counts against Harlow North. Many towns and cities have a river running through them (some more than one, or even numerous canals in a couple of well known examples). They add to the attraction of such places and are not impenetrable barriers. A green corridor along the Stort would follow Harlow’s distinctive pattern of neighbourhoods separated by green corridors/wedges that are highly regarded by the town’s residents. The Panel’s recommendation against Harlow North on this ground is totally inconsistent with its endorsement of at least 5,000 homes near Stevenage, which will be physically separated from Stevenage by the A1 (M). (There are also regeneration inconsistencies between the Panel’s approach to Harlow North and West of Stevenage— as below).

The Panel Report casts doubts as to the reasons for including Harlow North at the draft RSS stage compared to draft RPG14, in that they are “not entirely clear” (para. 5.90). They should be clear. A large amount of detailed study work for Harlow and its surroundings (mainly Government funded) examined growth, regeneration, transport, and landscape. These, together with a separate exercise by the Countryside Agency completing the registration of new areas of Common Land, led to the widespread understanding of / a strong preference for Harlow North. The Strategy Review study by Robin Thompson is given little apparent weight by the Panel, despite it being a final “study of studies” commissioned by EERA as a check before they issued the draft RSS.

Harlow North would not compete with Harlow’s regeneration, especially compared to alternative locations like North Weald. It would not be a “satellite”, or a “rival attraction” as the Panel asserts. It is the closest location to Harlow town centre, railway station and retail parks. Its proximity to, and good WAGN rail access to, Stansted Airport would best assist Harlow’s contribution to ‘indirect’ Airport related employment (as the Panel favour). It is the most sustainable form of development around Harlow necessary to justify the roll back of some Green Belt land. Harlow North could achieve ‘built-in’ and therefore better public transport leading directly to Harlow’s public transport interchanges and town centre, with such routes having high density residential and jobs developments positioned along them (following the principles of ‘New Urbanism’ which

Government and CABE appreciate). This location would do most to help achieve the move from car use to public transport that the Panel sees as vital. In complete contrast, extensions to the south/west would be dependent on less attractive connections through busy road corridors between the backs of existing neighbourhoods that would be harder to 'retro-fit'.

Harlow North would contribute to Harlow's regeneration in several ways. The Panel seem to have missed the significance of one in particular. Employers and others in Harlow see a prime need to get better access to Edinburgh Way and other locations towards the northern edges of the town. (The Panel do recognise this need in recommendation R5.10 (6). However they seem unaware that Hertfordshire C.C. had sought a northern bypass in their Structure Plan, long before the Growth Areas agenda). Development at Harlow North could directly contribute finance towards the northern bypass (serving Harlow, Harlow North, and needed for new large-scale development at Harlow East as below). Harlow is unique amongst greater south-east of England New Towns in having only one motorway junction, which causes great (and notorious!) congestion problems especially combined with congestion within Harlow itself (some of which is due to this single principal access). More could be said about the other regeneration benefits of Harlow North as a location (leaving aside the scale of development). It is completely inconsistent, and unsound, for the Panel to doubt the regeneration role of Harlow North, seeing it as a "satellite", whilst endorsing a location to the West of the A1 (M) at Stevenage (for at least 5,000 dwellings) in order to address that town's regeneration needs.

The Panel Report seems unwittingly to have dismantled the sensible package of mutually supporting proposals that led Harlow DC, Essex CC, EFDC, and others, to oppose extensions to the south and west, in favour of Harlow North.

### South and West of Harlow

There is physical capacity within environmental and countryside constraints (acknowledged by the Panel) for some 750-1,000 new homes ('unconstrained capacity' figure) to the south-west corner of Harlow. The constraints around the southern and western edges of Harlow are illustrated on the plan of this area herewith (a part-GIS version was submitted to the EiP). Land that might be developed is marked Sx and Kx, these areas are presumably what the Panel refer to regarding the former Development Corporation boundary (para. 5.96). However, while there is limited capacity here, development would do little or nothing to assist Harlow's regeneration or a sustainable pattern of development (especially compared to other locations, particularly north of Harlow where there is additional capacity for development in future decades).

Development beside Sumners and Katherines neighbourhoods would mean further/peripheral development to Harlow suburbs. It would be very hard, if not impossible, to achieve the "major increase in the use of public transport ... without encouraging an increase in car use" in this location, contrary to the Panel's recommendation R5.10 (6). As above, 'retro-fitting' public transport will be far harder than 'building-it-in' and integrating it with urban form and density. In any case, the south-west location, as well as adding congestion through Harlow, will to add further southbound car commuting (e.g. to the M25) along unsuitable rural roads through communities such as Nazeing and Epping Upland, and through Epping Forest Special Area of Conservation (SAC) which is designated under the European Habitats Directive. Congestion within Harlow, and the problems of expanding road capacity within the town, makes southbound commuting more likely. A study by Robert West Consulting, submitted to the EiP and commissioned by EFDC, shows a surprisingly low number of extra vehicle trips (and thus NO<sub>x</sub> pollution) that would trigger the need for an "Appropriate Assessment" under the Habitats Directive. We contend that even the capacity at south-west Harlow would breach this trigger level. An "Appropriate Assessment" would thus be required. Panel recommendation R3.1 refers to "Appropriate Assessment".

The Panel's reference to PDL (Previously Developed Land) close to the urban edge of Harlow is wrong as it can only relate to areas of glasshouses (which provide local employment and contribute to the economy). Glasshouses which are a proper Green Belt use do not fall within the

Government's definition of PDL. Indeed, the existence of several areas of existing or proposed glasshouses between Harlow and Nazeing/Roydon heightens the argument against urban extensions west of Harlow as worsening the separation of settlements to the west favoured by the Panel in their recommendation R5.10. In addition, the recent binding Inspector's Report on the adopted Epping Forest Local Plan Alterations confirms the glasshouse designations.

### East of Harlow

From master planning study work for Harlow and surrounding local authorities by the Matrix Partnership, the 3,000 homes proposed in the draft RSS to the East of Harlow would fit within Harlow's landscape 'bowl' but would not cross the ridge. The 5,000 which the Panel propose means that 2,000 of these, plus any of the about 3,000 which the Panel propose outside of Harlow, would breach the ridge (but there is capacity within Harlow's landscape 'bowl' to the North as a better alternative).

Harlow DC may have to try to add another 2,000 to 2,500 homes to Harlow East arising from the Panel's recommendations for areas within Harlow due to a lack of capacity within the town (their recent Local Plan Inspector's report reduced their windfall assumptions as he considered them unreasonably high).

A plan submitted to the EiP on behalf of the Consortium of Three Landowners at Harlow East does not show the location of the ridge east of Harlow, but instead shows it stopping east of the M11 (by comparison with the Harlow Green Infrastructure Plan Growth Areas funded study and as shown on the Plan of East of Harlow herewith). The Panel may thus have been unaware of the ridge position east of Harlow.

There are longstanding concerns about vehicular access to several thousand homes at East Harlow, and the access problems of Harlow to M11 J7 are well known. Transport analysis submitted to the EiP by Essex CC (EiP Papers HTSG4 and 6) indicates that major investment would be required to support an enlarged Harlow East extension (beyond what already has planning permission). It appears that a completely new access to the north would be needed – but this requires a northern bypass. More development at East Harlow, as the Panel now propose, would obviously make this even more necessary. There is doubt therefore about the achievability of these proposals without the Northern bypass (which is closely associated with the proposals for development at Harlow North). The Panel don't seem to have appreciated this, nor how different development and road proposals form part of a package of measures. If further development takes place at Harlow East there will be additional traffic using rural roads through villages to the east, in order to avoid continuing congestion in Harlow (which is not in accordance with the broad traffic and sustainability aims of the Panel Report).

### 3) Travel Restraint

The Panel sees an essential need to increase public transport use, not increase car use, influence public behaviour, and introduce network-wide car travel restraint; especially in the London Arc. This will inevitably be difficult to achieve. It involves a step-change in public transport investment and any timescale is uncertain.

In the meantime, rapid growth at a Key Centre for Development and Change within the broad London Arc, such as Harlow, must:

- be as closely related to existing public transport systems as possible:
- have development locations best positioned so that improving public transport is easiest: and/or
- be closely related to other feasible and effective non-car transport strategies.

The Panel recommendations for development around Harlow do not satisfy these requirements (as at (2) above).

4) Housing Allocation for Epping Forest District 2001-2021 aside from the allocation in connection with Harlow.

RSS Policy H1: Regional Housing Provision

The increase from EERA's capacity figure of 2,300 to the Panel's recommendation of 3,500 dwellings was not debated at the EiP and is not soundly based. The Panel quotes past completion rates (although past achievements are no guide to future performance). The high figures for 2001-2004 referred to by the Panel reflected the 442 home brownfield redevelopment of the Royal Ordnance Site at Waltham Abbey. Such a large brownfield development will not be repeated. The figures also reflected numbers of small scale developments outside urban areas; which would be contrary to the Panel's urban focused vision.

By comparison a figure of 2,400 is acceptable and is derived from the Urban Capacity Study by Baker Associates (EERA's 2,300 figure used a different urban capacity basis but is comparable). Both are evidence-based in comparison to the Panel comment that the EERA figure "appears low in relation to the development that might be expected" (para 5.144, our emphasis).

The Panel's 'guesstimate' figure of 3,500 is not compatible with its aim of retention of distinctive character and identity as in the Panel's recommended Policy LA1(3). Unrealistic provision risks over-development and/or pressure on non-urban sites to meet targets. Elsewhere in the Report the Panel does recognise that urban capacity "cannot, however, simply be regarded as a constant source of supply" (para. 11.33).

If the out-turn to 2021 does rise to above 2,400 homes this will contribute to extra housing provision which has advantages. However the Panel's 3,500 target is not required to achieve this, as existing Government policy to make the best use of urban areas will do so anyway. For the reasons described under Employment (1) above, more housing – by forcing the target up to the Panel's suggested level – is very likely to lead to the extra car based commuting that the Panel sees it necessary to avoid. This is due to the district's location and good road/motorway links and rail capacity limits (even when rail capacity is increased as planned), although area-wide road user charging should suppress some demand.

5) Time horizons of Green Belt reviews

The Panel's recommendation R5.10 (3) recognises that the Green Belt will need to be reviewed with new boundaries specifically to maintain: the purposes of the Green Belt; the integrity of the principles of the Gibberd Plan and landscape setting of Harlow; and the physical and visual separation of the town from smaller settlements to the west. In the particular circumstances of the Harlow/Epping Forest district area this is incompatible with the Panel's R4.7 (SS7) policy requirement to "ensure that sufficient land is identified to avoid further Green Belt review before 2031". This is particularly the case in advance of the First Review of the RSS.

The Panel effectively acknowledges fundamental obstacles to major growth in the wider Harlow area and a key purpose of the First Review will be to examine other options for longer term growth, including options for new settlements in the Stansted area and further afield for the period 2011-2031. It is unsound to make provision for the period 2021-2031 before this Review for 2011-2031 has even started. There are precedents for this. In the Cambridgeshire area, 'roll-back' of Green Belt boundaries was proposed in the draft RSS for only up to 2021, and the Panel have not sought to change this. Another would seem to be Essex Thames Gateway (especially para. 5.11 of the Panel Report).

As the First Review has not been completed (or started), the guidance in PPG2 concerning the consequences for sustainable development, and the promotion of sustainable patterns of development; for example, channelling development towards other locations beyond the outer



Green Belt boundary have not been complied with.

6) Rejection of North Weald

The Panel recognised the very substantial numbers who objected to development of this important historic airfield. The Panel rejected North Weald and Harlow North, but appears to have rejected them on the basis that many of the same objections apply to both locations and that they have about the same weight. That is not accepted as a fair or sound analysis. North Weald is obviously more separate from Harlow, and, in particular its town centre and retail parks, railway station and employment areas; no part is within an acceptable or practical walking distance. North Weald would require a significant public transport spine to connect it: the Panel did have serious doubts about the viability and effectiveness (para 5.92) of a High Quality Public Transport link, but did not draw the distinction between North Weald and Harlow North in this respect. The Panel recognised the links southwards to Epping, London and further afield via the M11 and M25 but not the extent to which North Weald would be car/commuting/motorway/London orientated. Hence it raises quite different sustainability and Habitats Directive objections which are very distinct compared to Harlow North. The removal of waste water from North Weald would be more of an issue than for Harlow North because of the local capacity of watercourses to take treated waste. The Panel did recognise the “persuasive case” for retention of the Airfield “for general and business aviation and on account of its heritage value” (para 5.92); to which could have been added its leisure use.

The Panel recognised that North Weald would be a “satellite” and a “rival attraction” to Harlow in terms of the housing market and economic activity (para 5.94), but not that North Weald would damage the regeneration of Harlow, while Harlow North would assist regeneration in many ways (as (2) above).

The Panel Report might be read as ‘leaving the door open’ for development at North Weald “in due course”. But the Panel Report does go on to say that even if some issues could be resolved then there remain others (para 5.94). As above, however, the Panel did not draw the distinction between the greater problems of North Weald compared to Harlow North. Any expectation about longer-term development at North weald is not justified and therefore should not be created in the Proposed Changes.

No good reason exists to leave the airfield without the continuing protection of the approach in PPG 13 Annex C paragraphs 5 and 6. Your officials have recently advised us that in compiling core strategies that one should “*Make serious spatial choices about what will happen and where in broad terms it will happen over the life of the strategy...*” The choice for the Regional Plan should be no less clear; it should be left out of the plan.

Enclosures

1. Plan of South and West of Harlow showing relevant Local Plan designations, adopted Local Plan Alterations and some elements of the Harlow Green Infrastructure Plan.
2. Plan of East of Harlow showing relevant Local Plan designations, adopted Local Plan Alterations and some elements of the Harlow Green Infrastructure Plan.