



Harlow Local Plan
Examination in Public

Supplementary Statement

on behalf of

Miller Homes

Harlow & Gilston Garden Town
Infrastructure Delivery Plan &
Strategic Viability Assessment

October 2019



INTRODUCTION

1. This Supplementary Statement has been prepared by Andrew Martin – Planning (AM-P) on behalf of Miller Homes.
2. Miller Homes controls 249.7 hectares (ha) of land, bounded by Gilden Way / Sheering Road, the M11, Church Langley and New Hall Farm, to the east of Harlow. Of this 128.7 ha of land falls within Harlow District to the south of Moor Hall Road and the remaining 121 ha within Epping Forest District to the north of Moor Hall Road.
3. The southern part of the site is allocated in Policy HS3 of the Harlow Local Plan Pre-Submission Document (HSD1) for approximately 2,600 homes and other associated uses. The northern part of the site is allocated in Policy SP5 of the Epping Forest Local Plan Submission Version for approximately 750 homes, other associated uses and the potential relocation of the Princess Alexandra Hospital (PAH).
4. This Statement supplements our client's previous hearing statements and considers the Harlow & Gilston Garden Town Infrastructure Delivery Plan (IDP) (EX0038) and the Harlow & Gilston Garden Town Strategic Viability Assessment (SVA) (EX0039), which were published on 17th April 2019, after the Harlow Local Plan Examination hearings had taken place.

INFRASTRUCTURE DELIVERY PLAN

5. Miller Homes engaged with Harlow District Council (HDC) and Epping Forest District Council (EFDC) during the preparation of the Garden Town IDP and, at the broad strategic level, considers it to be a useful tool that sets out the potential infrastructure requirements associated with the overall development of the Garden Town.
6. However, the Garden Town IDP can only be a guide to infrastructure requirements and can only ever represent a 'snap-shot' in time. It is inevitable that some requirements will change as more detailed technical work is undertaken by site promoters and the local authorities. Therefore, it would be inappropriate for a local plan policy or local authority to apply the list of infrastructure requirements in the IDP rigidly when considering future development proposals in the Garden Town.
7. For example, Appendix A in the Garden Town IDP apportions various transport infrastructure costs to the East of Harlow site. Of these Miller Homes questions the validity of East of Harlow's costs apportionment to TR9 (Velizy / Second Avenue Works), TR20 (Second Stort Crossing), TR28 (Sustainable Transport Corridors & Town Centre Transport Hub) and TR33 (Public & Active Transport Support) which amount to £ 46,496,264 or £ 13,880 per dwelling over the East of Harlow site as a whole. This is questioned on the basis that such apportionment, which is apparently based on 'professional judgement and unit numbers' (paragraph 4.9.1 of the Garden Town IDP), takes no account of the actual transport impact of East of Harlow – a fact also recognised at paragraph 4.9.1.
8. The Garden Town IDP's questionable approach to transport infrastructure cost apportionment manifests itself in the £ 18,094,833 sought for the new Second River Stort Crossing (TR20), when in reality relatively few trips to and from East of Harlow will make use of such a crossing. For example, during a weekday morning peak period initial calculations suggest that only 100 to 200 trips to and from East of Harlow would make use of a Second Stort Crossing.



9. Furthermore, regardless of the content in the Garden Town IDP, all planning obligations sought at the planning application stage will need to comply with the legal tests for a planning obligation – as set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This includes requirements that all planning obligations must be:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
10. The current Garden Town IDP does not contain sufficient evidence to demonstrate that these legal tests have been or will be met – particularly in respect of, but not limited to, the £ 18,094,833 sought from East of Harlow for the new Second River Stort Crossing (TR20). Clearly further work will be required at the planning application stage.
11. Nevertheless Miller Homes considers that the Garden Town IDP does provide sufficient evidence for local plan purposes and to demonstrate that the new Garden Town community at East Harlow is deliverable at the broad strategic level.

STRATEGIC VIABILITY ASSESSMENT

Viability & Affordable Housing

12. Miller Homes noted previously that the emerging Garden Town SVA was expected to demonstrate that the East of Harlow site is financially viable at the broad strategic level. These comments were based on the draft SVA, which was the latest version available when the local plan hearing sessions commenced in March 2019.
13. Tables 12.12 to 12.14 in the final SVA (published on 17th April 2019) now confirm that the southern part of the East of Harlow site (in Harlow District) is fully viable (i.e. green). Although the northern part of the site (in Epping Forest District) is at the margins of viability (i.e. yellow / amber) – partly due to the greater cost apportionment for the new Second River Stort Crossing (TR20) – there are expected to be mechanisms in the Epping Forest Local Plan to review the tenure mix and / or proportion of affordable housing if viability were to become an issue on that part of the site.
14. Overall Miller Homes is satisfied that the final Garden Town SVA provides sufficient evidence for local plan purposes and to demonstrate that the new Garden Town community at East Harlow is deliverable at the broad strategic level.

2012 vs 2019 NPPF

15. Miller Homes considers that the final Garden Town SVA should not be afforded weight in accordance with paragraph 57 of the 2019 National Planning Policy Framework (NPPF). The Harlow Plan is being examined in accordance with the 2012 NPPF and it would be inappropriate (perhaps even unlawful) to cherry pick parts of the old and new NPPFs when considering different aspects of the Plan and its evidence base.
16. This issue was raised at the Harlow Local Plan Examination in April 2019 and it is AM-P's understanding that the Inspector noted verbally that the Garden Town SVA should not be afforded weight in accordance with the 2019 NPPF.



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17. Miller Homes respectfully requests that the Inspector makes a written judgment on this matter in the final Inspector's Report, in order to provide clarity for developers at the planning application stage.

SUMMARY

18. Miller Homes controls 249.7 ha of land to the east of Harlow. The southern part is allocated in Policy HS3 of the Harlow Local Plan for approximately 2,600 homes and other associated uses, while the northern part of the site is allocated in Policy SP5 of the Epping Forest Local Plan for approximately 750 homes, other associated uses and the potential relocation of the PAH.
19. This Statement supplements Miller Homes' previous hearing statements and sets out that:
- Although the Garden Town IDP provides sufficient evidence for local plan purposes and to demonstrate that the new Garden Town community at East Harlow is deliverable at the broad strategic level, it can only be a guide to infrastructure requirements and can only ever represent a 'snap-shot' in time. It does not demonstrate that the legal tests for a planning obligation have been or will be met, and contains a questionable approach to transport infrastructure cost apportionment – particularly in respect of, but not limited to, the £ 18,094,833 sought from East of Harlow for the new Second River Stort Crossing (TR20).
 - The Garden Town SVA provides sufficient evidence for local plan purposes and to demonstrate that the new Garden Town community at East Harlow is deliverable at the broad strategic level. In particular, it confirms that the southern part of the East of Harlow site (in Harlow District) is fully viable.
 - The Garden Town SVA should be considered in the context of the 2012 NPPF, which the Harlow Local Plan is being assessed against. It should not be afforded weight in line with paragraph 57 of the 2019 NPPF.