

## Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	3856	Name	Tony	Aspbury	Freetown Homes Limited
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Date	12/12/2016
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### Letter or Email Response:

DRAFT EPPING FOREST LOCAL PLAN FOR CONSULTATION: REPRESENTATIONS BY **...Redacted...** We set out below representations by **...Redacted...** (the 'Representor') on the draft Local Plan. This letter should be read in conjunction with the representations by the Representor made on-line through the draft Local Plan Consultation Website and be treated as complementing and amplifying those representations. The representations on the draft Local Plan should also be considered alongside a simultaneous Pre-Application Enquiry by the Representor in respect of a proposal for a housing-led mixed use development on land bounded by Hainault Road, Courtland Drive and the Central Underground Line (Hainault Branch) at Chigwell, which is being submitted simultaneously with the Representations on the Local Plan. The attached schedule sets out the documents submitted both with these representations and with the Pre-Application Enquiry. Please note that these documents will be submitted by post on a CD because they are too large to attach to the online representations. The substance of the current representations by **...Redacted...** is that the draft Local Plan is unsound because: Draft Epping Forest Local Plan: Representations by **...Redacted...**

- The current assessment of housing need informing the draft Plan is faulty and under-estimates the actual housing needs of the area. It does not constitute a full objective assessment of housing need therefore;
- The Plan make inadequate quantitative provision for housing development within the District as a whole and this deficiency also impacts adversely on the delivery of and appropriate mix of sizes, type and tenures of housing including needed affordable housing and starter homes. The Representor contends that the planned provision of 11,400 dwellings 2011-2033 (representing an annual rate of 518 dwellings) should be increased to 19,140 dwellings or 870 dwellings per annum;
- The Plan also fails to address the significant and persistent shortfall in housing land supply and, thus, fails to meet the terms of paragraph 47 of the Framework;
- The proposed distribution of housing is unsatisfactory and fails to focus development in the most sustainable locations in the south of the District;
- The review of the Green Belt which forms part of the Evidence Base is faulty, incomplete and unduly limited. It lacks a strategic dimension, including the desirability of safeguarding land not allocated for development in the current local plan round and defining boundaries clearly, using physical features that are readily recognisable, permanent and defensible in the long term. Rather, the exercise seems to be based on a highly conservative and restrictive approach and, except for the proposed Green Belt deletions around Harlow, to involve merely 'tinkering' with boundaries which are simply redrawn tightly around allocations;
- The Green Belt review reflected in the draft Local Plan fails to strike the correct balance between the protection of land which genuinely meets the five purposes set out in paragraph 80 of the Framework and which it is necessary to keep permanently open therefore and the need to promote sustainable patterns of development;
- The Site Suitability Assessment which forms part of the Evidence Base is faulty both in its overall methodology and in its assessment of

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individual sites; • Specifically, the Plan omits a suitable candidate site for release from the Green Belt and allocation for a housing-led mixed-use development in a highly sustainable location on land bounded by Hainault Road, Courtland Drive and the London Underground Central Line at Chigwell (see attached plan). Henceforth this will be referred to as the Chigwell Omission Site. Consequently, having regard to paragraph 182 of the Framework, the draft Local Plan is not sound by virtue of the fact that it has: o not been positively prepared o is not justified; o is not effective; and, o is not consistent with national policy. Moreover, it fails to satisfactorily address the key issues set out at paragraph 2.51 of the Plan and the vision for London Stansted Cambridge Corridor, the draft vision for the District and the Draft Plan Objectives, as set out in Chapter 3. This letter sets out below comments on the provisions of the draft Local Plan in the order they appear in the document. Where no reference is made to specific provisions or draft policies that may be interpreted that the Representor has no view thereon. Chapter 3 -Strategic Policies of the Local Plan: The Strategic Context set out in the first part of the Chapter is generally summarised accurately. In light of the conclusions of the independent 'Housing Requirements Report' for the District commissioned by the Representor from **...Redacted...** - submitted with these Representations -the output from the West Essex and East Hertfordshire Strategic Housing Market Assessments and the Draft Memorandum of Understanding (DMoU) relating thereto which inform the Draft Local Plan is disputed. The Representor submits that the exercise is defective and incomplete and does not amount to a full objective assessment of housing needs (FOAHN) across the Strategic Housing market Area and across Epping Forest in particular. We will return to this issue below. The Draft Vision and Objectives Epping Forest District to 2033: Whilst the Vision and Objectives are generally supported, the Representor objects to the qualification in the second bullet of the Vision which restricts the provision of new homes to meeting 'local' needs and the not the full objectively assessed housing needs of the District which would also include, amongst other things, in-migration from outside the District. In the section entitled "How we will achieve this", the Representor endorses the five paragraphs set out in this section, especially the first, but once again objects to the wording in the fifth paragraph which restricts development on new sites to meeting 'local' needs. Given the general under-provision that appears to be being made and the fact that other local authorities within the Strategic Housing Market Area are also subject to constraints, including Green Belt, the capacity of these other areas to accommodate unmet housing needs - over and above 'local' needs - displaced from Epping Forest District is strongly questioned. The restriction to provision to meet local needs appears to conflict with the first bullet of Objective B (Housing) of the Draft Plan Objectives, although the second bullet once again inappropriately restricts provision to meet local needs and thus directly contradicts the first bullet. To the extent that the explicit restriction of provision in the Plan to meet 'local' needs only arises from a perception that this is necessary to protect the extensive areas of Green Belt in the District, the Representor challenges that perception. The Green Belt Review and the Plan itself appear to reflect a pervasive and misconceived view on the part of the Local Planning Authority that there is only limited scope to revise Green Belt boundaries. This is a subjective, prejudicial predetermination of the Review exercise which fails to recognise that, on a genuinely objective assessment, there are substantial areas of existing Green Belt which do not meet the five objectives of including land in the Green Belt (op cit) and do not merit protection on other grounds, are in sustainable locations and which could therefore be removed from the Green Belt to meet the short, medium and long terms development needs of the area. Thus, the Authority's conservative approach to the Green Belt seems to be based on political rather than technical considerations. Subject to the above-cited important qualifications, the Representor generally endorses the Draft plan Objectives. As will be made clear below, the Chigwell Omission Site contributes to fulfilling the draft Vision for the District and meeting the Draft Plan Objectives. This Policy accords with paragraph 14 of the Framework and is supported by the Representor. However, the Representor considers that this draft Policy is not adequately reflected in the other provisions of the Plan. The Spatial Development Strategy to Support Housing and Economic Needs: Housing: As already noted the Representor strongly disputes the OAHN for the SHMA and the allocation thereof to Epping Forest District. The reasons for this are set out in full the comprehensive and forensic Report by **...Redacted...** alluded to above which identifies significant methodological and statistical concerns based on best practice. The Council's Housing Background Paper states that: ' Draft Memorandum of Understanding on the 'Distribution of Objectively Assessed Need across the West Essex/East Hertfordshire Housing Market Area' identifies a need for Epping Forest District to accommodate approximately 11,400 new homes" This translates to an annual completion rate of 518 homes per annum. Whilst this is not an adopted OAHN and the reliability of the output is questioned in the **...Redacted...** Requirement Report on the basis of the aforementioned methodological concerns, it provides at least a starting point on the Council's proposed OAHN position for the 2011 to 2033 period. The bespoke modelling undertaken by **...Redacted...** on behalf of the Representor produced an initial requirement of 725 dwellings per annum, which is very close to the May 2015 projections

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commissioned by the Council from [Redacted] of 711 dwellings per annum. In both cases this figure excludes any uplift for market signals. However, the 2015 West Essex and East Hertfordshire SHMA recommends 20% uplift for market signals. Thus, whilst that document is acknowledged in the [Redacted] Report to have significant deficiencies in its OAHN modelling, it does at least recognise the need for significant market signals uplift and this position is supported by [Redacted] own market signals analysis at Appendix 1 to the housing statement. Applied to the output from the [Redacted] bespoke modelling, this suggests an OAHN of 870 per annum, or a total plan provision of 19,140 dwellings. The [Redacted] Report argues that the same 870 per annum OAHN is also suggested if a 10% uplift for market signals plus an Local Plans Expert Group (LPEG) (March 2016 Report)-informed affordable housing uplift of 73 dwellings is applied to the base SNPP Projection 1. The Representor accepts that it is possible that the upper end of the range of housing need outputs projected by [Redacted] at 923 per annum, whilst in line with the full LPEG Report and Recommendations, may not be justifiable at present, given that Government's formal response to the LPEG recommendations have not yet been published. This is why the [Redacted] Housing Statement presents the more moderate uplift of 20% in line with the recommended SHMAIS uplift as an option (i.e. giving the 870 figure). Accordingly, this is considered to a robust and justifiable level of provision. The [Redacted] Report also highlights persistent under-delivery of housing even against the modest rates provided for in the previous local plan round. Furthermore, [Redacted], on behalf of the Representor, has undertaken an audit of the Council's claimed housing land supply which concludes that there is a very significant under-supply against the requirement set out in paragraph 47 of the Framework, even without the 20% buffer required because of previous under-delivery. The Representor will share this information with the Local Planning Authority in due course. The Plan appears neither to acknowledge nor to seek to address this problem and the risk is at present that the Plan would be out-of-date in accordance with paragraph 49 of the Framework the moment it was adopted and could not, therefore, be found to be sound. The evidence suggests that the level of supply planned the Council will be unable to provide sufficient housing to meet either a SHMAIS informed OAHN or the market signals/affordable housing adjusted OAHN of 870 homes per annum suggested in the [Redacted], or to deliver sufficient housing to align with the levels of employment growth expected in the region. At the current levels of planned provision the Council will fail to avoid attracting a significant increase in unsustainable commuting patterns and increasing pressures on affordability and housing choice will occur. Unless additional sites are identified for housing delivery and housing supply improves radically against past delivery trends, even against the 514 per annum housing requirement suggested by the SHMAIS, the Council will struggle to address the need for housing. The significant social benefit associated with delivering housing and affordable housing to meet assessed need is widely accepted in Appeal decisions. Government debates and the continued focus upon housing delivery highlight concerns that the country remains in the midst of a housing crisis, and this sentiment is reflected within the NPPF emphasis upon the need to significantly boost overall housing delivery: national policy explicitly states that local authorities should meet the full objectively assessed affordable housing need in addition to the need for market housing. Given the pressing need for market and affordable housing across the District, and the Council's demonstrable lack of a sufficient planned supply in the draft Local Plan to meet these needs, development proposals delivering additional housing and which accord with national guidance in all other respects will be of crucial and significant benefit in the context of national guidance objectives for sustainable development, significantly boosting housing supply, and fully meeting objectively assessed market and affordable housing needs. This includes the Chigwell Omission Site. Infrastructure and Delivery: Draft Policy SP2: Spatial Development Strategy 2011-2033. Having regard to the foregoing commentary the Representor objects to this Policy in its current form. The overall provision of 11,400 new homes should be increased to at least 19,000 and the provision for Chigwell to at/least 700 homes. This latter figure represents a pro-rata (66%) increase in the provision for Chigwell in the draft Local Plan which the Representor considers can be achieved without harm to interests of acknowledged importance, including the Green Belt and would reflect both the infrastructure and highly sustainable character of the place. Appropriate additional provision will be required in other sustainable locations across the District, including around Harlow (Draft Policy SP3), but the Representor does not advance any specific proposals for the distribution of this provision at present. The Representor makes no specific proposal for the number of new jobs required but suggests this will need to be reviewed in line with the increase in housing figures. As noted in the on-line representations, however, given the proportion of employment now in services etc. there is no need for necessarily pro-rata increases in employment land provision, although the strategic location of the District astride the M25 and M11 Motorways and relative to Stansted Airport and to Greater London should be fully exploited. Draft Policy SP4: Place Shaping The Representor supports this Policy and considers that the Chigwell Omission Site fully complies with it (see below). Draft Policy SPS: GreenBelt and

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District Open Land The Representor objects to this draft Policy insofar as it relates to District Open Land. Land is either in the Green Belt and thus needs to be kept permanently open, or it is not. It is wholly inappropriate to apply the same level of protection to land that is not in the Green Belt to land that is and must be considered contrary to national policy as expressed in the Framework. Where land merits protection on the basis of its intrinsic landscape, visual, heritage, cultural or leisure, sport and recreation qualities, other policies are available to protect it. Draft Policy HI: Housing Mix and Accommodation Types The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy H2: Affordable Housing The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. The Policy requires some amendment to take account of the introduction of Starter Homes. Draft Policy TI: Sustainable Transport Choices The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DMI: Habitat Protection and Improving Biodiversity The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM2: Landscape Character and Ancient Landscapes The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DMS: Green Infrastructure: Design of Development The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM6: Designated and Undesignated Open Spaces The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM7: Heritage Assets The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM9: High Quality Design The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM10: Housing Design and Quality The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM10: Waste Recycling Facilities on New Development The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM15: Managing and Reducing Flood Risk The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM16: Sustainable Drainage Systems The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DMI7: Protecting and Enhancing Watercourses and Flood Defences The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM18: On-site Management of Waste Water and Water Supply The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM19: Sustainable Water Use The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy DM20: Low Carbon and Renewable Energy The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy P7: Chigwell The Representor objects to this draft Policy in its present form. The Policy should be amended by deleting Site SR-0557 - The Limes Estate - and henceforth treating any redevelopment proposals as windfall development. That allocation should be replaced by a new allocation: The Chigwell Omission Site - SR 0098 (Western Part) - Land bounded by Hainault Road, Courtland Drive/ Chigwell Brook and the London Underground Central Line - Approximately 200 homes. If the Limes Estate allocation is not deleted then the Omission Site should be allocated in addition to it. This Site, which is owned by the Representor and is immediately available for development therefore, forms the western part of SR- 0098 which was assessed in its entirety (some 39 hectares) through the Green Belt Review and Site Suitability Assessment process. We will comment on this process further below. It is proposed that the Omission Site, which amounts to some 15.5 hectares, should be removed from the Green Belt and be allocated for a housing-led mixed-use development comprising:

- Approximately 200 new homes. These would be a mix of executive, family, starter and affordable homes with generous (public and private) outdoor space;
- A nursing/care home;
- A site for a new purpose-built primary school for Chigwell;
- Small offices/professional consulting rooms (including, subject to agreement with the relevant NHS Trust and GP Practice, a satellite primary healthcare centre);
- Pedestrian and cycle routes within the site connecting to the wider network of footpaths/ public rights of way around it, so as to enhance accessibility to local facilities, to public transport, and to the countryside for everyone;
- Incorporating measures to optimise the sustainability of the development, including a green travel plan,

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energy efficient design and construction, renewable energy features, recycling, a sustainable urban drainage system, measures to promote healthy lifestyles and biodiversity enhancement, consistent with a number of the above-cited draft Local plan Policies. The Representor also owns the land to the east of the Omission Site (the balance of SR-0098), extending as far as Vicarage Lane. It is proposed that this land should remain in the Green Belt and in agricultural use, but with landscape and ecological enhancement, improved (managed) public access and long-term management measures to maintain its landscape, visual and environmental value. As the Site Suitability Exercise recognises the site is in an eminently sustainable location with very good access (on foot) to the excellent local services and amenities Chigwell possesses, to Chigwell London Underground Station, to a frequent bus route, as well as other facilities. The Representor contends that the adverse conclusions of the Site Suitability Assessment in connection with the merits of development in this area were largely a function of addressing a much larger and more extensive Site (39 hectares) and a larger scale of development (750-1000 dwellings), but were also a function of the particular methodology adopted and the level of information available. The Representor accepts that the eastern part of SR-0098 is more open, less visually contained and more prominent and that, as such, it contributes to the purposes of including land in the Green Belt and should remain in the Green Belt subject to Green Belt protection. It is also acknowledged that this area possesses greater landscape and visual value. Furthermore, it would be difficult to set defensible long-term Green Belt boundaries other than along Vicarage Lane to the east and Manor Road to the south east, resulting in a disproportionate large Green Belt release and consequent scale of development. This area is also more remote and less accessible by modes other than the motor car to public transport, shops and other local facilities. Development of the whole of SR-0098 would involve the cumulative loss of a much larger amount of best and most versatile agricultural land, with a more substantial impact on the farm business concerned, and impose significant additional burdens on local infrastructure capacity. By contrast, as the extensive assessment material submitted in support of these representations demonstrate, the Omission Site, looked at on its own merits, is extremely well-contained visually, being bounded by development on three sides. It is possible to readily define a clear and defensible revised Green Belt boundary aligned along existing and enhanced landscape features. The Landscape and Visual Impact Assessment commissioned by the Representor demonstrates that this Site would not involve the loss of land of high landscape sensitivity. The site-specific assessment material also demonstrates no adverse impact on heritage or cultural assets. The Representor has also commissioned an Agricultural Assessment which will be submitted as part of the Pre-Application/Application process. This will demonstrate that development of the Omission Site would involve the loss of a relatively small amount of B&MV Agricultural Land and would not adversely impact on the viability of the farm business in question. Moreover, the Omission Site is currently subject to serious trespass and regular crop damage which reduces its utility to the farmer and which the arrangements for managed access to the retained agricultural land to the east are intended to address and mitigate. The detailed technical assessments demonstrate that there are no environmental or infrastructure/utilities constraints on the Omission Site. In particular it can be seen that development on it would not be at risk of flooding, nor would such development increase the risk of flooding elsewhere. A sustainable urban drainage system (SUDS) can be accommodated within the development and this would also be designed to enhance biodiversity. As already noted, the Site is highly accessible by a range of transport modes other than the motor car, can be accessed safely and effectively by vehicular traffic and traffic generated by the development can be accommodated without detriment to the free and safe flow of traffic on the surrounding network. Development would not lead to adverse noise or air quality impacts. Amongst other things there is a demonstrable need for dedicated accommodation and care facilities for the elderly in this area and it is intended that specific provision for this be made on the Mission Site consistent with Draft Policy HI. It is proposed that a range of house types and tenures be provided on the Site, again consistent with Draft Policy H1 and with Draft Policy H2. Recognising the constraints on further expansion of the Chigwell Primary Academy arising from its proximity to the junction of three high pressure gas mains, the proposals for the Omission Site incorporate a new three-form entry primary school, which will provide significant additional primary education capacity for Chigwell in a highly accessible and sustainable location. The Site can be developed to an exceptionally high quality and sustainable standard of layout and design which is appropriate in context and sympathetic to its surroundings, as the Design and Access Statement, amongst other submitted documents demonstrates. In the circumstances the Council is invited to undertake an objective re-assessment of the suitability of the Omission Site in isolation, rather than the whole of SR-0098, informed by the detailed site-specific analytical and assessment material submitted by the Representor and against the background of the need for a significant increase in the housing provision in the Plan. Draft Policy DI: Delivery of Infrastructure The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would

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accord fully with its provisions. Draft Policy D2: Essential Facilities The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Forward Planning Draft Policy D3: Utilities The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy D4: Community, Leisure and Cultural Facilities The Representor generally supports this draft Policy and submits that its proposals for the Chigwell Omission Site would accord fully with its provisions. Draft Policy D6: Neighbourhood Planning The Representor will actively participate in the neighbourhood planning process for Chigwell. As noted above, the Representor is undertaking a parallel Pre-Application/Application process for the Chigwell Omission Site, which will be pursued in tandem with the Local Plan process. The Pre-Application/Application exercise will help to inform the Local Plan process, specifically with regard to Chigwell and to the Omission Site, whilst facilitating the essential urgent delivery of housing development without the need to await the full Local Plan process and formal adoption of the Plan. \*SCHEDULE OF DOCUMENTS IN SUPPORT OF THE FUTURE REPRESENTATIONS\* \*MAP OF CHIGWELL SITE\* \*Landscape and Visual Impact Assessment - from Aspbury Planning\*