

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

Stakeholder ID	3377	Name	Graham	Bloomfield	Pigeon Management
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Method	Letter
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Date	19/1/2017
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Letter or Email Response:

Epping Forest District Draft Local Plan Consultation - October 2016 Pigeon Land Limited East Epping Introduction

1. This Representations Report has been prepared by Carter Jonas LLP on behalf of Pigeon Investment Management Limited ('the Promoter'), and is a response to the Epping Forest District Draft Local Plan Consultation (October 2016) ('the Draft Plan'). The Promoter has secured a promotion agreement with the Gaynes Park Estate ('the Landowner'), which owns the freehold to the Land North of Steward’s Green Road, Epping. The site boundary is outlined in red in Annex 1 and will be referred to as 'the Site' from here on in. Additional land within the Landowner’s ownership is also shown outlined in blue ('the Blue Land'). A third parcel of land is shown outlined in pink, which is in the ownership of Epping and Theydon Garnon Charities ('the Third Party Land').

2. A second plan incorporating the Site, the Third Party Land and part of the Blue Land is shown outlined in red in Annex 2. This will be referred to as 'the Promotion Site'. The Promoter has engaged with the owners of the Third Party Land who have confirmed their agreement in principle for the Promoter to include this land within the Promotion Site.

3. There are several reasons for describing the various site boundaries in the way explained in paragraphs 1 and 2. Firstly, the Draft Plan has subsequently proposed that a large part of the Site be removed from the Green Belt and allocated for residential development. Under Policy P 1 Epping vi the Site is referred to as SR-0153 'Land North of Stewards Green Road' for the provision of 'approximately 305 homes'.

4. Secondly, since the publication of the Draft Plan the Promoter has agreement from the Landowner to promote the Site and has reviewed the strategic opportunities for growth at Epping. The Promoter believes that the Promotion Site provides a longer-term development strategy that will deliver wider benefits for the district and Epping (which could include), a community hub, education and health provision, and a country park), whilst mitigating potential environmental impacts and creating a stronger defensible boundary for a revision to the Green Belt.

5. Therefore, whilst we broadly support the principle of Policy P 1 Epping vi, we would like to use this consultation opportunity as follows:

- o ? to seek an amendment to the boundary (as shown in SR-0153 of Figure 5.4 of the Draft Plan) to include all of the Site i.e. to add the land parcel in the south-eastern corner which ensures the provision of access on to Stewards Green Road, and consequently utilise that additional site area for the provision of additional residential development. Based on the average density applied across the draft allocation, we believe this could result in the provision of approximately 434 homes for the Site;
- and ? to make a case for enlarging the boundary to reflect the Promotion Site and to amend the description of the proposed development to include:
 - o Range of new homes including 40% affordable and a high proportion of bungalows and self-build plots;
 - o C2 Care Village for elderly care;
 - o Country Park;
 - o Public open space and strategic landscaping;
 - o Eastern link road between Steward’s Green Road and Stonard’s Hill;
 - o Primary

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school (subject to further viability testing); o Potential leisure with sports pitch provision (subject to further viability testing and needs assessment); o Potential new surgery (subject to further viability testing and needs assessment).

6. Policy P 1 Epping vi is proposed in order to contribute towards Epping Forest District Council's ('the Council') Objectively Assessed Housing Needs ('OAHN') across its Plan period. The Council has undertaken to provide 11,400 homes between 2011 and 2033 (518 homes per annum), including 3,152 affordable homes (143 homes per annum).

7. The Site and Promotion Site both lie within the Metropolitan Green Belt ('MGB') (noting that 92% of the district is MGB). The Council has undertaken a staged review of the Green Belt, initially involving a high level review ('GB Review Stage 1') of Green Belt land across the district to identify the contribution of the Green Belt towards national Green Belt purposes as set out in the National Planning Policy Framework ('NPPF').

8. A Green Belt Stage 2 Report ('GB Stage 2 Report') was then carried out by independent consultants, working on behalf of the Council, to assess land surrounding 22 of the district's settlements, so that individual parcels of land/sites could be considered in detail against their Green Belt function. The Site is identified as parcel 046.1. In terms of the Promotion Site, this includes parcels 046.1, 046.2 and 047.1.

9. As part of the GB Stage 2 Report, an overall 'Summary of Harm' assessment was considered, which ranked the Site's potential contribution to harm as 'High'. However, the report then went on to note that, due to sensitivity testing, it was appropriate to remove Purpose 3 given that the majority of the Green Belt in the district performed 'strongly' against this Purpose. Accordingly, the Site was then assessed as having 'Moderate' harm. The remainder of the 'Promotion Site' was assessed as having 'Very Low' harm.

10. In adapting the methodology used in the GB Stage 2 Report to produce a more transparent approach to scoring 'potential harm', we have additionally concluded that the Promotion Site would cause 'insignificant (Or 'None' using the GB Stage 2 Report reference) potential harm to the Green Belt Purposes.

11. One of the Council's evidence base documents (Stage 3 Capacity and Stage 4 Deliverability Assessment, September 2016) ('Site Selection Report') identified the Site for 305 homes (which prompted reference to the draft allocation). It should be noted that this excludes the land parcel in the south-east of the Site, which is required to provide access onto Steward's Green Road.

12. Notwithstanding this, it is also noted that the Site Selection Report suggests that a density of 20.77 dwellings per hectare would be appropriate, based on a 'Local Setting' density discount of 29%, which relates to the omission of the land parcel in the south-eastern corner of the Site. Given that the parcel would help facilitate vehicular access on to Steward's Green Road, we therefore contend that the discount should be removed and that the Site should be considered for the provision of additional housing. In using a similar approach to that taken in the Site Selection Report i.e. starting at a baseline density of 45 dph, applying a 35% gross to net adjustment, this would leave a target density of 29.5dph. Based on a Site of 14.7ha (unconstrained), this would equate to 434 homes, based on the Arup approach.

13. In terms of the Third Party Land, this was identified as SR-0343 and assessed as having capacity for 295 homes. It was concluded that this would not be proposed for allocation simply on the basis that a 'lack of ownership information for the site, and' (lack of) 'confirmation as to the site's availability'. The Promoter has recently held discussions with the owner of this land, and there is agreement in principle that the site could be proposed for development as part of the 'Promotion Site'. Accordingly, we would request that the Council seeks to allocate the Third Party Land site for 295 homes.

14. It should be noted that the figures for potential development on sites SR-0153 and SR-0343 have been undertaken at a relatively high level by the ARUP Report, applying broad densities without detailed consideration of the site's opportunities and constraints, or the benefit of detailed masterplanning. Accordingly, there should be a level of caution with their application. The wider masterplanning exercise across the Promotion will look to confirm an appropriate level of development based on the need within Epping.

15. The remainder of the Promotion Site was not assessed as, at the time, only the Site had been promoted for residential development. We would respectfully request that the Council considers the Promotion Site as an addendum to its Site Selection Report to consider the opportunity for a more comprehensive form of residential-led mixed use development.

16. A Delivery Statement (December 2016) ('DS') accompanies this Representations Report. This has been informed by a number of technical assessments, including a Preliminary Highways Appraisal and Sustainable Access Strategy, a Flood Risk and Drainage Strategy, a Landscape Assessment, an Arboricultural Assessment, a Phase 1 Habitat Survey, a Utilities Assessment and an Archaeology and Heritage Assessment. It is considered that there are no insurmountable constraints to development, as summarised within the Delivery Statement.

17. Accordingly, whilst we are in general support to the proposed allocation of the Site for 305 homes, we consider that there is an opportunity to deliver a greater amount of development (approximately 434 homes) on the Site (including affordable housing) if the south-eastern land parcel is included so as to facilitate vehicular access from Stewards Green Road, and 295 homes on the Third Party Land (again acknowledging

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these are based on Arup's figures). Furthermore, the Promotion Site would, in our view, offer the potential for delivering wider benefits to Epping and the district, in so far as providing new care, community, health and education facilities, and strategic open space (including a new country park). All options are capable of mitigating impact, whilst maximising the development efficiency of a site that is proposed for release from the Green Belt. 18. It is considered that the Site could be made available within a five year period, it is suitable and developable for housing, and is therefore deliverable for the proposed residential use. 19. A completed questionnaire form has been prepared and submitted and should be read in accordance with this Representations Report, the DS and associated technical documents. REPRESENTATIONS Question 2 - Do you agree with our approach to the distribution of new housing across Epping Forest District? 20. There is clear recognition from the Council that it must achieve a balance between the Government's requirements to deliver an identified and evidenced need for economic and housing growth, and the need to protect the greenness of its district. 21. The government-published National Planning Policy Framework ('NPPF') states in paragraph 14 that 'at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'. 22. It goes on to add that 'for Plan-making' (as in the draft Plan process that the Council is currently consulting on) 'this means that: ? Local planning authorities should positively seek opportunities to meet the development needs of their area; ? Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: i. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii. Specific policies in the NPPF indicate development should be restricted.' 23. In order to firstly identify 'the development needs of their area', the Council jointly formed a Co-operation for Sustainable Development Member Board ('Co-op') in October 2014 with neighbouring authorities including East Hertfordshire District Council, Harlow Council, Uttlesford District Council, Hertfordshire County Council and Essex County Council. It undertook to review the economic and housing needs that had previously been identified in the Strategic Housing Market Assessments ('SHMA') 2010 and 2012, and then prepared an update of the SHMA in 2015. It considered there to be a need for 46,100 new homes in the plan period to 2033. 24. The Office of National Statistics and the Department for Communities and Local Government then published demographic data in 2016 which indicated that the OAHN for the SHMA area should instead be 54,600. The Co-op has reviewed this requirement against infrastructure and environmental factors and has determined that the full OAHN for the SHMA cannot be fulfilled. In reaching this conclusion, the Co-op tested six options, ranging from housing targets of 48,300 to 57,100 homes, and a range of spatial distributions. It concluded that a revised target of 51,100 could be achieved, split across the various administrative boundaries, resulting in a housing target of 11,400 homes for the Epping Forest district. 25. In identifying the housing development needs of the district (housing is the immediate focus of our consideration here, given the promotion of the Site for the provision of new homes) through the Co-op/SHMA, it is considered that the Council has then, in general terms, followed an appropriate approach in identifying land that can support that level of development envisaged. 26. The selected distribution of growth must be based on the delivery of sustainable development including meeting identified development needs in full, and taking into account any environmental and infrastructure constraints that may restrict development in certain locations. 27. Paragraph 7 of the NPPF identifies the three dimensions of sustainable development, which are economic, social and environmental roles. Paragraph 9 makes the connection between sustainable development and making positive improvements to the quality of the built, natural and historic environment, as well as people's quality of life. Paragraph 17 identifies the core principles of the planning system. The principles of meeting development needs, protecting the environment and heritage assets, and making the fullest possible use of public transport, walking and cycling are particularly relevant to these representations. Paragraph 28 seeks to support a prosperous rural economy, including the retention of services and facilities in villages. Paragraph 34 expects developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, but acknowledging that different solutions will be required for urban and rural areas. Paragraph 47 seeks to boost significantly the supply of housing, by meeting the full objectively assessed need for housing. Paragraph 55 seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. 28. The settlement hierarchy, as shown in Figure 5.1, is broadly supported. Utilising work from the Settlement Hierarchy Technical Paper (2015) ('SHTP'), this identifies the four key towns in the district including Epping, Chipping Ongar, Loughton and Waltham Abbey. It then identifies a 'Large Village' category, followed by a 'Smaller Village' category, and a final category of 'hamlets' below this. A Town is explained as having a good range of services and facilities (21+ facilities), including good public transport. 29.

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In considering all of the settlements assessed in the district, Epping is identified as the joint highest ranking (along with Loughton) in terms of facilities available. This provides a strong 'sustainability' case for the settlement's ability to support major new housing. 30. The Council has not provided an indicative maximum size threshold for development within the various tiers of settlement, and again this is broadly supported, as the Council has instead chosen (through the Site Selection Report) to assess the capacity for locations for growth/specific sites on their individual merits. 31. We support the proposed growth in the Epping area, which will be aided by the spatial relationship to transport networks, notably the Epping Underground connection with the Central Line, and proximity of the M11 (via Loughton) and M25. Epping is one of only seven other tube stations in the district, along with Buckhurst Hill, Theydon Bois, Debden, Loughton, Chigwell and Grange Hill (in addition to a national railway station at Roydon). 32. Proposed residential growth at Epping could therefore be supported by its proximity to Epping tube station and range of bus services, in terms of providing a mode of sustainable travel that is within a reasonable travel distance. 33. A fundamental issue for the Council in identifying locations for growth is the presence of Metropolitan Green Belt ('MGB'). Approximately 92% of the district lies within the Metropolitan Green Belt and a Green Belt Review has not been undertaken since the 1998 Local Plan was adopted. 34. Paragraph 83 of the NPPF states that 'Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period'. 35. In terms of 'exceptional circumstances', paragraph 3.85 of the Draft Plan states that 'the evidence suggests that if the Council is to deliver the Vision and Objectives of the Local Plan as set out in Chapter 2, provide the development needed to support the long term sustainability of the District and the wider area as identified in Draft Policies SP 2 and SP 3, then there is a need to review the extent of the Green Belt within the District. In addition, the current Local Plan was adopted before the publication of the NPPF (which makes it clear that Local Plan policies should avoid repeating national policy) and prior to changes to nationally set Permitted Development Rights. As such a number of the policies are either out of date or are no longer applicable. 36. As noted in paragraph 3.90 of the Draft Plan, the Council is pursuing a strategy which seeks to minimise the use of Green Belt land whilst focusing development in sustainable locations. 37. The Council has undertaken a staged review of the Green Belt, initially involving a high level review of Green Belt land across the district to identify the contribution of the Green Belt towards national Green Belt purposes as set out in the NPPF. 38. As part of the GB Stage 2 Report, an overall 'Summary of Harm' assessment was considered, which ranked the Site's potential contribution to harm as 'High'. Of the 143 Stage 2 parcels it should be noted that 51% of sites were assessed as Very High and 26% assessed as 'High'. 39. It should also be noted that of the four Green Belt Purposes considered, the Site was considered to make 'no contribution' to check the unrestricted sprawl of large built-up areas; it has a 'weak' rating for preventing neighbouring towns from merging; it has a 'moderate' rating for preserving the setting and special character of historic towns; but has a 'relatively strong' rating against assisting in safeguarding the countryside from encroachment. 40. The approach taken to the document's overall scoring is difficult to quantify/qualify. For instance, parcel 046.2 is ranked 'no contribution - weak - weak - relatively strong' across the four Purposes, and is then ranked 'Very High' for overall assessment of Harm. If, however, you were to instead employ the following ranking system, it would provide a more transparent means of assessing harm:

		RANKING	
SCORING	OVERALL ASSESSMENT OF HARM	No Contribution	---
Insignificant (we have changed from 'None' as used in the document to better reflect the combined scoring in the overall assessment)	Weak	---	---
Relatively Weak	Low	Very Low	+
Moderate	Relatively Strong	Moderate	++
Strong	Very High	High	+++
Site: OF HARM	PURPOSE	SCORING	OVERALL ASSESSMENT
Merging of towns	Unrestricted Sprawl	---	None
+ Moderate	Very Low	---	Historic setting and character
COMBINED SCORING	Countryside encroachment	++	High
- Low		41. In doing so, it would result in the following scoring for the Site:	
		42. If you apply the same approach to the Promotion Site, it would result in an overall assessment of harm as 'Insignificant'. This is more consistent with Figure 4.6 of the GB Stage 2 Report, which excludes Purpose 3 ('Countryside Encroachment') element from the overall	

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assessment due to sensitivity testing given that the majority of the district's Green Belt will perform 'strongly' against this Purpose. 43. In tandem with this work, the Council commissioned a Settlement Capacity Study (SCS) to estimate development capacity on non-Green Belt land, specifically considering the availability of brownfield sites at non-traditional densities. 44. The SCS reviewed developable sites within 9 identified settlements using the data gathered as part of the SHLAA as well as other local and nationally available datasets. Capacity was tested under four scenarios which included varying assumptions regarding the size and pool of sites. The 9 settlements selected were based on the Council's settlement hierarchy and included the largest settlements in the district; those with the most capacity to accommodate new growth. 45. The study identified the potential for around 7,600 dwellings as being theoretically deliverable within the settlement boundaries of the 9 settlements over the plan period. This included sites with extant planning permission and excluding these sites the study revealed capacity for up to around 6,000 dwellings within the boundaries of the 9 settlements identified. 46. The deliverability of the sites in the study was assessed at around 4,000 dwellings within the first 10 years of the plan. The SCS stated that the density required to achieve these yields would be much higher than what had traditionally been delivered in the district and that the assumed densities took no account of housing mix. The SHMA identified an OAHN of 46,100 dwellings across the market area with 11,300 needed in Epping Forest District. The 2014 SLAA identified a capacity of 1,928 units within areas that may be suitable for development under the current development plan. 47. The methodology used in site selection incorporated a clear hierarchy of approach to the location of new development, giving preference for sites outside the Green Belt in accordance with the below: 1. Allocating sites around Harlow to support the London Stansted Cambridge Corridor 2. Sites on land within settlements (Green Belt boundaries used as a proxy). 3. Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement 4. Previously developed land within the Green Belt 5. Land of least value to the Green Belt assessed through Green Belt Review 6. Land of greater value to the Green Belt if the land meets other criteria for development 7. Land of most value to the Green Belt if the land meets other criteria. 48. In seeking to deliver the most sustainable form of development across the District, the Council has sought to focus an element of future growth around the periphery of Harlow. This makes best use of the services and facilities available in this large settlement. 49. Under Category 5, the Council has also identified the Site in Epping. 50. We support the approach taken by the Council in its two-stage approach to Green Belt review and the findings made in respect of the Green Belt function that the Site provides. We therefore support the proposed release of the Site from the Green Belt in the Draft Plan, in order to facilitate the delivery of housing that will contribute towards the Council's OAHN requirement in the Plan period. 51. Boundary alterations will result in approximately 500 hectares or around 1.5% reduction in the Green Belt. We contend with the Council that exceptional circumstances exist to justify revisions to the Green Belt. We support the reference by the Council in paragraphs 3.87 - 3.93 of the Draft Plan in seeking to provide a clear policy statement demonstrating why exceptional circumstances exist. 52. In the case of *IM Properties Development Ltd v Lichfield DC* [2014] EWHC 2440 (Admin), Patterson J "What is clear from the principles distilled in the case of *Gallagher*" (*Gallagher Homes Ltd v Solihull Borough Council* [2014] EWHC 1283 (Admin), Hickinbottom J) "is that for revisions to the green belt to be made exceptional circumstances have to be demonstrated. Whether they have been is a matter of planning judgment in a local plan exercise ultimately for the inspector." 53. Consideration should also be given to Paragraph 85 of the NPPF which states that 'When defining boundaries, local planning authorities should: ? ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development; ? not include land which it is unnecessary to keep permanently open; ? where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period; ? make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development; ? satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and ? define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. 54. In terms of bullet point 3 we would respectfully comment that the Draft Plan does not consider 'safeguarded land' in terms of its proposed revisions to the Green Belt boundary. Furthermore, a reminder to the reference in the last sentence of Paragraph 83 of the NPPF should also be noted 'At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period'. 55. We believe that this issue of Safeguarded Land is necessary given that the Full OAHN are not being satisfied within the Plan period, and that there will inevitably be a need for the Council to consider

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further revisions to its Green Belt again in the next Local Plan review. It is therefore considered prudent that the Council allocates Safeguarded Land as part of this draft Local Plan process. 56. Accordingly, and in the event that the Council does not agree with the inclusion of the Promotion Site for residential-led mixed use development as proposed within the DS, we would request that the revision to the Green Belt boundary is amended to include any residual land in the Promotion Site that is not taking forward for residential allocation as Safeguarded Land. The Concept Plan of the DS proposes development up to the existing established landscape belt on the eastern boundary of the Promotion Site. This would provide a strong and defensible boundary to the Green Belt. This would be complimented by a country park, which would provide a 'soft' landscaped edge to Epping from the east, in addition to the wider amenity benefits that it would bring. Q.6 - Do you agree with the proposed sites in your area? (See Chapter 5) Do not feel that you have to comment on all of the areas. 57. The Site Selection Report identifies the Site for 305 homes. It should be noted that this excludes the land parcel in the south-east of the Site, which is required to provide access onto Stewards Green Road. 58. Notwithstanding this, it is also noted that the Site Selection Report suggests that a density of 20.77 dwellings per hectare would be appropriate, based on a 'Local Setting' density discount of 29%, which relates to the omission of the land parcel in the south-eastern corner of the Site. Given that the parcel would help facilitate vehicular access on to Stewards Green Road, we therefore contend that the discount should be removed and that the Site should be considered for the provision of additional housing. In using a similar approach to that taken in the Site Selection Report i.e. starting at a baseline density of 45 dph, applying a 35% gross to net adjustment, this would leave a target density of 29.5dph. Based on a Site of 14.7ha (unconstrained), this would equate to 434 homes. 59. In terms of the Third Party Land, this was identified as SR-0343 and assessed as having capacity for 295 homes. It was concluded that this would not be proposed for allocation simply on the basis that a 'lack of ownership information for the site, and' (lack of) 'confirmation as to the sites availability'. The Promoter has held discussions with the owner of this land, and there is agreement in principle that the site could be proposed for development as part of the 'Promotion Site'. Accordingly, we would request that the Council seeks to allocate the Third Party Land site for 295 homes. 60. Again the caveat previously referenced at Paragraph 14 should be applied in that these figures are based on a broad density calculations by Arup. The development potential of the Promotion Land will be determined by a masterplanning exercise based on its opportunities and constraints. 61. The remainder of the Promotion Site was not assessed as, at the time, only the Site had been promoted for residential development. 62. A DS accompanies this Representations Report. This has been informed by a number of technical assessments, including a Preliminary Highways Appraisal and Sustainable Access Strategy, a Flood Risk and Drainage Strategy, a Landscape Assessment, an Arboricultural Assessment, a Phase 1 Habitat Survey, a Utilities Assessment and an Archaeology and Heritage Assessment. It is considered that there are no insurmountable constraints to development. 63. Accordingly, whilst we are in general support to the proposed allocation of the Site for 305 homes, we consider that there is an opportunity to deliver a greater amount of development (approximately 434 homes) on the Site (including affordable housing) if the south-eastern land parcel is included so as to facilitate vehicular access from Stewards Green Road, and 295 homes on the Third Party Land. Furthermore, the Promotion Site would, in our view, offer the potential for delivering wider benefits to Epping and the district, in so far as providing new care, community, health, and education facilities, and strategic open space (including a new country park). All options are capable of mitigating impact, whilst maximising the development efficiency of a site that is proposed for release from the Green Belt. 64. It is considered that the Site could be made available within a five year period, it is suitable and developable for housing, and is therefore deliverable for the proposed residential use.

65. The DS notes that the key objectives that have informed the preparation of the Concept Masterplan can be summarised as follows:

? To provide an attractive landscape-led development. This includes the retention of the main extent of existing field boundaries and on-site trees, particularly those subject to Tree Preservation Orders

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- ? To provide a range of new homes to meet the District's housing requirements, including the provision of an appropriate mix of housing. This will include affordable units, bungalows and self-build plots.
- ? Appropriate range of development density across the site reflecting the site character, and relationship with neighbouring properties, particularly the bungalows in the Orchards. This will include a focus of higher density development in the north-western corner of the Promotion Site, in proximity to the footpath links to the railway station.
- ? This will be consistent with the Government's announcement on 10 April 2016 to focus development at railways stations and surrounding land.
- ? To support sustainable travel patterns encouraging cycling and walking through design, and permeability, taking advantage of the Promotion Site's highly sustainable location in proximity to the train station and also the town centre.
- ? To integrate informal recreational space within the proposed layout, providing opportunities for play and biodiversity enhancement.
-
- ? To provide community facilities to meet identified need that will create a vibrant focal point to the new development, helping to create a sense of place.
- ? Provision of a new Country Park meeting an identified shortfall of publicly accessible green space within Epping. This will also strongly define both the eastern boundary of the Promotion Site and the redefined Green Belt.
- ? C2 Care Village as a low-density scheme focused around Stonard's Farm.

Carter Jonas -December 2016

Annex 1 - The Site, the Blue Land and the Third Party Land

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Annex 2 - The Promotion Site

18. It is considered that the Site could be made available within a five year period, it is suitable and developable for housing, and is therefore deliverable for the proposed residential use.

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19. A completed questionnaire form has been prepared and submitted and should be read in accordance with this Representations Report, the DS and associated technical documents.

REPRESENTATIONS

Question 2 - Do you agree with our approach to the distribution of new housing across Epping Forest District?

20. There is clear recognition from the Council that it must achieve a balance between the Government's requirements to deliver an identified and evidenced need for economic and housing growth, and the need to protect the greenness of its district.

21. The government-published National Planning Policy Framework ('NPPF') states in paragraph 14 that 'at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'.

22. It goes on to add that 'for Plan-making' (as in the draft Plan process that the Council is currently consulting on) 'this means that:

? Local planning authorities should positively seek opportunities to meet the development needs of their area;

? Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

i. Any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies in the NPPF taken as a whole; or ii. Specific policies in the NPPF indicate development should be restricted.'

23. In order to firstly identify 'the development needs of their area', the Council jointly formed a Co-operation for Sustainable Development Member Board ('Co-op') in October 2014 with neighbouring authorities including East Hertfordshire District Council, Harlow Council, Uttlesford District Council, Hertfordshire County Council and Essex County Council. It undertook to review the economic and housing needs that had previously been identified in the Strategic Housing Market Assessments ('SHMA') 2010 and 2012, and then prepared an update of the SHMA in 2015. It considered there to be a need for 46,100 new homes in the plan period to 2033.

24. The Office of National Statistics and the Department for Communities and Local Government then published demographic data in 2016 which indicated that the OAHN for the SHMA area should instead be 54,600. The Co-op has reviewed this requirement against infrastructure and environmental factors and has determined that the full OAHN for

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the SHMA cannot be fulfilled. In reaching this conclusion, the Co-op tested six options, ranging from housing targets of 48,300 to

57,100 homes, and a range of spatial distributions. It concluded that a revised target of 51,100 could be achieved, split across the various administrative boundaries, resulting in a housing target of 11,400 homes for the Epping Forest district.

25. In identifying the housing development needs of the district (housing is the immediate focus of our consideration here, given the promotion of the Site for the provision of new homes) through the Co-op/SHMA, it is considered that the Council has then, in general terms, followed an appropriate approach in identifying land that can support that level of development envisaged.

26. The selected distribution of growth must be based on the delivery of sustainable development including meeting identified development needs in full, and taking into account any environmental and infrastructure constraints that may restrict development in certain locations.

27. Paragraph 7 of the NPPF identifies the three dimensions of sustainable development, which are economic, social and environmental roles. Paragraph 9 makes the connection between sustainable development and making positive improvements to the quality of the built, natural and historic environment, as well as people's quality of life. Paragraph 17 identifies the core principles of the planning system. The principles of meeting development needs, protecting the environment and heritage assets, and making the fullest possible use of public transport, walking and cycling are particularly relevant to these representations. Paragraph 28 seeks to support a prosperous rural economy, including the retention of services and facilities in villages. Paragraph

34 expects developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, but acknowledging that different solutions will be required for urban and rural areas. Paragraph 47 seeks to boost significantly the supply of housing, by meeting the full objectively assessed need for housing. Paragraph 55 seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.

28. The settlement hierarchy, as shown in Figure 5.1, is broadly supported. Utilising work from the Settlement Hierarchy Technical Paper (2015) ('SHTP'), this identifies the four key towns in the district including Epping, Chipping Ongar, Loughton and Waltham Abbey. It then identifies a 'Large Village' category, followed by a 'Smaller Village' category, and a final category of 'hamlets' below this. A Town is explained as having a good range of services and facilities (21+ facilities), including good public transport.

29. In considering all of the settlements assessed in the district, Epping is identified as the joint highest ranking (along with Loughton) in terms of facilities available. This provides a strong 'sustainability' case for the settlement's ability to support major new housing.

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30. The Council has not provided an indicative maximum size threshold for development within the various tiers of settlement, and again this is broadly supported, as the Council has instead chosen (through the Site Selection Report) to assess the capacity for locations for growth/specific sites on their individual merits.

31. We support the proposed growth in the Epping area, which will be aided by the spatial relationship to transport networks, notably the Epping Underground connection with the Central Line, and proximity of the M11 (via Loughton) and M25. Epping is one of only seven other tube stations in the district, along with Buckhurst Hill, Theydon Bois, Debden, Loughton, Chigwell and Grange Hill (in addition to a national railway station at Roydon).

32. Proposed residential growth at Epping could therefore be supported by its proximity to Epping tube station and range of bus services, in terms of providing a mode of sustainable travel that is within a reasonable travel distance.

33. A fundamental issue for the Council in identifying locations for growth is the presence of Metropolitan Green Belt ('MGB'). Approximately 92% of the district lies within the Metropolitan Green Belt and a Green Belt Review has not been undertaken since the 1998 Local Plan was adopted.

34. Paragraph 83 of the NPPF states that 'Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period'.

35. In terms of 'exceptional circumstances', paragraph 3.85 of the Draft Plan states that 'the evidence suggests that if the Council is to deliver the Vision and Objectives of the Local Plan as set out in Chapter 2, provide the development needed to support the long term sustainability of the District and the wider area as identified in Draft Policies SP 2 and SP 3, then there is a need to review the extent of the Green Belt within the District. In addition, the current Local Plan was adopted before the publication of the NPPF (which makes it clear that Local Plan policies should avoid repeating national policy) and prior to changes to nationally set Permitted Development Rights. As such a number of the policies are either out of date or are no longer applicable.

36. As noted in paragraph 3.90 of the Draft Plan, the Council is pursuing a strategy which seeks to minimise the use of Green Belt land whilst focusing development in sustainable locations.

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37. The Council has undertaken a staged review of the Green Belt, initially involving a high level review of Green Belt land across the district to identify the contribution of the Green Belt towards national Green Belt purposes as set out in the NPPF.

38. As part of the GB Stage 2 Report, an overall 'Summary of Harm' assessment was considered, which ranked the Site's potential contribution to harm as 'High'. Of the 143 Stage 2 parcels it should be noted that 51% of sites were assessed as Very High and 26% assessed as 'High'.

39. It should also be noted that of the four Green Belt Purposes considered, the Site was considered to make 'no contribution' to check the unrestricted sprawl of large built-up areas; it has a 'weak' rating for preventing neighbouring towns from merging; it has a 'moderate' rating for preserving the setting and special character of historic towns; but has a 'relatively strong' rating against assisting in safeguarding the countryside from encroachment.

40. The approach taken to the document's overall scoring is difficult to quantify/qualify. For instance, parcel 046.2 is ranked 'no contribution - weak - weak - relatively strong' across the four Purposes, and is then ranked 'Very High' for overall assessment of Harm. If, however, you were to instead employ the following ranking system, it would provide a more transparent means of assessing

harm:

RANKING	SCORING	OVERALL ASSESSMENT OF HARM
No Contribution ---	Insignificant (we have changed from 'None' as used in the document to better reflect the combined scoring in the overall assessment)	
Weak --	Very Low	
Relatively Weak	- Low	
Moderate +	Moderate	
Relatively Strong	++ High	
Strong +++	Very High	

41. In doing so, it would result in the following scoring for the Site:

PURPOSE	SCORING	OVERALL ASSESSMENT OF HARM
Unrestricted Sprawl	---	None
Merging of towns --	Very Low	
Historic setting and character	+	Moderate
Countryside encroachment ++	High	
COMBINED SCORING	-	Low

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42. If you apply the same approach to the Promotion Site, it would result in an overall assessment of harm as 'Insignificant'. This is more consistent with Figure 4.6 of the GB Stage 2 Report, which excludes Purpose 3 ('Countryside Encroachment) element from the overall assessment due to sensitivity testing given that the majority of the district's Green Belt will perform 'strongly' against this Purpose.

43. In tandem with this work, the Council commissioned a Settlement Capacity Study (SCS) to estimate development capacity on non-Green Belt land, specifically considering the availability of brownfield sites at non-traditional densities.

44. The SCS reviewed developable sites within 9 identified settlements using the data gathered as part of the SHLAA as well as other local and nationally available datasets. Capacity was tested under four scenarios which included varying assumptions regarding the size and pool of sites. The

9 settlements selected were based on the Council's settlement hierarchy and included the largest settlements in the district; those with the most capacity to accommodate new growth.

45. The study identified the potential for around 7,600 dwellings as being theoretically deliverable within the settlement boundaries of the 9 settlements over the plan period. This included sites with extant planning permission and excluding these sites the study revealed capacity for up to around 6,000 dwellings within the boundaries of the 9 settlements identified.

46. The deliverability of the sites in the study was assessed at around 4,000 dwellings within the first 10 years of the plan. The SCS stated that the density required to achieve these yields would be much higher than what had traditionally been delivered in the district and that the assumed densities took no account of housing mix. The SHMA identified an OAHN of 46,100 dwellings across the market area with 11,300 needed in Epping Forest District. The 2014 SLAA identified a capacity of 1,928 units within areas that may be suitable for development under the current development plan.

47. The methodology used in site selection incorporated a clear hierarchy of approach to the location of new development, giving preference for sites outside the Green Belt in accordance with the below:

1. Allocating sites around Harlow to support the London Stansted Cambridge Corridor
2. Sites on land within settlements (Green Belt boundaries used as a proxy).

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3. Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement
4. Previously developed land within the Green Belt
5. Land of least value to the Green Belt assessed through Green Belt Review
6. Land of greater value to the Green Belt if the land meets other criteria for development
7. Land of most value to the Green Belt if the land meets other criteria.

48. In seeking to deliver the most sustainable form of development across the District, the Council has sought to focus an element of future growth around the periphery of Harlow. This makes best use of the services and facilities available in this large settlement.

49. Under Category 5, the Council has also identified the Site in Epping.

50. We support the approach taken by the Council in its two-stage approach to Green Belt review and the findings made in respect of the Green Belt function that the Site provides. We therefore support the proposed release of the Site from the Green Belt in the Draft Plan, in order to facilitate the delivery of housing that will contribute towards the Council's OAHN requirement in the Plan period.

51. Boundary alterations will result in approximately 500 hectares or around 1.5% reduction in the Green Belt. We contend with the Council that exceptional circumstances exist to justify revisions to the Green Belt. We support the reference by the Council in paragraphs 3.87 - 3.93 of the Draft Plan in seeking to provide a clear policy statement demonstrating why exceptional circumstances exist.

52. In the case of *IM Properties Development Ltd v Lichfield DC* [2014] EWHC 2440 (Admin), Patterson J "What is clear from the principles distilled in the case of *Gallagher*" (*Gallagher Homes Ltd v Solihull Borough Council* [2014] EWHC 1283 (Admin), Hickinbottom J) "is that for revisions to the green belt to be made exceptional circumstances have to be demonstrated. Whether they have been is a matter of planning judgment in a local plan exercise ultimately for the inspector."

53. Consideration should also be given to Paragraph 85 of the NPPF which states that 'When defining boundaries, local planning authorities should:

? ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;

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- ? not include land which it is unnecessary to keep permanently open;
- ? where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- ? make clear that the safeguarded land is not allocated for development at the present time.

Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;

- ? satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- ? define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

54. In terms of bullet point 3 we would respectfully comment that the Draft Plan does not consider 'safeguarded land' in terms of its proposed revisions to the Green Belt boundary. Furthermore, a reminder to the reference in the last sentence of Paragraph 83 of the NPPF should also be noted 'At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period'.

55. We believe that this issue of Safeguarded Land is necessary given that the Full OAHN are not being satisfied within the Plan period, and that there will inevitably be a need for the Council to consider further revisions to its Green Belt again in the next Local Plan review. It is therefore considered prudent that the Council allocates Safeguarded Land as part of this draft Local Plan process.

56. Accordingly, and in the event that the Council does not agree with the inclusion of the Promotion Site for residential-led mixed use development as proposed within the DS, we would request that the revision to the Green Belt boundary is amended to include any residual land in the Promotion Site that is not taking forward for residential allocation as Safeguarded Land. The Concept Plan of the DS proposes development up to the existing established landscape belt on the eastern boundary of the Promotion Site. This would provide a strong and defensible boundary to the Green Belt. This would be complimented by a country park, which would provide a 'soft' landscaped edge to Epping from the east, in addition to the wider amenity benefits that it would bring.

Q.6 - Do you agree with the proposed sites in your area? (See Chapter 5) Do not feel that you have to comment on all of the areas.

57. The Site Selection Report identifies the Site for 305 homes. It should be noted that this excludes the land parcel in the south-east of the Site, which is required to provide access onto Stewards Green Road.

58. Notwithstanding this, it is also noted that the Site Selection Report suggests that a density of 20.77 dwellings per hectare would be appropriate, based on a 'Local Setting' density discount of 29%, which relates to the omission of the land parcel in the south-eastern corner of the Site. Given that the parcel would help facilitate vehicular access on to Stewards Green Road, we therefore contend that the discount should be removed and that the Site should be

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considered for the provision of additional housing. In using a similar approach to that taken in the Site Selection Report i.e. starting at a baseline density of 45 dph, applying a 35% gross to net adjustment, this would leave a target density of 29.5dph. Based on a Site of 14.7ha (unconstrained), this would equate to 434 homes.

59. In terms of the Third Party Land, this was identified as SR-0343 and assessed as having capacity for 295 homes. It was concluded that this would not be proposed for allocation simply on the basis that a 'lack of ownership information for the site, and' (lack of) 'confirmation as to the sites availability'. The Promoter has held discussions with the owner of this land, and there is agreement in principle that the site could be proposed for development as part of the 'Promotion Site'. Accordingly, we would request that the Council seeks to allocate the Third Party Land site for 295 homes.

60. Again the caveat previously referenced at Paragraph 14 should be applied in that these figures are based on a broad density calculations by Arup. The development potential of the Promotion Land will be determined by a masterplanning exercise based on its opportunities and constraints.

61. The remainder of the Promotion Site was not assessed as, at the time, only the Site had been promoted for residential development.

62. A DS accompanies this Representations Report. This has been informed by a number of technical assessments, including a Preliminary Highways Appraisal and Sustainable Access Strategy, a Flood Risk and Drainage Strategy, a Landscape Assessment, an Arboricultural Assessment, a Phase 1

Habitat Survey, a Utilities Assessment and an Archaeology and Heritage Assessment. It is considered that there are no insurmountable constraints to development.

63. Accordingly, whilst we are in general support to the proposed allocation of the Site for 305 homes, we consider that there is an opportunity to deliver a greater amount of development (approximately 434 homes) on the Site (including affordable housing) if the south-eastern land parcel is included so as to facilitate vehicular access from Stewards Green Road, and 295 homes on the Third Party Land. Furthermore, the Promotion Site would, in our view, offer the potential for delivering wider benefits to Epping and the district, in so far as providing new care, community, health, and education facilities, and strategic open space (including a new country park). All options are capable of mitigating impact, whilst maximising the development efficiency of a site that is proposed for release from the Green Belt.

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64. It is considered that the Site could be made available within a five year period, it is suitable and developable for housing, and is therefore deliverable for the proposed residential use.

65. The DS notes that the key objectives that have informed the preparation of the Concept Masterplan can be summarised as follows:

? To provide an attractive landscape-led development. This includes the retention of the main extent of existing field boundaries and on-site trees, particularly those subject to Tree Preservation Orders

? To provide a range of new homes to meet the District's housing requirements, including the provision of an appropriate mix of housing. This will include affordable units, bungalows and self-build plots.

? Appropriate range of development density across the site reflecting the site character, and relationship with neighbouring properties, particularly the bungalows in the Orchards. This will include a focus of higher density development in the north-western corner of the Promotion Site, in proximity to the footpath links to the railway station.

? This will be consistent with the Government's announcement on 10 April 2016 to focus development at railways stations and surrounding land.

? To support sustainable travel patterns encouraging cycling and walking through design, and permeability, taking advantage of the Promotion Site's highly sustainable location in proximity to the train station and also the town centre.

? To integrate informal recreational space within the proposed layout, providing opportunities for play and biodiversity enhancement.

? To provide community facilities to meet identified need that will create a vibrant focal point to the new development, helping to create a sense of place.

? Provision of a new Country Park meeting an identified shortfall of publicly accessible green space within Epping. This will also strongly define both the eastern boundary of the Promotion Site and the redefined Green Belt.

? C2 Care Village as a low-density scheme focused around Stonard's Farm.

Carter Jonas -December 2016

Annex 1 - The Site, the Blue Land and the Third Party Land

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Annex 2 - The Promotion Site

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Stakeholder ID 3377

Name Graham

Bloomfield