

## Representation form for Submission Version of the Epping Forest District Local Plan 2011-2033 (Regulation 19 publication)

This form should be used to make representations on the Submission Version of the Epping Forest District Local Plan which has been published. Please complete and return by 29 January 2018 at 5pm. An electronic version of the form is available at <http://www.efdclocalplan.org/>

Please refer to the guidance notes available before completing this form.

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Please return any representations to: Planning Policy, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ

Or email them to: [LDFconsult@eppingforestdc.gov.uk](mailto:LDFconsult@eppingforestdc.gov.uk)

**BY 5pm on 29 January 2018**

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This form has two parts –

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

***Please attach any documents you wish to submit with your representation***

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### Part A

1. Are you making this representation as? (Please tick as appropriate )

- a) Resident or Member of the General Public  or
- b) Statutory Consultee, Local Authority or Town and Parish Council  or
- c) Landowner  or
- d) Agent

Other Organisation (please specify)

**2. Personal Details**

Title

Mr

First Name

Graeme

Last Name

Watt

Job Title  
(where relevant)Organisation  
(where relevant)

Address Line 1

c/o Agent

Line 2

Line 3

Line 4

Post Code

Telephone  
Number

E-mail Address

**3. Agents Details (if applicable)**

Mrs

Francesca

Hill

Sworders

The Gatehouse

Hadham Hall

Little Hadham

Ware

SG11 2EB

01279 771188

Francesca.hill@sworders.com

**Part B – If necessary please complete a separate Part B form for each representation**

**4. To which part of the Submission Version of the Local Plan does this representation relate?**  
(Please specify where appropriate)

|                |   |            |   |              |                                   |
|----------------|---|------------|---|--------------|-----------------------------------|
| Paragraph      | <input type="text" value="5.167 to 5.170"/>   | Policy     | <input type="text" value="P13 and Appendix 6"/> | Policies Map | <input type="text" value="5.25"/> |
| Site Reference | <input type="text" value="RUR.E11, RUR.E11"/> | Settlement | <input type="text"/>                            |              |                                   |

**5. Do you consider this part of the Submission Version of the Local Plan:**

\*Please refer to the Guidance notes for an explanation of terms

a) Is Legally compliant      Yes  No

b) Sound      Yes  No

If no, then which of the soundness test(s) does it fail\*

|           |                                     |                                 |                                     |                                     |
|-----------|-------------------------------------|---------------------------------|-------------------------------------|-------------------------------------|
|           | Positively prepared                 | <input type="checkbox"/>        | Effective                           | <input checked="" type="checkbox"/> |
| Justified | <input checked="" type="checkbox"/> | Consistent with national policy | <input checked="" type="checkbox"/> |                                     |

c) Complies with the Duty to co-operate      Yes  No

**6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments**

This representation is made on behalf of the landowner of site refs: RUR.E10- Land at Little Hyde Hall Farm, Sheering and RUR.E11- Land at Quickbury Farm, Sheering.

**Part C: Employment Sites**

Part C of Policy P13 identifies land at Quickbury Farm and Little Hyde Hall Farm as an existing sites designated for employment.

We object to the designation of rural sites such as Quickbury Farm and Little Hyde Hall Farm as existing Employments sites for the following reasons:

Paragraph 90 of the NPPF already advises that the re-use of buildings in the Green Belt is not inappropriate. It does not specify the type of use which is appropriate but only requires the new use to preserve the openness of the green belt. By allocating a site which includes buildings not in existing commercial use, the Council is restricting the landowner ability to re-use existing buildings for other purposes as allowed by national policy.

Furthermore paragraph 89 of the NPPF allows the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use. Again it does not stipulate that the redevelopment must be for commercial purposes or indeed for the same purposes that the building and land are currently being used for. The inclusion of both Quickbury Farm and Little Hyde Hall as designated employment sites conflicts with the NPPF as it further limits the ability for these sites to be redeveloped for other purposes without first proving that there is no reasonable prospect of the site being used for the existing employment use. It also directly conflicts with Paragraph 28 of the NPPF as it restricts the ability of landowner to develop and diversify an agricultural business.

The preamble to the policy and specifically Paragraph 5.167 sets out the Council's justification for identifying sites for employment as being '*to support the redevelopment, renewal or expansion of existing premises for their designed use*'. It is contended that the designation of both Quickbury Farm and Little Hyde Hall Farm, would not achieve this, as despite being designated as an employment site they remain washed over by Green Belt and all the restrictions this designation brings.

Whilst the NPPF advises the redevelopment of previously developed land is acceptable this is caveated by the requirement that it shouldn't have a greater impact on the openness of the Green Belt and the purpose for including land within it than the existing development. This in effect prejudices the expansion of the existing premises and limits the sites ability to evolve to meet the sustainable growth of existing rural businesses as this is likely to result in a greater impact on the openness of the green belt both physically and increased activity. The designation would however still restrict the sites redevelopment for non-commercial purposes or the ability for the landowner to develop and diversify the agricultural business as supported in Paragraph 28 of the NPPF. Given the over allocation of new employment sites as confirmed in confirmed in Paragraphs 3.43 and 3.49 and Table 3.1 of the Plan plus the elements of employment required within the strategic allocations it does not appear to be necessary to rely on these Green belt sites, which restricts their ability to evolve and diversify in line with clear NPPF guidance.

Notwithstanding the above, the designation of rural sites as employment sites serves no purpose other than to introduce another layer of protection which is already achieved by Policy E 1 indicating that the policy has not been positively prepared but seeks to unduly restrict development. Part II Policy E 1 specifically includes the wording '*The changes of use of existing employment sites or premises (whether designated or not) to other uses will not normally be permitted unless...*' This wording ensures that undesignated employment premises receive the same protection as designated employment sites rendering Policy P13 as obsolete in respect of existing employment sites.

We request that the existing Employment sites allocated in Part C be removed from the policy in order to ensure that that the Plan is justified and Consistent with the NPPF.

#### **Part C (x)**

Contrary to the assertion in the policy and the corresponding plan RUR.11 in Appendix 6, that Quickbury Farm is an existing employment site, whilst a number of buildings on the site are in commercial use, the site is a working farmyard and the majority of the buildings within it are still in

agricultural use and it is intended that they remain as such, as the attached plan (Ref: 217479DWG001) shows. Furthermore whilst a number of other smaller buildings may become available for other uses in the future, these are still in agricultural use at present.

The Employment Land Supply Assessment 2017 which provides the detailed site specific assessment of employment sites incorrectly identifies all the buildings at Quickbury Farm as being in B8: Storage use. When visiting the site it is clear that this not the case and therefore in this respect Policy P 13 and the allocation of Quickbury Farm as an existing rural employment site is factually incorrect and not justified.

It is not possible to comment on Appendix F of the Site Selection Report (December 2017) which relates to the technical assessment of employment sites as this has yet to be published. We therefore reserve the right to comment on this at the hearing stage, if necessary.

We request that RUR.E11- Quickbury Farm be removed from the list of employment site in part C on the grounds that this is factually incorrect and the site is still in use for agriculture.

#### **Parts F and G: Infrastructure Requirements**

Part F and G of the policy (Infrastructure Requirements) requires delivery of infrastructure at a rate and scale to meet the needs that arise from the new development and accordance with the Infrastructure Delivery Plan (IDP). Part F lists highways and junction upgrades and local utility upgrades, requiring all developments allocated, regardless of their nature to contribute proportionately towards them. Part G states that planning applications will only be permitted where they contribute towards the infrastructure items set out in the IDP or discussions with providers determine these items are no longer required.

We are generally supportive of the principle of providing infrastructure contributions where they are linked to the development proposed, in accordance with paragraph 204 of the NPPF, which requires planning obligations to be "directly related" and "fairly and reasonably related in scale and kind" to the development.

However, we object to the requirement to accord with the IDP, and specifically the wording that "The Council will only permit planning applications that contribute towards the delivery of those items set out above and in the Infrastructure Delivery Plan..."

The status of the IDP is not clear, nor whether it is intended to be updated prior to the Examination.

As a matter of principle, non-statutory planning documents such as the IDP, which have not been tested through the Examination process, should not be used to set policies or determine development proposals in the way that Parts C and D require.

The NPPF (paragraph 153) and the National Planning Practice Guidance sets out that the detail concerning planned infrastructure provision can be set out in a supporting document, however, the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself (Paragraph: 018 Reference ID: 12-018-20140306).

Moreover, the requirement to accord with it has not been justified or tested in terms of the tests of planning obligations as required by the NPPF (paragraphs 204-205) or the potential impact on the deliverability of development schemes as required by the NPPF (paragraphs 158, 173-174).

This requirement could have a critical effect on the viability of housing development in the District, and the deliverability of sustainable development cannot be compromised by unnecessary and unduly onerous requirements.

Furthermore, Part G states that applications which do not accord with the IDP will only be permitted if “subsequent iterations” of the IDP or “discussions with providers determine that these items are no longer required.” Details regarding updates/revisions to the IDP are not provided nor is it clarified who the providers are. As such, it is not clear to applicants or decision makers under what circumstances applications can depart from the IDP.

We object to the inclusion of the list of items at in Part F these are not based on robust or proportionate evidence. Policy P13 relates to allocations for residential, employment and travelling showpeople across a number of different settlements which give rise to different infrastructure requirements. It is not clear how all of the settlements under this policy will contribute to the listed items; as demonstrated by the IDP, not all sites will result in a requirement for all of these items. However, parts (i) and (ii) suggest that all sites must contribute to all infrastructure items. There is no evidence to justify this approach; the IDP specifies which infrastructure items are required for each settlement and this does not include all of the items listed in parts (i), and (ii) for all settlements. For example, in Sheering, which both Quickbury Farm and Little Hyde Hall fall within, the Infrastructure Delivery Plan does not identify need for such upgrades.

We request that Part F is revised to replace “in accordance with” with “have regard to” the IDP. We request that parts (i) and (ii) be revised to clearly state which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. These must be underpinned by robust and proportionate evidence.

We request that part G be amended to read “Planning applications will be expected to contribute positively towards the delivery of infrastructure items listed above and in the Infrastructure Delivery Plan, unless subsequent iterations of the Infrastructure Delivery Plan determine that these items are no longer required or those items do not meet the tests of planning obligations set out in the NPPF or legal tests in the CIL Regulations.”

We request that the IDP is revised prior to the examination, so that it is explicit which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. Any items critical to delivery in the first five years of the plan period should be clearly stated in the Plan itself and underpinned by robust and proportionate evidence.

7. Please set out what changes(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- a) We request that in Part C, all Employment Sites and specifically RUR.E11-Land at Quickbury Farm and RUR.E10 -Land at Little Hyde Hall be removed as existing employment sites.

Failing the above, RUR.E11- Land at Quickbury Farm should be removed as an employment allocation to accurately reflect the mixed use of the site which includes a large element of agricultural use.

These changes are required as the inclusion of existing employment sites is both unjustified and inconsistent with National Policy and the designation of these sites for employment sites is ineffective as they are already protected by Policy E 1.

- b) We request that Part F is revised to replace "in accordance with" with "have regard to" the IDP.

We request that parts (i) and (ii) be revised to clearly state which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. These must be underpinned by robust and proportionate evidence.

- c) We request that part G be amended to read "Planning applications will be expected to contribute positively towards the delivery of the infrastructure items listed above and in the Infrastructure Delivery Plan, unless subsequent iterations of the Infrastructure Delivery Plan determine that these items are no longer required or those items do not meet the tests of planning obligations set out in the NPPF or legal tests in the CIL Regulations."
- d) We request that the IDP is revised prior to the examination, so that it is explicit which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated. Any items critical to delivery in the first five years of the plan period should be clearly stated in the Plan itself and underpinned by robust and proportionate evidence.

These changes are required to make the policy consistent with National Policy and to ensure that the plan is justified and positively prepared as required by Paragraph 128 of the NPPF.

8. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the hearings

Yes, I wish to participate at the hearings

December 2017

9. If you wish to participate at the hearings, please outline why you consider this to be necessary:

The above comments raise a number of significant issues that cannot be adequately dealt with by written representations alone and would be most appropriately debated at the oral hearings.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

10. Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination (Please tick)

Yes  No

11. Have you attached any documents with this representation?

Yes  No

Signature:



Date:

25/01/2018