

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.

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

BY 5pm on 29 January 2018

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

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 of Town and Parish Council or
- c) Landowner or
- d) Agent

Other Organisation (please specify)

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

Title

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Mrs

First Name

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Clare

Last Name

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Job Title
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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 Policy Policies Map
Site Reference Settlement

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 Effective
Justified Consistent with national policy

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

As set out in our response to policy SP2, we consider that the Plan fails to identify a five year supply of deliverable sites, does not provide sufficient flexibility for rapid change and fails to provide for enduring green belt boundaries. There is also a potential concern that the capacities of some allocated sites may be unrealistic which would further exacerbate these issues.

Our response to policy SP2 outlines for these reasons additional deliverable sites must be allocated for residential development. The Housing Implementation Strategy (HIS) states at paragraph 2.11 that it is not possible for the Plan to allocate additional sites because:

1. *Allocating more sites which are deliverable in the first five years would be at the expense of larger strategic site allocations. This would lead to unsustainable patterns of development.* Additional allocations of deliverable sites would be to ensure sufficient flexibility and to provide for a five year supply of deliverable sites. As such additional allocations would not be 'at the expense' of larger allocations. There are additional deliverable sites which could be allocated which will not result in unsustainable patterns of development. One such site is SR-0131 in Lower Sheering. Further details regarding this site are set out below.
2. *Impacts on local infrastructure would be excessive and the housing market could not deliver higher growth rates.* No evidence is presented which sets out particular infrastructure constraints that prevent further deliverable sites being allocated. Site SR-0131 can be delivered within infrastructure constraints as set out below. Epping Forest has a buoyant housing market and development on site SR-0131 would be achievable (i.e. viable) alongside the quantum of development coming forward elsewhere in the district.
3. *Neighbouring authorities are not in a position to contribute to the undersupply of housing in the early years of the Plan under the Duty to Cooperate.* We consider, for the reasons set out above, that further deliverable sites can be allocated in the District, including site SR-0131.

As such, we object to policy P12 on the basis that it is not justified (it neglects the reasonable alternative of allocating further suitable sites for development in Lower Sheering) and is not consistent with national policy (it does not seek to meet the requirement in paragraph 47 of the NPPF to allocate a 5 year supply of deliverable sites).

Sustainability of Further Allocations at Sheering

We consider that Lower Sheering is a logical location for additional land to be allocated to meet the shortfall in housing supply within the Plan, and would not lead to 'unsustainable patterns of development' as contended by the HIS at paragraph 2.11.

Table 5.1 of the submission Plan lists Lower Sheering as a 'small village', an assessment which paragraph 5.1 of the submission Plan indicates is based on the Settlement Hierarchy Technical Paper (2015). Table 2 of the Technical Paper defines a small village as, "*Smaller than a larger village, but larger than a hamlet. Few facilities and limited public transport access.*"

We support the submission Plan's categorisation of the settlement as a 'small village' for the reasons set out below.

We note within the assessment provided within the Technical Paper at Appendix 3 that, "*The settlement effectively functions as part of Sawbridgeworth to the west.*" It admits that, "*Lower Sheering is a difficult settlement to categorise, given its proximity and relationship with Sawbridgeworth.*" However, notwithstanding the admission that the settlement could be argued to be part of Sawbridgeworth the assessment considers only those facilities within only Lower Sheering.

We consider this approach is illogical and results in a lack of robustness within the evidence base. In practical terms, in a cross boundary situation such as this access to services needs to be considered on a category by category basis. Taking the categories within appendix 3 of the technical paper; in terms of retail facilities, these are provided within the private sector and are therefore the cross boundary situation has no bearing on their capacity or provision – in fact additional population within their catchment will improve viability and therefore safeguard provision. As such Lower Sheering should be marked positively for access to post office, local shop, supermarket, ATM and bank given their availability within Sawbridgeworth.

In regard to transport, there is no change in this regard as the scoring reflects the real life situation. In terms of access to health facilities; dentists, opticians and pharmacies are provided predominantly by the private sector. As such, Lower Sheering should be marked positively for access to these facilities.

In regard to access to GP surgeries, Lower Sheering is within the catchment area of the surgery at Hatfield Heath. On this basis the scoring would continue to be 'no' for access to this service.

In regard to community facilities and services, given places of worship are provided within the 'private sector' then cross boundary issues have no bearing on their provision, and as such Lower Sheering should be marked positively. In terms of the remaining facilities within this category which are provided within Sawbridgeworth, on a precautionary approach it would make sense to continue to mark these as 'no', given the cross boundary complications.

In terms of education, for primary schools Lower Sheering falls within the catchment for Sheering School, as such the answer to this would continue to be 'no'.

In terms of secondary education, the existing admission arrangements for the secondary school in Sawbridgeworth prioritise pupils from a number of Essex primary schools, including Sheering School, which suggests a current cross boundary funding arrangement is in place. However, we accept the complexities around secondary education provision across county boundaries and therefore adopting a precautionary approach would suggest that the assessment should not assume that Lower Sheering has access to a secondary school and that future residents would need to travel elsewhere for their secondary education.

Paragraph 2.11 of the HIS raises the concern that additional allocations would result in unsustainable patterns of development. The analysis outlined above indicates that new residents in Lower Sheering will be able to straightforwardly access a large range of facilities on foot by walking or cycling into Sawbridgeworth, but also importantly have easy access to a main line railway station from which to access higher order settlements.

Access via rail to in particular Harlow, is a significant consideration as the full range of services and facilities considered in the Settlement Hierarchy Technical Paper are available via a short (15 minute) high frequency rail service. As such, it is not tenable to claim that additional housing at Lower Sheering would result in unsustainable patterns of development.

Paragraph 2.11 of the HIS also claims that 'impacts on local infrastructure would be excessive'. No evidence is provided to substantiate this claim. Additional development in Lower Sheering could contribute to public infrastructure capacities as required.

On this basis we consider that it would be a sustainable approach to allocate further development to Lower Sheering, which would assist in meeting the shortfall in housing need within the Plan as identified within our objection to policy SP2. We do not consider that the concerns raised at HIS paragraph 2.11, which justify the approach the LPA is taking in not deciding to meet its 5 year housing land supply, are justified, and the reasonable alternative of allocating additional development to meet national this national policy requirement has been ignored. As such we consider the Plan unsound in this respect.

Site Specific Information – Site SR-0131

We support the proposal to allocate site LSHR.R1 within Lower Sheering. However, we consider that given the soundness concerns we have raised in regard to policy SP2, which are summarised above,

and given the relative sustainability of Lower Sheering as a location for additional housing, allocating further development at Lower Sheering would deliver sustainable development.

Additional deliverable land is available at Lower Sheering. Attached at the end of this representation is a plan showing land submitted to the Local Plan process by the Watt Family. Within the 2016 Site Selection Report the site is situated within SR-0313. The allocated site LSH.R1 is within the ownership of the same family, and as such a joint approach to developing LSH.R1 and all or part of SR-0313 could be undertaken.

The 2016 Site Selection Report 'paused' the consideration of parcel SR-0313 given the interaction with, and timetabling of, the AECOM Harlow Strategic Sites Assessment. However, we note the conclusions set out at 2016 appendix B1.5.2, 'Results of Stage 3 Assessment for Residential Sites around Harlow', that, *"In the SSM, SR-0313 scores well across most criteria. The site scores poorly in terms of landscape sensitivity and Green Belt but it was felt that these constraints could be overcome. The site should continue to be considered through the SSM. It was envisaged that the strategic sites work would be completed in summer 2016, which would have enabled a comprehensive review of all sites around Harlow located within Epping Forest District to be undertaken. This was not possible and therefore the Council will undertake further work to assess this site following the Draft Plan consultation."*

SR-0313 is an omission site - it has been discounted by the 2017 Site Selection Report. However, because the appendices to this assessment have not been published it has not been possible to understand the reasons for this.

We support the conclusion of the 2016 Site Selection Report that the constraints identified could be overcome. In regard to landscape impacts, within the Settlement Edge Landscape Sensitivity Study (SELSS) SR-0313 is located within landscape setting area 3 (see figure 7.4), which is assessed as having high landscape sensitivity, however setting area 3 covers a very large area, too large for it to be relied on as evidence for assessing the suitability of individual sites. The land put forward by the Watt Family (which is outlined on the plan attached at the end of this representation) is available in whole or any part, enabling the selection of those parts of the site which are least constrained in landscape terms.

We note within the 2016 Site Selection Report, a significant number of sites with a finding of high landscape sensitivity, as reported at 5.1 of the assessment proformas for Stage 2 (Appendix B1.4.2

'Results of Stage 2 Assessment) have been allocated for development, no doubt based on a common sense approach to interpreting the findings of the SELSS at site scale.

In terms of Green Belt, the stage 2 Green Belt review places the land promoted by the Watt Family within parcel 002.1. Again, as with the SELSS, this parcel covers a wide area which stretches beyond the land promoted, eastwards to beyond Quickbury Farm and southwards to Back Lane. The overall assessment for 002.1 presented at table 4.1 of the Stage 2 Green Belt Review is that the 'Summary of Harm' for 002.1 is 'high', and it remains 'high' when the parcel is assessed against three green belt purposes used by the 2016 Site Selection Report in testing site selection (figure 4.6 of the Stage 2 Green Belt Review).

As is the case with regard to landscape, we note that a number of sites situated within areas with the same 'summary of harm' rating of 'high' have been allocated within the submission Plan, and once again, a consideration of discrete parts of the land put forward by the Watt Family would mitigate against harm to the Green Belt.

A number of options have been put forward on the plan attached at the end of this representation. The entirety of the land put forward is outlined in red, with a number of options for smaller releases within this area outlined in green.

The development of that part of the site outlined in 'option 2' on the plan attached at the end of this representation would (in conjunction with the release of LSHR.R1) deliver development with strong boundaries to three sides of development. A new wooded landscape belt could be established along the southern boundary.

It is notable that paragraph 85, bullet 6 of the NPPF states that when defining boundaries, Local Authorities should, "*define boundaries clearly, using physical features that are readily recognizable and likely to be permanent.*" There is no requirement to use existing physical features; new physical features can be established (such as for example roads, woodlands and strong tree belts). Allocation policies within Local Plans can request these features are established and can also request that these are established prior to the commencement of development; firstly to enable them to become established, and secondly to ensure delivery.

Moreover, the establishment of new hedgerows and woodland areas can assist in restoring landscape character features that have been lost from the countryside during the post-war period.

This loss is noted to be the case for the land to the east of Lower Sheering, which the SELSS records as having suffered post 1950s boundary loss.

Given the above, it would also be possible to produce an iteration on option 2, namely option 1, which releases land directly adjacent to SR-0032 for a smaller scale of development that does not extend up the hill. A new dense hedgerow/woodland belt would be established on the outer boundary as a permanent, readily recognizable feature.

A further option set out on the plan attached at the end of this representation, option 3, would be to release land further south as a separate parcel, with access via Lower Sheering Road. This parcel has strong boundaries, with a watercourse to the north and dense hedges/tree belts to other boundaries, aside from a small gap to the eastern boundary, which could be straightforwardly addressed with new landscaping.

Information Held by EFDC Concerning SR-0313

It was evident at the regulation 18 consultation stage that the information held by the Council concerning the site contained a number of inaccuracies. Given the 2017 Site Selection Report appendices have not been published, it is impossible to see whether these inaccuracies have been corrected, and whether this has effected the assessment of the site. As such, it is not possible to judge whether the Plan is justified in its conclusions in regard to the sites selected when considered against the reasonable alternatives. This issue is considered further below.

2017 Site Selection Report

Paragraph 158 of the NPPF, under the heading 'using a proportionate evidence base' requires that, *"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area."*

The test of soundness at paragraph 182 requires that the Plan should be justified, *"the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence."*

In the absence of the 2017 Site Selection Report Appendices It is impossible to judge if the Site Selection Report, on which the choice of allocated sites within the submission Plan is based, constitutes 'adequate, up-to-date and relevant evidence', and as such whether the Plan is the 'most

appropriate strategy when considered against the reasonable alternatives. A full review of the appendices may reveal an approach that does not meet the requirements of paragraph 158 (i.e. is not in accordance with national policy) or is not justified, thus raising soundness concerns.

As such we must reserve the right to comment further at the Hearing Statement stage regarding the soundness of the Site Selection Report once the report appendices have been published.

(continue on a separate sheet if necessary)

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.

Add SR-0131 to the list of allocations for residential development in policy P12, in order to contribute to a five year supply of deliverable sites and to enable the plan to be flexible. This is required in order for the Plan to be consistent with national policy (NPPF paragraph 47 and 14).

(continue on a separate sheet if necessary)

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

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

This representation raises issues which would be most appropriately discussed at the oral hearing and cannot be dealt with satisfactorily through written representations alone.

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:

[Redacted Signature]

Date:

26 January 2018