Epping Forest
District Council
www.eppingforestdc.gov.uk

epping forest district
planning our future
local plan

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

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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		3. Agent's Details (if applicable)
Title		Mrs
First Name		Jennifer
Last Name		Thompson
Job Title (where relevant)		Director
Organisation (where relevant)		Thompson Planning
Address Line 1		Office 6, Warlies Park House
Line 2		Horseshoe Hill
Line 3		Upshire
Line 4		Essex
Post Code		EN9 3SL
Telephone Number		01992 761574
E-mail Address		jenny@thompsonplanning.co.uk

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	SR300	Settlement	Nazeing		

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

Please see accompanying letter.

(Continue on a separate sheet if necessary)

7. Please set out what change(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.

The Council should publish the Site Appraisals conducted subsequent to the Draft Local Plan production and should justify why the current sites have been included in the Submission Plan. In particular Sites SR300a and SR300b should be included in the Submission version of the Plan.

The Council should also reconsider the heavy bias towards Harlow when allocting homes to ensure housing needs across the District are met in a manner that relates to the geographic location of the identified need.

The Council should also engage more proactively with developers.

(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:

The Council has not justified the removal of Sites SR300a and SR300b, therefore my clients wish have representation at the 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: Jennifer Thompson

Date: 25.01.2018

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25 January 2018
JT/SR300a & SR300b

Local Plan Regulation 19 Representation
Planning Policy Team
Epping Forest District Council
Civic Offices
323 High Street
Epping
Essex, CM16 4BX

Dear Planning Team

Epping Forest District Council Local Plan Submission Version 2017 Representation

Please find enclosed a copy of the completed Representation Form as per your requirements. In addition, by way of further information, my clients would like to draw attention to the issues raised below in more detail.

Whilst the Council has invested significant funds, time and effort into the drafting of the Submission Local Plan it is disappointing that due to national and political pressures the Council appears to have completed the final Local Plan Submission version in haste. Therefore, it is hoped these comments will be considered in full and will facilitate improvement.

Legal Compliance

Review of the Council's Evidence Base and Submission Version of the Local Plan leads me to believe the submission is not legally compliant for reasons set out below;

i) The District's Councillors are not in support of the Plan and its content in terms of policies and site allocations as repeatedly stated at the meeting held on 14 December 2017 at the Council Offices. Councillors clearly stated they felt they had to accept the plan as provided, despite dissatisfaction as the alternative was a near doubled housing provision. The LRA were in agreement the site at Jessel Drive should not have been included, but did not hold sufficient seats to carry a motion to require its removal. On this basis it is clear that a significant number of Councillors do not support the Plan. These Councillors also stated intentions to make these representation to the Inspector in person.

ii) Notwithstanding, the absence of political support outlined above, it was clear from the meeting not all the sites benefitting from allocation are deliverable. Councillors openly discussed the potential to remove sites such as Jessel Green at a later date by means such as in capacity as Landowner, deciding not to proceed. This casts doubt over the deliverability of LOU.R5 and 154 number of homes.

In addition, the Local Plan Submission identifies EPP.08 based at the current Epping Council offices as a site for 44 homes. The Appraisal for this site pre-dates the listing of the Civic Offices by English Heritage. Whilst a listing does not prohibit development it does have a bearing on design and as such scale. There is no evidence this has been considered and as such the site is not property assessed and not likely deliverable as identified.

There are likely other such sites, not least the inclusion of the majority of the public car parking areas around Epping without clear indication as to whether this proposal has been suitably transport modelled or indeed considered in terms of High Street business and employment. These car parks are currently well used and this casts doubt over the allocations made.

iii) Finally, in respect of legal compliance the Council has failed to follow the adopted Statement of Community Involvement (SCI) 2013. Paragraphs 7 & 8 clearly states the Local Plan and the supporting studies will be available to view on the Council's website. The sites subject to final allocation in the Local Plan Submission version are support by no documentary justification. The provision of a methodology alone is not sufficient to demonstrate the decision process was robust, and the absence of the justification supporting the site allocations is a direct contravention of Paragraph 7 of the Councils SCI.

Sound

Whilst on balance the Submission Plan appears positively prepared, I consider the Plans and Policies contained within are neither effective or justified and as such fail to be consistent with National Policy as set out below;

Effective

Affordable Housing

The Council's housing register outlines the District as needing 1,518 Affordable Houses based upon the 2017/18 Q2 housing register. This need will only increase commensurate with time and increase to the population. The Submission Local Plan makes provision for 2,851 Affordable Homes over the Local Plan period until 2033. The delivery of Affordable Housing is dependent on the overall delivery of housing sites as allocated in the Local Plan, and as such the Plan should make provision for a significant margin of flexibility in the event of slow or non-delivery of sites.

Whilst the number of housing allocations appear to accord with the local need there has been little or no consideration given to distribution of provision. The same is true of market accommodation, but purchasers are typically less vulnerable than those in social housing and as such less dependent on community ties. The Submission Local Plan proposes a significant proportion of the housing allocations be made on the boundaries with Harlow, 3,900 houses. Whilst this figure is agreed with Harlow and reinforces the Harlow Community objectives for growth, the associated 40% affordable housing, that would accompany this growth (1,560) homes is a need generated by Epping Forest residents. This represents 55% of the Districts affordable provision up until 2033, all around Harlow.

Whilst some families may wish to relocate, a significant number wish to remain in existing communities and towns. As such, the proposed distribution of Affordable Homes is not effective and would result in social isolation and fragmentation of communities in the District. We acknowledge the distribution of housing is based on evidence from the sub-regional assessment of alternatives, but this does not offer consideration of the local needs for housing generated by settlements, including Affordable Housing. It also fails to consider the contribution the next generation makes supporting the local community. On this basis we contend a greater provision of housing, both markets and affordable should be provided in local towns and villages with a lesser bias towards Harlow.

Of particular concern to my client is Nazeing where 312 people have expressed interest in Affordable Homes based on the current housing register, yet only 122 houses overall are being provided, of which 49 would be affordable. This is clearly not adequate, and this will be reduced further still over the plan period when future need is considered.

<u>Open Amenity Space</u>

The Council has recently prepared as Open Space Strategy in November 2017 whereby a number of recommendations are made for further play enhancements in terms of quantitative and qualitative improvements.

The Open Space Strategy clearly recommends that consideration be given to the creation of new Amenity Green Space in light of population increases to the end of the plan period in 2033. It is not clear if this recommendation is reached in the knowledge of the intended loss of provision in areas such as Jessel Green. The Submission Plan makes no designation of new Amenity Green Space. Such provision may be intended within Masterplan documents but without mandatory requirement such policy aspirations will likely prove fruitless. As such policies surrounding Amenity provision are not effective. Also the Amenity appraisals for the population overall lean heavily on the provision made by Forest Land. Whilst this is a valuable resource, the usability, safety and security of such space by its very nature should not be considered commensurate with landscaped, visually open, overlooked areas of open space where individuals and young people can more freely spend time independently. The availability of forest land should be considered, but should not be used as justification for a reduction in Amenity Space. The forest is well used by persons well beyond the District boundary and is intended to be used as such.

It is a deep concern the provision is not made for adequate amenity space for the future communities. Of particular concern to my client is the identification of the deficit in provision in Nazeing. The Submission Local Plan does not make any meaningful provision of open amenity space in the Nazeing area. My client's sites SR300a and SR300b made such a meaningful provision of open amenity space and a play area, yet for reasons not disclosed has been removed from the final Submission.

Justified

The Council appears to have made significant progress regarding the collation of evidence and the drafting of polices in the months October 2017 – December 2017. This appears a direct reflection of the government consultation in September 2017, "Planning for the right homes in the right places: consultation proposals", which included a standard methodology for calculating housing needs. This consultation suggested the housing allocation in EFDC would increase from 514 dwellings per annum to 923 per annum.

The hasty evolution of documentation has resulted in a number of gaps to available information, which is either still in draft form or simply not available. Namely there is no scoring or appraisal process that justifies the allocation of the sites in the Submission Plan. This is a key document that would identify to the wider community, landowners and Councillors alike, why the current proposals are preferred. In the absence of such information, on the basis of an adopted methodology alone, the plan allocations are unjustified, and the plan lacks transparency. In particular the reasons for my client's site having been removed from the Draft Local Plan are not clear. Without any published justification I must make an assumption that the decision making process is not robust, and therefore Plan is unsound as not justified. I am aware of no information or evidence that would cause your client's site to be removed.

What other sites have been identified in Nazeing? Can you say anything about the deliverability or otherwise of these? Any GB matters to call attention to?

Consistent with National Policy

The proposed site allocations EPP.R1 & EPP.R2 extend up until the boundary with the M25 motorway. This is incompatible with our quality requirements for new homes, contrary to guidance on noise pollution and likely to have adverse impacts on health provision. Whilst mitigation can be provided by way of buffer zones incorporated into Masterplans, these are subject to negotiation and the Council should have provided clear mandatory guidance. Furthermore, there is no evidence available to demonstrate acoustic or air pollution matters have been considered at all.

The Council has adopted no Self-Build policies and has used an existing register as indication of future interest, or lack there of as outlined in the Councils Housing Implementation Strategy December 2017. The Council, like many others, has recently reduced the Self-Build register by requiring further information from registrants by a short deadline. This further administrative cull in addition to years of languishing can explain a slim voluntary participation. In accordance with the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) the Council should be actively promoting Self-Build and the Submission Plan policies relating to such provision.

Duty to Co-operate

The Council has, as far as can be determined, taken all the relevant and necessary steps to ensure compliance with the Duty to Co-operate.

Closing comments

The Council has drafted the Submission Plan under pressure from the Government Consultation in September 2017 "Planning for the right homes in the right places: Consultation proposals" which has indicated a requirement for housing numbers that significantly differ (923 pa in lieu of 514 pa) from those required by the Councils Objectively Assessed Housing Need calculations. The Council is charged with the preservation and best use of land within its care, however there is also a clear duty to provide for the needs of the residents within the District. It is clear that one housing figure must be wrong. Either the Local Council has detail the Government has not and as such should remain steadfast in pursuit of robust policies and allocations, taking the necessary time in preparing the Submission Plan or alternatively the locally derived figure is wrong. If this is the case, then to push through a plan committing to a near twenty year under provision of housing is a failure in duty. The Council would be knowingly failing to provide for the next generation in terms of housing, contrary to wider, national objectives.

It is disappointing that the Council has chosen to rush through a plan with minimal opportunity to provide representations at this stage (over a Christmas period) when instead consideration should have been given to why the housing figures differ so greatly. Making sure the right housing is provided, instead of pushing to provide the least in haste, with an unjustified location and distribution, that appears to focus purely on areas of least political sensitivity

Yours sincerely,

[redacted]

Jenny Thompson BSc MSc MRTPI

Director – Thompson Planning
Chartered Town Planner