

**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 of Town and Parish Council  or

c) Landowner  or

d) Agent

Other Organisation (please specify)

**2. Personal Details**

Title

Mr

First Name

Martin

Last Name

Eldred

Job Title  
(where relevant)Organisation  
(where relevant)

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c/o agent

Line 2

Line 3

Line 4

Post Code

Telephone  
Number

E-mail Address

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

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Rachel.bryan@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  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

**This representation relates to:**

- Paragraphs 5.84-5.99
- Policy P6 North Weald Bassett
- Appendix 6
- Policies Map 5.12
- Site Reference NWB.R1 and NWB.T1 Appendix 6 North Weald Bassett Masterplan
- Settlement: North Weald Bassett

## **Introduction:**

This representation is made on behalf of the landowners of site NWB.R1 and NWB.T1, proposed for allocation for residential development of approximately 223 dwellings and up to 5 pitches for traveller accommodation. This site is proposed for allocation within the North Weald Bassett Masterplan Area which also includes site NWB.R2 for approximately 21 dwellings, NWB.R3 for approximately 728 dwellings, NWB.R4 for approximately 27 dwellings and NWB.R5 for approximately 51 dwellings.

Sworders have recently been instructed by the landowners of site NWB.R1 due to a change in family ownership and have since been in discussions with the promoter of the largest site in the Masterplan Area, site NWB.R3. Discussions have been positive with an agreed understanding that the combined sites will be brought forward promptly, as a coherent and cohesive scheme, if released from the Green Belt. The intention is to prepare a joint strategic masterplan to demonstrate how the combined sites could be delivered.

The landowners support the allocation of the site and confirm that it is available and deliverable for residential development. North Weald is a sustainable location for growth of the quantum proposed and the site forms a some of the site-specific requirements in policy P6 to ensure soundness. These relate to the extent of the site, density, the location of site NWB.T1 and specific policy detail relating to the Infrastructure Delivery Plan, Air Pollution, Recreation Pressure, Flood Risk and the the Strategic Masterplan.

In order to support the delivery of the site, the intention is to provide detailed technical work at Hearing Statement stage.

These representations comprise our full case based on the evidence currently available. However, the appendices to the 2017 Site Selection Report have not been made available for this consultation. We therefore request to reserve our right to make further submissions once these have been published.

## **Part B (i) Site NWB.R1:**

### **Principle:**

We support the allocation of site NWB.R1 for residential development of approximately 223 dwellings.

The site is in a sustainable location and is deliverable both alone or in conjunction with the neighbouring sites comprising the North Weald Bassett Masterplan Area.

North Weald Bassett is a sustainable settlement, located to the east of the M11 and Junction 7 at Hastingwood, just to south of Harlow. The settlement is split by the A414, which is a key route passing broadly east-west at the northern edge, running between Harlow and Chipping Ongar and Chelmsford and beyond.

According to the Draft Settlement Hierarchy Technical Paper (September 2015), North Weald was defined as a Large Village and is a sustainable location for development, offering a good range of facilities and services, including good public transport access. The area benefits from a small parade of shops, including a small Co-Operative store, providing for daily basic shopping requirements, a post office, nursery and primary school, a pharmacy and doctors surgery, along with leisure/sports

facilities, a community hall, library and good public transport links to the wider District. The doctor's surgery is a satellite of The Limes surgery in Epping.

Furthermore, additional development in the settlement can provide an opportunity to capture planning contributions and increases in land values to invest in local infrastructure and services within North Weald Bassett itself to reduce any current reliance on Harlow or Epping for education and services. In addition, the creation of new households will further support schools, local shops and businesses and the public transport which serve the existing population.

Notwithstanding our concerns regarding the absence of the technical site-specific appendices (specifically, Appendices B, C, E and F of the Report on Site Selection December 2017), evidence supporting the allocation of the site is contained in the 2016 site assessment work which fully justifies the allocation.

The 2016 Site Selection report identified the site as available within the next five years with no constraints or restrictions which would prevent it coming forward for development and recommended that the site should be allocated. This conclusion was reached for the original site SR-0036, which includes site NWB.R1.

In common with the majority of the district, the site lies within the Green Belt. However, as stated on page 142 in the Vision for North Weald Bassett *"future development will be located to the northern side of the village...while maintaining key landscape areas to the south and promoting its rich military history"*. As such, the allocation of this site, in preference to other options in and around North Weald Bassett represents the least harm to the Green Belt.

According to the Epping Forest District Green Belt Assessment, Stage 2 (2016) site NWB.R1 is within comprise parcel 010.1. The resultant harm to the Green Belt purposes if this parcel was released was considered to be low. The whole parcel was found to make no contribution to purposes 1, 2 or 4 and only a "relatively weak" contribution to purpose 3. Purpose 5 was not assessed as all parcels were considered to contribute equally. The perception of this parcel as countryside was considered to be limited by the fact that it is contained on three sides by development, by its visual separation from the wider arable landscape to the west by strong hedgerows to either side of a byway (New House Lane) and by the presence of the A414.

The exceptional circumstances to justify the release of Green Belt is set out at paragraphs 2.133 to 2.142 of the Plan, in accordance with the NPPF (paragraph 83). Whilst it is acknowledged that housing need alone does constitute the exceptional circumstances necessary to release Green Belt, housing need combined with local conditions means that it is simply the only option remaining to meet the development needs of the district.

The site is in a sustainable location for development, being on the settlement edge and constituting a logical extension to the existing settlement. The site is adjacent to the existing development boundary on the southern and eastern boundary and adjacent to the A414 to the north, which splits the existing development of North Weald Bassett. The site would be a logical infill to existing development boundaries, ensuring the village of North Weald Bassett to the north of the A414 is more connected to the development to the south. The existing northern site boundary, along the A414, can be enhanced with additional planting to create a new, strong Green Belt boundary and act as a landscape and noise buffer against the A414. Development of the site would enhance the character of the area; it is currently land on an edge of settlement/semi-urban environment, being located adjacent to the A414 between existing development.

The site is currently in use for agricultural production, however, this parcel is an awkward size due to severance by the A414 so not suited to large modern agricultural machinery. As such, development of the site will not result in loss of highly productive agricultural land.

The site currently has two existing accesses, one from the A414 and another via Blackhorse Lane.

#### **Availability and Achievability:**

The landowners of site NWB.R1 have expressed the intention to sell once outline planning consent is secured, have the resources to fund this application and have appointed professional advisors to achieve this.

Technical work will be funded by the landowner to consider any notable physical constraints that might affect delivery to be submitted at Hearing Statement stage and/or outline planning stage. The landowners have the resources to fully fund an outline planning application at the appropriate time in isolation or in collaboration with other landowners in the Masterplan Area. The site would contribute to the five-year housing land supply.

In regard to achievability, Sworders have extensive experience in the marketing and sale of greenfield residential development sites throughout Essex and Hertfordshire, as well as further afield in the wider region and the Midlands. We have no doubt that the sites are viable in the current market and would attract high levels of interest from small and medium sized developers.

#### **Extent of the site:**

Whilst we support the allocation of site NWB.R1 for residential use, we object to the reduction to the site area from that presented in the Epping Forest Draft Local Plan 2016 (which at that stage had the reference number SR-0036).

Firstly, the reduction made to the site area is not underpinned by robust evidence as required by the NPPF (paragraphs 158 and 182); the full evidence base is not available to demonstrate why the site has been reduced, however, the evidence that is available supports allocation of all of SR-0036. Secondly, whilst exceptional circumstances exist to amend the Green Belt boundary in this location, the resultant Green Belt boundary is not defensible and does not comply with the NPPF (paragraphs 83 and 85). Finally, the failure to maximise the site area reduces flexibility of the Plan in face of significant upward pressure on housing numbers.

We request the revision to the site boundary to include land to the north of the A414 and amendment to the policy wording to state "approximately 288 homes".

Both the 2016 draft Plan and the 2016 Site Selection Report proposed the allocation of a larger site than is currently comprised by NWB.R1, with the inclusion of land to the north of the A414. This land is outlined red on the plan attached to this submission. At the draft Plan stage this land formed part of the allocation NWB.R1, which had a capacity of approximately 288 dwellings.

The reduction in the size of NWB.R1 appears to be the result of a revised assessment of the site as set out in the 2017 Site Selection Report, paragraph 2.136 states:

*"The site allocations proposed for inclusion in the Submission Local Plan are broadly consistent with those contained in the Draft Local Plan. Amendments to the Draft Local Plan site allocations were made in the following settlements for the reasons set out below..."*

*.....North Weald Bassett: site allocations amended to reflect a reduced level of growth in response to traffic impacts and representations to the Draft Local Plan."*

However, the specific traffic impact concerns and how they relate to the additional 65 dwellings the original site boundary would have yielded, the detailed reassessment of the site and justification for the boundaries now drawn is not presented as the appendices to this report have not been published.

In the absence of the technical site-specific appendices, there is no robust evidence underpinning the revised site boundary as required by the NPPF (paragraph 158). As such, we object to the revision to the site boundaries as this fails to satisfy the tests of soundness set out in the NPPF; it cannot be demonstrated to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Having established exceptional circumstances sufficient to revise Green Belt boundaries, the Council are required to consider the boundaries having regard to their intended permanence in the long term and their capability to endure beyond the Plan period. According to the NPPF, Green Belt boundaries should not include land which it is unnecessary to keep permanently open and local planning authorities should be satisfied that the boundaries will not need to be altered at the end of the Plan period (paragraph 85).

We do not consider that the revised site boundary comprises the most logical Green Belt boundary for this location; it results in a narrow strip of land between the parts of North Weald inset from the Green Belt to the south of the A414 and that to the north. Given the existence of built development along Vicarage Lane East and Weald Bridge Road, plus the employment allocation EMP.E1, it would be logical to include this strip of land within site NWB.R1. To exclude it would result in a boundary which is poorly defined and leaving land in the Green Belt that it is not necessary to keep open as it would serve none of the purposes of the Green Belt as set out in the NPPF (paragraph 80).

Whilst it is of significant concern that the full 2017 Site Selection Report has not been published the evidence available including the 2016 Site Selection Report and Green Belt Assessment 2016, fully justify the allocation of both NWB.R1 and the original site SR-0036.

According to the Green Belt Assessment 2016, parcel 010.1 included both site NWB.R1 and the land to the north of the A414 now excluded, hence the Green Belt evidence is the same for both the site proposed for allocation and that excluded. An assessment of the remaining strip of land in isolation is likely to result in a similar conclusion.

It would similarly make no contribution to purposes 1, 2 or 4. North Weald is not a large built-up area so purpose 1 would not apply. It would lie between two areas of inset settlement comprising the North Weald Bassett Masterplan Area and existing main body of North Weald Bassett to the south of the A414 and the post-war development to the north, but development in this area would have no impact on the gap between North Weald Bassett and Ongar so would not conflict with purpose 2. North Weald is not a historic town as defined in the Essex Historic Towns – Supplementary Planning Guidance (1999) so purpose 4 would not apply. In line with the Green Belt Assessment 2016, all Green Belt parcels deliver equally against purpose 5. The whole of parcel 010.1 was found to make a "relatively weak" contribution to purpose 3, however, the contribution by the narrow strip which has been excluded from NWB.R1, is likely to be even weaker. It would not comprise open countryside but a narrow gap between built development so would not conflict with purpose 3.

Release of this parcel from the Green Belt, for which the evidence exists, and incorporating it into NWB.R1, would enable delivery of a greater number of dwellings in this location. This would add built in flexibility to the Plan in the face of significant upward housing pressure.

Policy SP2 does not plan to deliver the full objectively assessed housing needs or provide a five-year housing land supply. The 11,400 dwellings planned for is based on contained in the Memorandum of Understanding between the Council and the other authorities in the Housing Market Area (HMA) which was based on the 2015 Strategic Housing Market Assessment (2015 SHMA). However, the 2015 SHMA was updated in July 2017; this assessed the 2016 national population and household projections data together with further sensitivity testing specific to local circumstances, including for migration. This update identified that for Epping Forest District some 12,573 new homes were needed. Whilst it is appreciated that this figure represents a 'starting point' and does not take into account environmental, policy and infrastructure constraints, it still demonstrates that the actual housing need in the District is higher than that being planned for.

Furthermore, as set out in paragraph 2.63 of the Plan and the Housing Implementation Strategy, the Council are not intending to deliver the undersupply that has occurred since 2011 in the first five years of the Plan period and are instead providing it over a ten-year period. Whilst it is acknowledged that this may be a more realistically achievable approach, it is contrary to the NPPF (paragraph 47) and the approach set out in NPPG (Paragraph: 035 Reference ID: 3-035-20140306).

In addition, as referenced in the foreword to the Plan, the Government's proposed standardised methodology for calculating housing need (subject to consultation last year) could see the housing requirement for the District rise to over 20,000 homes by 2033. Whilst the Council are likely to benefit from the transition period, the new methodology indicates the quantum of development that will need to be provided in a revision of the Plan in five years' time.

In light of this upward pressure on housing numbers, it is important that the Plan incorporates as much in-built flexibility as possible and maximises the capacity of allocated sites, in accordance with the NPPF (paragraph 153 and 157).

In light of the need to enable to Plan to be flexible, the support for the allocation provided by the 2016 Site Selection Report and Green Belt Assessment and the lack of justification provided to date by the 2017 Site Selection Report for the change to the extent of the allocation, we object to P6 B (i). The boundaries of NWB.R1 should be as set out on the plan attached to these representations, with the site capacity revised to be approximately 288 dwellings in order for the Plan to be sound in regard to national policy.

We also request to reserve our right to make further submissions on this matter, once the technical site-specific appendices have been published, as these could contain new information.

**Density:**

The proposed density for the North Weald Bassett Masterplan Area equates to 24.27 dph. This does not appear to conform with Policy SP3 I. (ii), which expects densities above 50dph in town and large village centres, however, in light of the infrastructure requirements to deliver the primary school and health facilities etc. set out in Policy P6 F, this may be justified. However, in the absence of the technical site-specific evidence this is unclear so we would like to reserve our right to comment further once these are published.



### Part E Site NWB.T1:

Whilst we do not object to the principle of traveller accommodation within the Masterplan Area, should the evidence base justify it, we are concerned that site NWB.T1 for up to 5 pitches for Traveller Accommodation appears to comprise the whole of site NWB.R1. We are also concerned that the policy lacks clarity and justification.

NWB.R1 Land at Blumans is proposed for allocation of approximately 223 homes and NWB.T1 Land west of Tylers Green is proposed for allocation for up to 5 pitches for Traveller accommodation. However, Map 5.12 "Site Allocations in North Weald Bassett" shows NWB.T1 covering the same site area as NWB.R1. The map of the "North Weald Bassett Masterplan Area" contained in Appendix 6 does not show a traveller site allocation at all, although does refer to NWB.T1 in the table below the map.

Firstly, the extent of the site is unclear. The evidence base, Policy H4 and the Traveller allocations within the Harlow Masterplan Areas all limit site size to 0.5 Ha. However, although site NWB.T1 and Policy P6 E (i) are limited to up to 5 pitches, no site size is specified and site NWB.T1 is far in excess of 0.5 Ha. This lacks clarity.

It is assumed that the intention is for site NWB.T1 to comprise a 0.5 Ha area of site NWB.R1, however, if this is not the intention we would like to reserve the right to comment further. On the assumption that it will be a 0.5 Ha site, the specific location is also unclear.

The Epping Forest Draft Local Plan 2016 did specify an approximate location for the Traveller accommodation on land adjacent to St Andrews Primary School. Draft Policy P6 included the below footnote to the now site NWB.R1: \* Traveller site GRT\_N\_06 comprises an area of land within residential site SR-0036.

The Report on Site Selection 2017 lists at paragraph 3.106 the amendments made to the Draft Local Plan Traveller site allocations, stating that if a settlement is not listed, the site allocations remain as proposed in the Draft Local Plan. North Weald is not listed so it is assumed that the intention is to locate the Traveller site on land adjacent to the primary school, as per the Draft Local Plan. However, this is neither clearly explained in Policy P6 or clearly depicted on the policies maps. According to the NPPF (paragraph 154), only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.

Secondly, given that the site lies within the North Weald Bassett Masterplan Area, we consider it unnecessary and unjustified to specify that site NWB.T1 must accommodate this need and unclear what the position would be if site NWB.T1 is not delivered. As such, this element of the policy is contrary to the NPPF (paragraphs 154, 158 and 182).

The site-specific appendices to the 2017 Site Selection Report have not been published and as such, there is no evidence to justify the suitability of site NWB.T1 as the most appropriate location within the Masterplan Area for this use. In the absence of this evidence, the allocation of this site for 5 Traveller pitches is not justified as it is not based on adequate, up-to-date, relevant and proportionate evidence as required by the NPPF (paragraphs 158 and 182).

As stated in paragraph 3.25 of the Plan, consultation with both travelling and settled communities have indicated a strong preference for smaller sites for travellers in locations with a degree of separation from settled communities. Site NWB.R1/NWB.T1 is the most centrally located land parcel in the Masterplan Area, being between the main built up area of North Weald to the south and post-

war development to the north. Other locations within the Masterplan Area, or on adjacent land outside the Masterplan Area, could achieve a greater degree of separation and be more appropriate.

Parts K, L and M of Policy P6 set out the detailed requirements for the North Weald Bassett Masterplan Area, stating that the sites included in the area must comply with a Strategic Masterplan which has been formally endorsed by the Council and informed by the Quality Review Panel. This is an approach which is mirrored for other Strategic Masterplan Areas including the Garden Town Communities.

Part L (i) of Policy P4 specifies that the sites within the Strategic Masterplan Area must provide “a minimum of 1,050 homes and 5 Traveller pitches”. In light of this requirement, it is not necessary or appropriate to specify that a single site within the Strategic Masterplan Area should be identified to accommodate Traveller needs.

There is no evidence presented as to why a specific site is identified in the case of the North Weald Masterplan Area; indeed, the evidence base suggests that specific sites should not be identified and the Traveller Accommodation should form part of the strategic scheme. The Report on Site Selection 2017 is clear at paragraph 3.108 that it “is anticipated that those proposed allocations within wider residential allocation sites would come forward as a part of the development proposals for those sites and not independently.”

The policies relating to the Garden Town Communities Strategic Masterplan Areas are constructed in a similar way to Part L; they specify that the sites within Strategic Masterplan Area must provide for both homes and Traveller needs, plus various other land uses and infrastructure items, however, crucially the specific location of each land use is to be determined through the Masterplanning process. This means that all landowners within the Masterplan area must jointly deliver the policy requirements to accommodate all land uses and development types specified in the policy in a joined-up, collaborative and cohesive way, ensuring that each land use and infrastructure item is in the most appropriate location in the context of the development of the whole Masterplan Area. This will include taking account of the impact on local amenity, compatibility with surrounding land uses including potential disturbance and the potential for successful integration between travelling and settled communities (as Policy H4 requires for sites outside of Masterplan Areas). As such, the policies maps do not specify land uses to particular areas, other than where they relate to existing land use.

However, as site NWB.T1 is specified on the policies map and Part E of Policy P6, the other landowners within the North Weald Bassett Masterplan Area will be unable to produce a Masterplan that will comply with Part L (i) without the agreement of the landowner of site NWB.T1 to provide the traveller pitches.

There is no provision within Parts K, L and M, Policy SP3 or paragraphs 2.89-2.97 in the event that a Strategic Masterplan cannot be agreed. As drafted, Policy P6 development proposals “must comply” with the Strategic Masterplan.

#### **Infrastructure:**

Part F 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). This lists various specific infrastructure requirements, requiring development in North Weald 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 raise no objection to the requirement to ensure appropriate infrastructure accompanies development and the infrastructure requirements as outlined within the Infrastructure Delivery Plan will not affect the deliverability of the site.

In the absence of a Community Infrastructure Levy, infrastructure contributions will be via planning obligations, as such must meet the tests set out in the NPPF (paragraphs 203 and 204) and Regulation 122 of the Community Infrastructure Levy Regulations. Planning obligations must be “*necessary*”, “*directly related*” and “*fairly and reasonably related in scale and kind*” to the development.

However, the status of the IDP is not clear, nor whether it is intended to be updated prior to the Examination. As such, 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...*” (my emphasis).

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 E and F require.

The NPPF (paragraph 153) and the National Planning Practice Guidance (NPPG) set 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).

We are concerned that the current wording of paragraphs F and G does not accommodate a circumstance where contributions to the items requested at D (i) – (iv) are not required. Specifically, to North Weald, it is not clear which sites will need to contribute to which highways or junction upgrades on the wider highway network, as such seeking contributions on this basis would not satisfy the requisite tests.

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.*” To be sound, we would suggest paragraph E is caveated so as only to require planning obligations that are capable of meeting the tests at NPPF paragraph 204 and within the Community Infrastructure Regulations 2010.

Finally, in relation to the IDP specifically, Figure 3 sets out the quantum of development tested for each settlement. This differs from that contained in the Regulation 19 Submission Local Plan. For example, Figure 3 states that it tests 122 dwellings in North Weald which is far fewer than the 1,050 proposed. This is believed to be a typographic error and the rows in the table are misaligned. However, we would like to reserve our right to make additional comments at the Examination stage in relation to the IDP, should the council confirm that Figure 3 represents the actual quantum of development tested for each settlement.

#### **Air Pollution:**

We make no objections to the principle of an Air Quality Assessment, should one be necessary, which can be provided at application stage or with the hearing statement, if required.

However, we are concerned that it is not based on robust evidence and as such, object to the provision that it “*will be required*” for all development in Ongar which requires a Transport Statement/Transport Assessment, irrespective of whether it is necessary or not.

Paragraph 4.20 of the Plan advises in relation to Epping Forest that *“concerns exist in relation to both increasing recreational use and air borne pollutants, including from traffic. The latter points to an underlying traffic/ air quality issue as a result of existing substantial baseline traffic flows.”* It goes on to state that *“Standard impact assessments show that the Local Plans being developed within the West Essex/ East Hertfordshire Housing Market Area would not result in any adverse effect due to an expected improvement in air quality through the introduction of new technologies , and contributions to any retardation of that improvement is extremely small’.* The requirement to undertake an air quality assessment is therefore not evidence based and not justified.

Notwithstanding the above, we do not consider that Part G is necessary, since Policy DM22 already requires larger development proposals or those that have the potential to produce air pollution to be required to undertake an Air Quality Assessment. The Part G requirement for this to apply to any development proposals which require a Transport Statement/Transport Assessment slightly conflicts with the wording of DM22 meaning it is unclear to applicants and decision makers when an Air Quality Assessment is required.

According to the NPPF (paragraph 154), only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.

We request that Part H of the policy be deleted and policy DM22 is relied upon.

#### Recreational Pressure:

We are generally supportive of the principle of providing 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 make a financial contribution to access management and monitoring of visitors to the Epping Forest Special Area of Conservation as set out in Policy DM2 and specifically the wording that *“Development Proposals will be required’*, as set out in P6 I.

The status of the both the Natural England Action Plan and related Visitor Survey Information (neither of which is included in the list of Technical Information) is not clear, nor whether it is intended that they be updated prior to the Examination.

As a matter of principle, non-statutory documents such as the Visitor Survey Information and Natural England Action Plan cited, which has not been tested through the Examination process, should not be used to set policies or determine development proposal requirements in the way that Policy P6 I requires.

Moreover, the requirement to contribute towards the access management and monitoring of visitors 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 an 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.

Notwithstanding the above, we note that the Habitats Regulations Assessment 2017 advises that *“The size of the tariff to be placed on net new housing within the core catchment to fund the action plan and its measures remains to be determined but should be confirmed prior to submission of the*

*Local Plan to the Secretary of State for examination by the end of March 2018.*" We request to reserve our right to comment further on this matter at the hearings stage, if these tariffs are published.

We request that Part I is removed as its inclusion is unjustified and does not comply with the NPPF. Furthermore, it is unnecessary as the matter is already addressed in policy DM2.

#### **Flood Risk:**

We do not consider that Part J of the policy is necessary, since Policy DM15 already requires all development proposals to demonstrate that they avoid and reduce the risk of flooding and any development (other than water compatible uses) within flood risk areas must satisfy the Sequential Test and Exceptions Test.

Furthermore, Part J restricts all development on residential allocations to flood zone 1, making no provision for water compatible uses (such as amenity open space or nature conservation and biodiversity) to be located within flood zones 2 and 3. This is unjustified and conflicts with policy DM15 and the NPPF.

We request that Part J of the policy be deleted and policy DM15 is relied upon.

The Environment Agency Flood Maps for Planning demonstrate that the site lies entirely within Flood Zone 1 and as such it has a low probability of flooding. As such, this proposed allocation accords with part J of policy P6 that residential development must be located wholly within flood zone 1.

However, the more detailed maps show that a small proportion of the site is potentially at risk from surface water flooding, although predominantly only low risk.

The Environment Agency website includes a statement regarding the accuracy of surface water flood risk information, stating that this type of flooding is difficult to predict as rainfall location and volume are difficult to forecast and local features can greatly affect the chance and severity of flooding. Because of this, they report the highest risk within 20m of a specific location, such as an individual property. This means reports for neighbouring properties may show different levels of risk. As such, any planning application will be accompanied by a drainage strategy, based on the final design and density.

#### **North Weald Bassett Masterplan Area:**

We support the principle of delivery of a comprehensive and cohesive scheme for site NWB.R1, NWB.R2, NWB.R3, NWB.R4, NWB.R5 and NWB.T1 to deliver a Strategic Masterplan as per Policy SP3. Discussions have taken place with representatives of the landowners of site NWB.R3; these have been positive with an agreed understanding that the combined sites will be brought forward promptly, as a coherent and cohesive scheme, if released from the Green Belt.

The landowner of Site NWB.R1 is committed to masterplanning and designed in accordance with the place shaping principles in Policy SP3, as appropriate to the scale of development proposed. This will include the mix of homes, key design features, approach to amenity/open space, sensitivity to the adjacent heritage assets and movement strategy. It will also be sensitive to the adjacent Grade II Listed Buildings at Blumans Farm/Tyler's Farmhouse, minimise impact on the Green Belt and local landscape, allow for any on-site constraints identified through the detailed survey work (such as flooding or drainage, ecology, trees, contamination etc), safeguard the amenity of adjacent residents, respect the local vernacular, provide adequate parking and turning space for vehicles,

encourage walking and cycling, provide the required open space and landscaping and an appropriate density of development.

A joint strategic masterplan can be prepared, with input required from District level as required, to demonstrate how the combined sites could be delivered.

However, we have concerns regarding the specific wording of Parts K and L in regard to the North Weald Bassett Masterplan Area.

Regarding Part K, firstly, we object to the wording "*must comply with*". As a matter of principle, non-statutory planning documents such as the Concept Framework, which have not been tested through the Examination process, should not be used to set policies or determine development proposals in the way that Part I of the policy requires.

Furthermore, Part K does not set out what the position would be if agreement cannot be reached or if the Council does not endorse it. Such provisions need to be included to ensure that the policy is flexible to respond to changing circumstances and deliverable in accordance with the NPPF (paragraphs 157 and 182).

Using the example of Warwick District Council, their submitted plan contained a Comprehensive Development of Strategic Sites policy which required either a development brief or a Masterplan to be approved by the Local Planning Authority, before applications for any of the strategic sites could be approved, and that strategic sites in multiple ownerships must come forward under a single planning application.

However, following concerns raised by participants regarding the deliverability of this approach, the Inspector removed the requirement for a Masterplan and amended the development brief policy. Whilst significant sites are still expected to comply with a development brief, a provision has been included to cover the eventuality where, for whatever reason, the development brief is absent. In this instance, a Layout and Design Statement, providing detailed information that would otherwise be included in a development brief, is required to support any planning application. The amended policy and supporting text recognises the fact that some sites are in multiple ownerships and may come forward for development separately.

We request the inclusion of a Part N to cover the eventuality where a Concept Framework has not been agreed. We suggest:

*N. Where a Strategic Masterplan is absent, development proposals in relation to sites NWB.R1, NWB.R2, NWB.R3, NWB.R4 and NWB.R5 should comply with the requirements set out in Part L and should be accompanied by a Layout and Design Statement to address the place shaping principles as defined in Policy SP3, as appropriate to the scale of development proposed.*

Below are specific comments regarding the detail of the wording of the policy:

**Heritage:**

Part L (vi) requires careful design to mitigate potential impact on nearby listed buildings. Blumans Farm lies to the east of the site and is well screened from existing landscape trees and hedgerows.

If it is considered there is any impact as a result of this site, it can be adequately addressed through additional landscaping, considering layout, development form, density, height, scale, massing and materials would all be considered at this stage.

A Heritage Statement can be provided at application stage or with the hearing statement, if required.

**Rights of Way:**

Part L (vii) requires new and improved Public Rights of Way and cycle linkages within the surrounding area. Footpath no 93 crosses the site and can be accommodated and enhanced within the Masterplan.

**Sensitive Land Uses:**

Part L (viii) refers to a High Pressure Gas Pipeline. A review of the on National Grid indicates the pipeline runs to the east of the Masterplan Area, therefore does not directly affect the site. However, should this appear different on a more detailed map, consideration will be given to the design and layout of the scheme and ensure it accords with the requirements set out in the HSE's Land Use Planning Methodology as provided for in Policy P6 L (viii).

The IDP suggests that gas mains pass through sites NWB.R3 which may need to be diverted; this does not affect the deliverability of site NWB.R1.

**Access:**

Part L (ix) refers to upgrades to the existing Vicarage Lane West access to ensure a safe access with sufficient capacity for the development it serves. We have no objection to this requirement; however, this is on the basis that it is not intended to be the sole access for the Masterplan Area.

If it is proposed to be the sole access then we object on the basis that no evidence is presented to demonstrate why access should be limited to this location.

Typically, a figure of around 400 dwellings is adopted as a starting point for triggering a second point of access. Although emergency accesses are often presented to support large schemes being served by a single junction, current guidance advises against this in favour of second points of access. Given the Masterplan Area is proposed to deliver a total of 1,050 dwellings it is therefore assumed that this will be one of a number of accesses.

We request the policy is amended for clarity, in accordance with the NPPF (paragraph 154). Site NWB.R1 is currently accessed from the south from Blackhorse Lane, off the High Road and from the northern boundary, off the A414. Blackhorse Lane is a local no through road within the 30 mph speed limit and could provide vehicular access and/or pedestrian and cycle connectivity to the existing services and facilities of North Weald. The A414 is a wide single carriageway road subject to national speed limit. Although it is a classified A road, it does not form part of the Trunk Road network that is governed by Highways England. As such, access should be provided in line with the principles of Manual for Streets and not the Design Manual for Roads and Bridges.

The landowner is commissioning technical highways work specific to site NWB.R1 to demonstrate that access can be safely and suitably achieved from both Black Horse Lane and the A414.

**Trees:**

Part L (x) requires continued protection of protected and veteran trees. The site is bounded by mature trees and hedgerows on all sides. These boundaries do include trees protected under Tree Preservation Orders.

The site can be masterplanned to ensure that the existing trees on site are retained and boundaries can be strengthened with additional planting.

A Tree Survey and/or Hedgerow Survey can be provided at application stage or with the hearing statement, if required.

*(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.

- Amend the boundaries of NWB.R1 to include land to the north of the A414 as shown on the attached plan and associated amendment to the policy wording regarding the approximate capacity of the site from 223 to 288 dwellings. Reason: to ensure the plan is **justified and consistent with national policy**, namely paragraphs 14, 157 and 158 regarding flexibility and robust evidence and paragraphs 83 and 85 regarding Green Belt boundaries to ensure the plan is **positively prepared**, in terms of providing sufficient housing within the first five years of the plan period (as required by paragraph 47 of the NPPF).
- Delete Part E of the policy and reference to site NWB.T1 and rely upon Part L (i) to deliver the traveller pitches in the most appropriate location within the North Weald Bassett Masterplan Area. Reason: To be **justified and consistent with national policy** at NPPF paragraph 154 and 158.
- Remove site NWB.T1 from Map 5.12. Reason: To be **consistent with national policy** at NPPF paragraph 154.
- Remove reference to site NWB.T1 from the North Weald Bassett Masterplan Area map in Appendix 6. Reason: To be **consistent with national policy** at NPPF paragraph 154.
- Amend Part F to replace *“in accordance with”* with *“have regard to”* the IDP. Reason: To be **consistent with national policy** at NPPF paragraph 154.
- Amend Parts D (i) – (vi) to clearly state which development sites are being expected to contribute to which infrastructure items and how any potential apportionment of costs will be calculated. Reason: To be **consistent with national policy** at NPPF paragraph 204 and 154.
- Amend Part G 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.”* Reason: To be **justified and consistent with national policy** at NPPF paragraphs 154, 158 and 204.
- We request that the IDP is revised prior to the examination, so that it is explicit which development sites are expected to contribute to which infrastructure items and how any



potential apportionment of costs will be calculated. Reason: To be justified and consistent with national policy at NPPF paragraphs 154, 158 and 204.

- Delete Part H of the policy and policy DM22 be relied upon. Reason: To be consistent with national policy at NPPF paragraph 154.
- Delete Part I of the policy. Reason: To be consistent with national policy at NPPF paragraph 154.
- Delete Part J of the policy and policy DM15 be relied upon. Reason: To be consistent with national policy at NPPF paragraph 154.
- Amend Part K to replace "must comply with..." with "should have regard to..."  
Insert a new Part N as follows:  
*N. Where a Strategic Masterplan is absent, development proposals in relation to sites NWB.R1, NWB.R2, NWB.R3, NWB.R4 and NWB.R5 should comply with the requirements set out in Part L and should be accompanied by a Layout and Design Statement to address the place shaping principles as defined in Policy SP3, as appropriate to the scale of development proposed.*  
Reason: To be consistent with national policy at NPPF paragraphs 154 and 157.

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 relates to a significant issue 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:

A rectangular box containing a completely blacked-out signature, with a small handwritten mark below it.

Date:

26-01-2018

December 2017