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Traps Hill, Loughton, IG10 1HD

Epping Forest District Council's Local Plan

Regulation 19 Representation

Loughton Town Council raises no issues in relation to

- A. the Duty to Co-operate; and
- B. the legal compliance of the Plan

Loughton Town Council (LTC) considers the Regulation 19 Submission Plan (the Plan) to be unsound in its present form, but believes it could be made sound by the amendment of sections as stated in this detailed representation.

LTC also wishes to draw attention to the representations it submitted at the Regulation 18 stage in December 2016. Substantial evidence was provided particularly in support of the retention of urban open spaces but this has not been reflected in the Plan.

A STATEMENT ON THE GENERAL SPATIAL STRATEGY

Page 2 of the Plan (1.1) states that it is based, *inter alia*, on the results of the 2010, 2012, and 2016 consultations.

In the 2010 consultation, the predominant public reaction was (as reported to EFDC Cabinet 7.2.11) to protect and enhance green spaces, whilst encouraging local businesses.

In 2016, the consultation relied greatly on the concept of a so-called “proportionate” distribution of housing in the District. But 76% of respondents to the consultation disagreed or strongly disagreed with this. (Remarkable Engagement report Feb 2017, Q2).

In the 2012 report, a majority (29%) of respondents selected one of the two *developments away from the Central Line* options as compared with 24% who preferred proportionate distribution. (Report to Cabinet 10.6.13, p43).

The Council thus believes that EFDC having adopted proportionate distribution has insufficient public support.

Even if it had, there is no element of proportionality in the Plan. A proportionate distribution of the 11,400 dwellings in the 139 square miles of the District would result in 79 dwellings per square mile; but what is proposed results in 19 per sq mile in Theydon Bois, 120 in North Weald, and 196 in Loughton, with none at all in Lambourne. In population terms, as a proportion of population (which would in itself be irrational), that is 0.4% in Theydon Bois, 17.4% in North Weald, and 3.3% in Loughton.

The phrase “proportionate distribution” appears to be missing entirely from the Regulation 19 submission, but it is on this the whole spatial strategy appears to be based. This, we believe, is enough to invalidate the whole Plan.

However, we think the Plan has achieved nevertheless an element of functionality in its spatial aspect. **Its two main failures are unsustainably over-cramming Loughton and disproportionately high development at North Weald, whilst not giving enough thought to the critical mass of the proposed garden town.**

The reduction in the number of dwellings proposed for Loughton by about 50% and the addition of a similar number in the Garden Town would make the Plan sounder in this respect. North Weald Parish Council will doubtless have its own views.

Loughton's allocated total of 1000 houses is too great because

- a) The density of population would become too high (The constraints of the town are being sandwiched between the Forest on the west and the Roding valley flood plain on the east). This means that public open space, suitable for games and informal recreation, in the town is scarce and greatly valued. There is for instance no park in Loughton.
- b) Transport out of the town is principally afforded by the Central Line and the road system. The roads are constrained by the Forest, where take of land is prohibited by the Conservators applying the Epping Forest Act 1878, and by crossings of the Roding (one in Loughton) and the railway (two). These pinch points cannot be overcome. Approximately one in three households in the town use the Central Line to work in London. Its capacity is limited by loading gauge, platform length in Central London, the signalling system (which controls frequency) and the design of rolling stock, which is not to be replaced till after 2030.

LTC believes these constraints have not been properly evaluated by EFDC. Therefore, the quantum of development in this area needs reducing, and reallocating to parts of the District where growth can be properly planned into the infrastructure, such as the Garden Town. The figure of half the allocation is suggested as the maximum which it is reasonable to accommodate given the above constraints and current/planned improved capacity of roads and trains.

Chapter 1 – Introducing and Setting the Scene

Paragraph 1.1 states the Plan is based on up to date evidence and the results of the previous consultations undertaken in 2010/11, 2012, and 2016.

The analysis of the responses to these consultations is available on the Local Plan website but not the detailed responses. It is questionable as to why these documents have not been made available during this representation period setting out the full extent of responses to consultation. **LTC has concerns as to the weight given to the opinions raised in these consultations** as appears completely contrary to the great weight of public responses to *Community Choices and Issues and Options*.

Attention is drawn to the top three priorities for the District over the next 20 years identified by the public in the **Community Visioning** which were in order:

- i. Protecting and enhancing green spaces
- ii. Encouraging the growth of local jobs and businesses
- iii. Providing facilities for the community

The **Community Choices** consultation recognised that Loughton and Buckhurst Hill could only make very minor provision to overall housing need because of strict environmental constraints. It is important to note that in this document the Potential Opportunity Areas for Loughton LOU-1 – LOU-11 consulted on did not include any public green spaces and in particular did not include Policy P 2 (v) LOU.R5, Land at Jessel Green. This consultation was thus defective.

Chapter 2 STRATEGIC CONTEXT and POLICIES

Paragraph 2.27 – LTC supports the overall vision that the Draft Local Plan sets out for the District. However, this overall support is **strongly qualified** by a significant number of objections and concerns about the detailed policies which are set out in these representations and LTC’s response to the Regulation 18 Draft Plan made in December 2016.

Policy SP2 – Part (iv) notes the requirement to retain ‘adequate’ open space provision. The policy should show the alternatives that have been considered in terms of the provision of open space.

Furthermore, the Plan should set out further detail or context in terms of way in which ‘adequacy’ will be defined and tested.

‘Adequacy’ as currently drafted is a subjective matter which will cover a range of issues, from the amount of space to the location and nature of that space. In order to be **sound**, the policy should explain further how this will be tested and, if it cannot define the parameters for this test at this stage, the Plan should identify where this will be set out (i.e. in supplementary policy or guidance).

POLICY SP 6 Green Belt and District Open Land

LTC offers support for SP 6 B in relation to District Open Land (“DOL”) but refers to comments made in relation to Policy DM6 on page 6 of this representation. LOU.R5 is a prime DOL site which has been included for development in the Plan.

Section 2.141, final sentence – The Plan acknowledges that some Green Belt release is required to meet growth needs. In this context, the identification of brownfield sites to be developed in the first instance, appears to have been undertaken in accordance with an accepted process. **In order to be sound**, this should be subject of an early review to ensure that sites are coming forward as expected and that no further sites need to be considered in the Plan period in order to meet growth levels.

LTC is concerned that there are sites which have been identified through this process and subsequently in this Plan, which are unlikely to come forward as anticipated. For example, the site at Jessel Green (LOU.R5) which is subject of an ongoing Town and Village Green process, the outcome of which will significantly impact the ability of this site to come forward, but the timing of which is currently unknown. As such, the Plan should identify the process for an early review to identify the impact of such matters on this and any other sites.

INFRASTRUCTURE

Implementation of the Plan will require significant infrastructure improvements. LTC is concerned that Epping Forest District Council (EFDC) cannot provide or in some cases even influence the delivery of these aspects of infrastructure which are necessary to deliver the Plan and meet its sustainability objectives.

There are significant concerns over the issues raised in the Infrastructure Delivery Plan which underpins the delivery of the infrastructure improvements required to support the Plan and the risk that they pose in the delivery of Development as set out in the Plan.

Infrastructure Delivery Plan Part A Report

The Delivery Plan recognises the current capacity constraints on the existing road network (Section 5.1.3) and that increasing road capacity will require significant levels of investment and involve long timescales (Section 5.1.4).

The Plan's strategy for growth within Epping Forest District therefore seeks to concentrate growth within areas with better public transport accessibility. Accessibility to public transport does not however mean capacity on public transport, and the same capacity issues arise with this approach.

LTC believes that considerable additional work is required in this regard before the plan can be adjudged sound, and draws attention to the following issues:

TRANSPORT

LTC's earlier representations to the Draft Plan set out concerns in relation to transport and infrastructure matters. Specifically, LTC is concerned about the challenges in relation to the future capacity and demand for the Central Line and the impact of this on the scale and nature of development being proposed by the Plan in the locations around the Central Line to the south of the Epping Forest Local Authority area.

At least 35% of households in extra building in Loughton and Epping can be expected to travel into London by the Central Line.

- The Central Line is at or beyond capacity at the times people need to travel. There is no evidence at all for statements in the AECOM report that there is spare capacity, save at *off-peak* times.
- Some limited capacity improvement may be available, according to Transport for London, within the plan lifetime, but not in the near future.
- New trains (capacity improvement for standing passengers only of some 50 per train) on the Line are not expected until right at the end of the Plan period.
- New signalling might deliver a maximum of 2 additional trains per hour (576 seats) but that is not due within 10 years. (TFL are also intending that seating capacity on the Loop line will actually be *reduced* by the reduction of 8 car trains to 4).

There is thus no justification to concentrate housing growth in the Central Line corridor, and none at all for countenancing such growth in the early part of the plan period.

The Plan is therefore **unsound** in expecting Loughton (and Epping) to accommodate substantial growth in the first ten years, as it is not based on a strategy which meets assessed development and infrastructure availability.

The Plan might be **made sound** by re-phasing any growth along the Central Line to the end of the Plan period or to such a point at which it can be demonstrated that the required

infrastructure improvements can be delivered within the construction period of the future development.

HIGHWAYS (1)

The infrastructure plan envisages the growth of motor traffic from developments in Loughton, which would result in a requirement for substantial improvements to three junctions/roundabouts which are on Epping Forest land - the A121-A104-B1393-B172 Wake Arms Roundabout; or adjacent to it; the A1168/Wellfields/Pyrles Lane staggered junction. These are undeliverable because of the inalienability of Forest land without exchange land in the vicinity. The Plan is therefore **unsound** in that it cannot deliver these junction upgrades.

The Plan might be made sound in this respect by abandoning large (>50 dwelling) developments near the capacity deficit junctions, or by drastically reducing their housing numbers. The sites involved are LOU R4 and R5.

LTC's objections to the proposals for Sites LOU R4 and LOU R5 are also detailed below with reference to bus services and on pages 7 and 8.

HIGHWAYS (2)

The Council is concerned about the detrimental impact on local air quality resulting from the increased motor traffic from the proposed developments in Loughton and other parts of the district where vehicles will be using Loughton's road network.

The Plan recognises that, whilst the levels in the District are average for the UK, they are higher than sought by standard targets and do need reducing. EFDC's suggested ways of achieving a reduction are limited to managing traffic growth. Traffic levels are inevitably going to increase as a result of the ongoing development in the area, even with controls over traffic relating to this new development. The Plan appears to be relying almost entirely on the management of increased traffic levels to manage air quality, however it is unclear as to how this in itself can reduce air quality impact. It would seem that there is nothing in the Plan which is likely to reduce levels of pollutants, beyond managing the increase in traffic, which it is not considered will be adequate to achieve the required air quality levels and therefore more needs to be done in this respect.

Whilst recognising there are passing references to action on air quality in Policies T1G and DM9 H(iv) and a substantial policy DM22, the Plan might be **made sound** if policies are strengthened to mitigate against the impact on the health of residents beyond the protection of the Epping Forest SAC. This includes the identification of Air Quality Management Areas to particularly target and address particularly bad areas and more active monitoring and identification of targets and mitigation measures during the Plan period.

BUS SERVICES

The Infrastructure Delivery Plan refers also to bus services, but does not state how effective services are to be secured. In March 2017, the bus service near Jessel Green (site R5) was reduced by 40%. A service operating to near site R4 was reduced by 55%. The main bus services near R4 do not run after 8pm. This aspect of infrastructure development is something over which the LPA has no control.

The Plan might be made sound by looking for alternative means of improving bus route provision through a combination of developer funding, local authority funding or pump-priming, and specific consideration of ways of improving the efficiency of bus services.

HOUSING, ECONOMIC and TRANSPORT POLICIES

POLICY H 2, Affordable Housing

The provision of affordable homes has been identified as a key issue for the District, and the supporting text at paragraph 3.12 specifically identifies the national planning policy position in terms of starter homes and the way in which this has been addressed by the Plan. It also recognises that the national stance is evolving and, at paragraph 3.13, considers that Policy H 2 is sufficiently flexible to deal with changes in this regard in due course.

That said, the Plan does not have a policy or clause in a policy which specifically reflects the provision of the category of starter homes within “affordable housing” and whilst in the current national context, this may be a legal and acceptable stance, Policy H 2 does not identify the way in which it will be reviewed to accommodate these changing requirements. LTC has identified the need for starter homes (sometimes called “micro-homes”) to allow the children of existing residents a chance to stay in the Town.

To ensure the Plan is **sound** it is suggested that a clause be inserted to the effect that the requirement for provision of Starter Homes will be reflected in the context of national guidance or that the policy will be subject of an early review in the context of a changing national planning policy position in this regard.

POLICY E 1, Employment sites

LTC acknowledges that at paragraph 3.39, Loughton has been identified as a key employment location.

The Plan is also clear as to EFDC’s preference to seek to protect employment land. However, given the demand for housing development, LTC comments that there appears to have been a failure to consider whether some low intensity employment sites could be earmarked for housing. For example, the Bridge Farm (Clintons) site, adjacent to Debden Station, would make an excellent site for a fairly high density residential use, but no mechanism for consideration of such a reclassification of use has been built into the process. This was suggested by LTC in the Regulation 18 process, but has not been taken forward in the Plan. A process that does not allow for the consideration and delivery of the optimum use of valuable town centre land is in our view defective.

For **soundness** LTC suggests a clause (iv) could be added to Policy E 1 stating ‘Proposals which result in the loss of employment use may be appropriate where there is evidence to support the loss of that employment use and where development will deliver high density residential use as part of a mixed-use development.’

Chapter 4 – DEVELOPMENT MANAGEMENT POLICIES

POLICY DM 6

LTC welcomes the recognition at paragraph 4.44 that ‘population growth expected over the Plan period will add to demand for space for all forms of recreation.’

At paragraph 4.45, the Plan also acknowledges that open space may take a variety of forms and, at 4.46, whilst the quality of existing open spaces varies, these open spaces should be conserved, enhanced and protected as appropriate.

We strongly support paragraph 4.52 which states “Communities are able to seek to designate, and thus protect, Local Green Space which is especially meaningful to a community, local in character and not extensive in size”.

However, the Plan does not state the mechanisms through which this might be pursued and the policy might be better for doing so.

LTC suggests that for **soundness** the policy should also recognise that there are sites currently being pursued through a variety of processes, for example Town and Village Green applications and that this should be acknowledged in the Plan, i.e. that sites going through a process of designation for open space or protection should not and cannot be identified as a development site in the Plan, as it cannot be known that they are available and deliverable in the Plan period.

Site LOU.R5 ‘Land at Jessel Green’ is one of a number of local sites submitted to Essex County Council in December 2013 for registration as a village green. These applications have been delayed by a legal issue, but the substantial evidence provided particularly for Jessel Green supports and justifies its designation now as a Local Green Space. This makes the inclusion of Jessel Green in the list of development sites for Loughton (Policy P 2 Loughton) a contradiction. **This site must be excluded from the plan to achieve consistency and soundness.**

Policy DM 2 A Epping Forest SAC

LTC believes that protection for Epping Forest should not be limited to that part of it contained within the SAC. Protection of those portions of the Legal Forest not contained within the SAC is just as important and, without such protection, the Policy is likely to be ineffective and unsound.

It could be made **sound** by adding after SAC in para A:

“the Forest as legally defined in the Epping Forest Act 1878 as later amended,

Paragraph 4.20 advises that ‘The Forest is currently assessed as being of ‘unfavourable status’ and states that concerns exist in relation to both increasing recreational use and air borne pollutants, including from traffic. The inclusion of site LOU.R5 for housing development will only add to the pressures on the Forest. Having established this position, Policy DM 2 needs strengthening to address this problem, in terms of defining acceptable levels and mitigation measures for its achievement and monitoring.

Paragraph 4.23 – This section recognises the need to provide confidence that new development “**does not result in any likely significant**” effects on the Forest. In doing so, the policy is identifying a likely problem, but the wording of the policy is insufficiently robust in defining the acceptable levels nor any certainty as to how these will be met. The policy therefore needs to go further in terms of defining and controlling this issue.

.Policy DM 7 Heritage Assets

In DM 7 C, the Local List is mentioned, but not how it is to be established and revised. The Heritage Asset Review, part of the Evidence Base, suggested the establishment of *areas of townscape merit*, in consultation with parish councils and amenity and heritage groups. This has been omitted. The policy is therefore incomplete, and to be sound, needs a commitment to designate ATMs included.

Further requirements for soundness; adding:

- i. a commitment to review the Local List on a five-yearly cycle with the parishes taking the lead; and
- ii. to review designation of new, and boundaries of existing, Conservation Areas on a similar cycle.

Policy DM9

There needs to be an explicit policy on the height of any new development in the District.

Policy D (i) building heights (Design Standards) needs to be strengthened in order to provide the certainty and clarity required for the pursuit of future development. “Positive relation” needs to be the subject of a clear definition in order that it is not liable to subjective interpretation in the pursuit of development. For example, a 9-storey building in an area of 2-storey houses might be thought by some to have a “positive relation”. The policy in its current form is therefore inconsistent and vague. There may suitably be inclusion of parameters of height or intention to undertake an assessment of suitable heights of development through more detailed levels of planning policy or guidance as appropriate.

The plan could be made consistent by adding after *heights* in D(i):

There should be no building significantly higher than the generality of its surroundings.

Policy DM 9 E (iii) is also ambiguous in reference to boundary treatments, some of which in the district have had deleterious effects by their obtrusive nature.

The ambiguity could be removed by adding in line 3 of E after ‘*development as a whole*’, (including intrusive boundary treatments).

Chapter 5 – PLACES

Policy P 2 Loughton

At paragraph 5.24, the Plan identifies the good transport connectivity in Loughton, through underground and bus routes. It is not clear as to whether the Plan adequately reflects the Infrastructure Delivery Plan in this regard, in terms of the future pressure on and improvements needed to the Central Line and the diminishing local bus services. This has been expanded upon in the representations made in relation to the Infrastructure Delivery Plan on page 4.

Paragraph 5.33 identifies that LOU.R5 would require a strategic masterplan for its delivery. It is our position that site R5 should be removed from the Plan. If it is not, any masterplan for the delivery of this development should be required to consider in greater detail the infrastructure (and in particular highways and transport infrastructure) which would be needed to facilitate this development and the timing of it, which would be vital in securing its future delivery and the sustainability of its impact.

LTC supports paragraph 5.38 which cross references the Infrastructure Delivery Plan and the need to ensure that the delivery of infrastructure is made early enough to ensure the delivery of sustainable development. However, we also draw attention to our previously stated reservations as to the Plan’s robustness in terms of delivery (see page 4) in the context of the required infrastructure.

Policy P 2 B(i) and (ii) (Station car parks)

LTC believes that achieving densities of the level stated for sites **LOU.R1 and R2** cannot be realised against the parameters set out in policy DM9 without excessive high-rise development.

LOU.R2 is referred to only as a station car park. This site currently provides employment land for a long-established vehicle hire firm, therefore it is suggested that this site could be identified for housing development, but in this context, it should be a condition that alternative accommodation for this business should be secured as part of this process. Any development of R2 should include a proper inter-modal transport interchange at Debden with full DDA accessibility.

Policy P 2 B(iv) – LTC reiterates its concerns in relation to delivery and reliance on infrastructure which is outside of the control of EFDC in order to achieve sustainable delivery of development.

Policy P 2 B(v) – LTC strongly objects to the inclusion of Residential Site LOU.R5, ‘Land at Jessel Green’ for the following reasons:

- a) The late and rushed publication of the Open Spaces Strategy in November 2017 is evidence that proper assessment of this site and the needs and well-being of the local community, one of the most deprived areas of the District, had not been properly taken into account when this site was originally included in the Draft Plan. This makes the Plan **unsound** without further consideration.
- b) No differentiation is made in the Plan between the development of vacant land in settlements and land which is dedicated to public use and enjoyment. This applies particularly to site LOU.R5 (Jessel Green). Jessel Green was selected as the central open space of the LCC Debden out-county estate in the original plans for the estate in the mid-1940s. It has been so held and maintained by the LCC, its successors, the GLC and EFDC, during the whole of that 70-year period. The Green is highly valued by the community, as public response to the consultation has proved, effectively being so held, maintained, and dedicated in trust to public use under the Open Spaces Act 1906. LTC maintains that EFDC is wrong in law to treat this public facility and amenity as mere vacant land, and that therefore the Plan is **unsound** in this respect.
- c) Site LOU.R5 is the subject of an ongoing Town and Village Green application referred to above on pages 3, Policy SP 6, and 7, Policy DM 6.
- d) Although Site LOU R5 had been identified in 2008 as a potential site, it was not included in the main Issues and Options consultation in 2013 following a challenge in 2008 in the EFDC Overview and Scrutiny Committee, and so residents were denied the opportunity to comment at that stage.

The Council considers the Plan could be made sound (insofar as its own area is concerned; there is one similar but not identical site in Chigwell) **by removing Site LOU.R5 from the Plan.**

Policy P 2 E – LTC agrees with a proportionate contribution from developers, but this should also be dependent on funding and support from other bodies. Development should not be identified or relied upon in the Plan to meet growth requirements, where these would be held up as a result of infrastructure delivery challenges, in terms of funding and/or timing and/or

where this may occur; alternative sites should be identified and/or an early review of the Plan should be scheduled to assess progress in this regard.

Policy P 2, I – with reference to the comments on air quality (see page 4), LTC supports this provision, subject to expansion of this clause to require a greater level of consideration to this matter to improve future air quality.

*Loughton Town Council
January 2018*