

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 29th January 2018 at 5pm. An electronic version of this 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 to: LDFconsult@eppingforestdc.gov.uk

BY 5pm on 29th 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

Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

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

PARISH COUNCIL

c) Landowner, or

d) Agent

Other organisation (please specify)

2. Personal Details

3. Agent's Details (if applicable)

Title	Mrs
First Name	Caroline
Last Name	Carroll
Job Title	PARISH CLERK, on behalf of:
Organisation	<u>THEYDON BOIS PARISH COUNCIL</u>
Address Line 1	Parish Office, Theydon Bois Village Hall
Line 2	Coppice Row
Line 3	Theydon Bois
Line 4	Essex
Post Code	CM16 7ER
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E-mail Address	parishclerk@theydon.org.uk

The following representation is submitted to Epping Forest District Council, in response to the Consultation on the Submission Version of the Epping Forest District Local Plan 2011-2033 (Regulation 19 publication), on behalf of **Theydon Bois Parish Council**.

Contact Details are c/o The Parish Clerk, at the address given above. (The representation consists of a total of 28 pages, as contained within a PDF).

Please acknowledge receipt of this Representation, which has been forwarded by both electronic copy (as emailed to LDFconsult@eppingforestdc.gov.uk) and hard copy (delivered to Planning Policy Team, EFDC at the Civic Offices, High Street, Epping, Essex CM16 4BZ).



Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

Introduction to PART B:

Theydon Bois Parish Council is a consultee on all planning applications proposed within our Parish. The Council meets fortnightly to consider applications before them and then makes recommendations to the District Council's Planning Department.

Currently, the Parish Council assesses each application with reference to the detailed Development Management Policies available within the current Local Plan. This enables a consistent approach to be taken, with reasoned arguments being made either for, or against, an application, backed up by the relevant planning policy.

With regard to the new Submission Version of the Local Plan, although the Parish Council sees no fundamental reason why the Plan should be found un-sound, we are deeply concerned over the lack of detailed Development Management Policies. We are strongly of the view that the failure to provide the detailed criteria and guidance for the various policies will lead to a much greater level of individual interpretation of the higher level policies, which ultimately will lead also to inconsistent decisions being made across the District. In turn, this would result in greater confusion between applicant and the Local Planning Authority and, consequently, to a greater number of planning appeals being made.

Our more detailed comments and concerns follow and we suggest modifications to the Development Management Policies accordingly. We note that many Local Authorities underpin their Management Policies with Supplementary Planning Documents and this would appear to be an appropriate way forward to provide the more detailed criteria and guidance necessary in this instance.

In addition, we have requested amendments to the Development Guidance under the Site Specific Requirements (Appendix 6), with respect to proposed allocations in Theydon Bois. The information in this Appendix has not been made available before, and the site analysis does not appear to have recorded some of the key features relating to each of the sites. To ensure consistency with the Appendix as a whole, we have drawn on the wording specifically used elsewhere in that document. (For ease of reference, our suggested modifications are underlined, and highlighted in red, as throughout Part B).

The Parish Council would be willing to participate in the Hearings, if it is deemed appropriate to do so, and would respectfully request to be advised of these nearer the time.

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

Part B – if necessary, please complete a separate Part B form for each representation

Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph Appendix 6 – Site Specific Requirements:

Development Guidance

Policy

Policies Map

Site Reference THYB.R1 - THYB.R2 - THYB.R3

Settlement Theydon Bois

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

a) Legally compliant

b) Sound NO

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

Positively prepared

Effective X

Justified X

Consistent with National Policy

c) Complies with the Duty to Co-operate

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 legal compliance, soundness of the Local Plan or compliance with the Duty to Co-operate, please also use this section to set out your comments:

See Response to Question 7. Amendments/modifications are suggested to address omissions in the site analysis, and are intended to bring about the more effective delivery of appropriately-designed housing on allocated sites.

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 Parish Council requests amendments to the Development Guidance under the Site Specific Requirements (Appendix 6), with respect to proposed allocations in Theydon Bois. The information in this Appendix has not been made available before, and the site analysis does not appear to have recorded some of the key features relating to each of the sites. To ensure consistency with the Appendix as a whole, we have drawn on the wording specifically used elsewhere in that document. (For ease of reference, our suggested modifications are underlined, and highlighted in red, as throughout Part B).

(A) THYB.R1 Land at Forest Drive

The site presently lies within the Green Belt and, as with all such sites, its allocation for housing is a sensitive issue, especially with local residents. However, whilst we note that some of the environmental aspects are referenced in the Guidance Notes, there are some notable omissions, which we wish to mention now.

To the western boundary of the site are a number of mature Oak trees that feature along the 'Oak Trail', promoted by the City of London Corporation, whose forest buffer lands lie further north, ascending Great Gregories Hill. The Parish Council is aware of the sensitivity of the immediate environs, which constitute a strong component in the green infrastructure of the locality.

It would, however, appear possible to integrate any new development on the site without adverse impact on the visual amenity afforded by these trees, provided that some consideration is given to this aspect during the design process.

Along the northern boundary of the site is an open watercourse, known locally as the crystal brook, which plays an important part in the surface water management of the area. It is clearly delineated in early field maps of 1915, and is thought to pre-date that period. As such it is a permanent landscape feature and will form the new defensible boundary within the Green Belt. It is also presently defined by native hedgerow on either side of its banks.

Retaining some element of this hedgerow and, in particular, the two Elm trees within it (mentioned in EFDC's '50 Favourite Trees': EFDC online, Evidence Base), would help to blend any newer development into the landscape setting of the site and wider environs.

We, therefore, believe that it would be both helpful, and justified, to include reference to the landscape character within the 'Development Guidance' and would suggest the following additions:

Suggested Text of the Guidance Notes - THYB.R1 Land at Forest Drive

Development Guidance

Flood Risk

The site has been identified as being at risk of surface water flooding. The design and layout of any development proposals should reduce the vulnerability and consequences of surface water flooding to the site and its surroundings. Development proposals should incorporate appropriate surface water drainage measures in order to achieve this.

Ecology

Development proposals will be required to make financial contributions to access management and monitoring of visitors to the Epping Forest Special Area of Conservation. Such contributions will be in accordance with the measures identified in the Action Plan developed and agreed with Natural England.

Trees

Development should take into consideration the amenity provided by the existing trees and hedgerow to the west, and north, of the site. Development proposals should seek to minimise their loss through sensitive layout.

Landscape Character

Development proposals should be carefully designed to minimise harm to the wider landscape taking into account the development's setting and the local landscape character. The design should minimise the impact on the landscape character by considering factors including layout, materials and external finishes.

On-site Constraints

The site is identified as being at risk of noise impacts due to its proximity to the London Underground Central Line. Development proposals should mitigate noise impacts through careful design and layout. This could include orientating built development away from areas most affected, providing planting and earthworks to provide screening, and/or ensuring noise-insulating building materials are used.

The site includes an existing permissive path, which runs from the south-west corner to the northern boundary of the site. Subject to discussion with Epping Forest District Council, who granted the right for the permissive path, development proposals should seek to integrate it within the development layout and maintain and where possible improve connectivity to the wider Public Rights of Way network.

Infrastructure

The site is identified as being within a 400m radius of a London Underground Station. To promote sustainable transport modes and encourage active transport, development proposals for residential development should limit the provision of on-site residents' car parking to that required to service the essential needs of the development. Provision should be made on-site for car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders. Contributions will be sought for implementing Controlled Parking Zones in the vicinity of the site.

Green Belt Boundary

An existing feature in the landscape should be used as the new defensible boundary to the Green Belt. As part of the development proposals the existing feature along the northern edge of the site will need to be strengthened.

(B) THYB.R2 Theydon Bois London Underground Car Park

Having noted that the design of any future proposal is to be considered and informed by the Quality Review Panel, we have no modifications to suggest to the Guidance Notes. However, we would mention that, in addition to The Bull Public House (mentioned in those Notes), the Station frontage, its adjoining house and cast iron bridge (which crosses the railway track) all date from the era of the original construction of the railway, which came to Theydon in 1865. These would appear to lie outside of the allocated site, but are also recognisable as a local landmark, being some of the earliest buildings in the evolution of the village. They form part of the historical heritage and character which we are keen to see preserved within the locality.

(C) THYB.R3 Land at Coppice Row

The site was not previously appraised in the Draft Local Plan, but we are aware that it had been put forward sometime in mid-2017. Whilst we have not had the opportunity to comment on its inclusion in the Submission Local Plan, the plot is located in the centre of the settlement and currently contains the residential curtilages of two detached bungalows.

However, not mentioned in the Development Guidance Notes is any recognition of its prominent siting overlooking the Village Green; Coppice Row being the main access route (B172) through Theydon Bois. At its heart lies the Avenue of Oak Trees, thought to date from the 1830's, and buildings in the vicinity are predominantly of traditional design and detailing.

Many of the Grade II Listed, and locally listed, buildings of architectural and historical merit are also dispersed around the Green which, in the 'Heritage Asset Review': DPP 2012 (included in the Evidence Base), has been considered suitable for further appraisal as a

possible Conservation Area, being one of only two new potential sites within the District referenced in that document.

In order to secure a high standard of design for the apartments now constructed on the opposite corner (known as Pavilion Court), the Parish Council entered into extensive discussion and consultation with the developer.

We are, therefore, of the view that some indication of the importance of the design, scale and detailing of any development proposals would be justified for inclusion in the Guidance Notes, and may assist in bringing about a successful outcome on this site.

We would respectfully request that the 'Development Guidance' is modified to include a brief reference to this important aspect, as suggested below:

Suggested text of the Guidance Notes - THYB.R3 Land at Coppice Row

Development Guidance

Ecology

Development proposals will be required to make financial contributions to access management and monitoring of visitors to the Epping Forest Special Area of Conservation. Such contributions will be in accordance with the measures identified in the Action Plan developed and agreed with Natural England.

Design

The prominent corner location of this site means that development is likely to impact upon the character of settlement. Development proposals should protect or enhance the character of the area and amenity of nearby existing development. The design should take into consideration aspects including layout and extent, development form, levels, density, height, scale, massing and materials.

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

YES, we wish to participate at the Hearings

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

To provide clarification, and any further supporting evidence, with respect to the reasoning put forward, as appropriate.

(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).

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

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

Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph 'Vision for the District' and 'Local Plan Objectives'

Policy

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound **NO**

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

Positively prepared

Effective **X**

Justified **X**

Consistent with National Policy

c) Complies with the Duty to Co-operate

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 legal compliance, soundness of the Local Plan or compliance with the Duty to Co-operate, please also use this section to set out your comments:

See Response to Question 7. Amendments/modifications are suggested to ensure that the objectives of Strategic Policy SP 7 are incorporated into both the 'Vision' and

the 'Objectives', to strengthen accord between these elements of the Submission Version of the Local Plan.

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.

'Vision for the District' and 'Local Plan Objectives'

The National Planning Policy Framework ('NPPF') identifies three dimensions to sustainable development: Economic, Social and Environmental, which are deemed to be mutually dependent. Therefore, it is reasonable to anticipate that in formulating a new Local Development Plan, the 'Vision for the District' and the 'Objectives of the Local Plan' should reflect how the policies within it will contribute to the achievement of sustainable development.

One concern that the Parish Council wishes to raise is that, whilst the **Strategic Policy SP 7** references the protection and enhancement of the natural environment and the landscape character, together with improvements to the District's green and blue Infrastructure, there is nothing that directly reflects the importance of these aspects in either the 'Vision', or the 'Objectives'.

As a Strategic Policy, we are of the view that some of its objectives should be incorporated into the above sections, given the extent to which the District is primarily characterised by the extent of its green environs and the natural landscape, which also provides the setting for many of its settlements. Epping Forest and the Lea Valley Regional Park, together with designated Wildlife Sites, are important components, but it is the wider landscape character that typifies the District.

We would, therefore, respectfully suggest that some additional wording is incorporated to reflect the above, to ensure consistency between the 'Vision', the 'Objectives' and the Strategic Policies.

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

YES, we wish to participate at the Hearings

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

To provide clarification, and any further supporting evidence, with respect to the reasoning put forward, as appropriate.

(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).

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Part B – if necessary, please complete a separate Part B form for each representation

Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph

Policy

DM 3 – Landscape Character, Ancient Landscapes etc

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound

NO

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

Positively prepared

Effective

X

Justified

X

Consistent with National Policy

c) Complies with the Duty to Co-operate

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 legal compliance, soundness of the Local Plan or compliance with the Duty to Co-operate, please also use this section to set out your comments:

See Response to Question 7. Amendments/modifications are suggested to address omissions in the wording of the policy, to ensure clarity and the effective delivery of the policy objectives within the Local Plan.

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.

Development Management Policies

DM 3 Landscape Character, Ancient Landscapes and Geodiversity

The objectives of this policy are strongly supported by the Parish Council. Whilst Green Belt is a policy designation that seeks to retain the openness of the surrounding countryside, it is the landscape character which defines the setting of many of the settlements within the District. The relationship between the two policies, serves to ensure the preservation, and enhancement, of the natural environment. The text contained within the 'Approach' is particularly positive in recognising the significance of retaining the intrinsic value of landscapes that, once lost, would be gone forever.

Our only concern is that much of the understanding of the importance of these policies is contained within the supporting text, but not called out in more detail in Policy **DM 3** itself.

By comparison, EFDC's Current Local Plan includes further detail on the aspects of development that could assist in land management, whilst policy LL3 called out the particular sensitivity of development on the edge of settlement, where the design and/or density of such could adversely affect the landscape setting.

We have seen a number of Appeals determined with respect to this particular aspect, and feel that some further guidance, recognising the importance of 'edge of settlement locations', should be incorporated, either within this policy or that of DM 9, High Quality Design.

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

YES, we wish to participate at the Hearings

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

To provide clarification, and any further supporting evidence, with respect to the reasoning put forward, as appropriate.

(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).

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

Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph

Policy **DM 4 – Green Belt**

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound **NO**

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

Positively prepared

Effective **X**

Justified **X**

Consistent with National Policy

c) Complies with the Duty to Co-operate

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 legal compliance, soundness of the Local Plan or compliance with the Duty to Co-operate, please also use this section to set out your comments:

See Response to Question 7. Amendments/modifications are suggested to address omissions in the wording of the policy, to ensure clarity and the effective delivery of the policy objectives within the Local Plan.

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.

DM 4 Green Belt

During the time of the Public Consultation on the Draft Local Plan (in the autumn of 2016), the Parish Council raised concern with respect to a number of aspects, including the lack of detailed Green Belt Policies. At that stage, the only reference to this provision was that now under Policy SP 6, which included the assertion, as in the present Submission Plan, that “the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy”. Policy DM 4 is new to this Submission Version of the Plan.

As this is the first occasion on which we have viewed the ‘new’ policy, we observe that, on an initial reading, most of what is contained within appears to be taken, almost directly, from the National Planning Policy Framework (‘NPPF’), being paragraphs 80, 89, 90 of that document, together with a re-working of paragraph 87, but excluding the assertion that “inappropriate development is, by definition, harmful to the Green Belt”.

We understand that the NPPF sets out the parameters under which Local Authorities should construct policies within their own Local Plan (and with which they need to be compliant), so providing “a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the need and priorities of their communities”. (Introduction, NPPF). However, Government Guidance also states that “there should be no need to reiterate policies that are already set out in the NPPF” (Paragraph: 010 : Preparing a Local Plan, PPG – Ministry of Housing, Communities and Local Government, 19th May 2016).

With some 92% of the District said to remain within the policy designation of the Green Belt, during the Plan period to 2033, this is clearly an area of Planning Policy that is likely to be raised on many occasions with respect to planning applications proposed outside the urban environment, and on the rural fringes at the edge of settlements, especially where ‘inappropriate development’ could result in encroachment into the countryside.

Whilst it is accepted that the Local Plan is a strategic document, it still needs to be able to provide certainty and understanding, in order to be accessible to developers, residents, community groups, and elected bodies, such as Parish Councils, through the inclusion of detailed development management policies. We believe that such policies should also delineate how, in this instance, Green Belt policy will be applied at the Local Plan level, with clear guidance on the relevant assessment criteria to be used, especially by the decision-

maker when weighing the respective merits of each application during the determination process.

Changing some of the wording of the NPPF and annotating it as a 'Local Plan Policy' would not appear to fulfil this purpose, and we can see no reason as to why this should be done. It doesn't advance the understanding of the original text and we think it unusual to make amendments to the Framework in this way.

For instance, under DM 4 C (v), why has 'villages' been exchanged for 'smaller settlements' ? The NPPF repeatedly refers to 'villages'. Why have the allusions to '(brownfield land)' and '(excluding temporary buildings)' been removed from DM 4 C (vi) ? With respect to DM 4 D, paragraph 90 of the NPPF uses the preferred syntax "Certain other forms of development are also *not inappropriate* in the Green Belt provided that ..." and we cannot see why this should be changed.

With respect to the reasoning, under 4.34, for the District Council not including any definitions as to what may be deemed "disproportionate" or "material larger", it is not anticipated that these would require specific measurements as such, but some indication of the assessment criteria would be helpful.

The Current Local Plan alludes to the calculation of volume, but it is also recognised that other physical dimensions could have a bearing on the quantum and extent of development. Consideration of any significant increase in volume, however, does allow for assessment of an additional basement floor, when proposed as part of an application. On occasions where such additions are extensive, we have seen Planning Inspectors factor these into their evaluation, with respect to the terms mentioned above.

From the reference to "... since they would depend on the characteristics of the site locality", we perceive that these are more likely to be factors that would affect consideration of the impact of the proposal on the openness of the Green Belt - rather than delineate whether an extension is "disproportionate" in relation to size, or a new building "materially larger" than the one it replaces.

The addition of a definition for 'limited infilling', however, is welcomed, as is the recognition that such development should also not adversely impact on the character of the countryside or the local environment.

Which raises another, and perhaps, fundamental aspect, with respect to what might reasonably, and justifiably, be included within policies that seek to effectively preserve the openness of the Green Belt.

EFDC's Current Local Plan (of 1998, with alterations of 2006) goes further in the application of policy to include reference to other forms of 'development' that are also likely to be deemed harmful to openness. Whilst the wording of these policies was clearly going to require updating after the introduction of the NPPF, in 2012, the majority were found to be compliant with the NPPF, as detailed in a report to the Local Plan Cabinet Committee in March 2013. Some of the basic understanding contained within those policies could have been incorporated into any revised Local Plan policies.

The element felt by ourselves to be particularly important, relates to the understanding of the concept of 'openness' which, as called out in a number of recent Court Decisions, has both a spatial, or physical, aspect as well as a visual aspect.

To this end, the earlier policies included those which addressed a number of associated factors, expanding on 'inappropriate' development by consideration of such elements as conspicuous development, and extensions to residential curtilages, whilst the change of use of a building also took into account whether that use, or any intensification of it, would have an adverse impact.

Each of these aspects draws on considerations that we, as a Parish Council, have needed to address when applications on the Green Belt have been put before us for consideration. We may only be interested parties in this process, but we do endeavour to be consistent in our appraisals and draw on Local Plan policies to support our argument.

We are familiar with Chapter 9 of the NPPF, but have looked to Epping Forest District Council to provide clearer, more detailed, Green Belt policies within the Local Plan that are compliant with it. We are concerned that, without some guidance, inconsistencies could arise when decisions are made at District level. Could this, perhaps, be provided by way of a Supplementary Planning Document, an approach successfully incorporated into Local Development Plans by some other Local Authorities ?

In conclusion, we see no justification for making minor alterations to the wording of the NPPF, in the way presently shown under DM 4, nor, presently, for the exclusion of all other policies, and relevant criteria, that would assist in determining how the objective of preserving the openness of the Green Belt will be achieved within this District.

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

YES, we wish to participate at the Hearings

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

To provide clarification, and any further supporting evidence, with respect to the reasoning put forward, as appropriate.

(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).

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

Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph

Policy DM 5 - Green Infrastructure, DM 6 - Open Spaces

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound **NO**

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

Positively prepared

Effective **X**

Justified **X**

Consistent with National Policy

c) Complies with the Duty to Co-operate

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 legal compliance, soundness of the Local Plan or compliance with the Duty to Co-operate, please also use this section to set out your comments:

See Response to Question 7. Further consideration should be given in the Evidence Base to more detailed assessment of the amenity value of accessible open space and green infrastructure, to secure effective delivery of well-integrated development.

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.

DM 5 Green and Blue Infrastructure

The Parish Council is strongly supportive of the new policies relating to Green and Blue Infrastructure, which are an important component within the natural landscape setting of Theydon Bois. However, the open access to the countryside which this policy promotes is not entirely unrelated to the following policy, DM 6, on which we wish to make further comment.

DM 6 Designated and Undesignated Open Spaces

We note the change of wording from the Draft Local Plan, under DM 6 B (from “total loss” to “net loss”) but access to “alternative open space within a settlement” may not recognise the importance of the essential character or visual amenity of a specific area, or how it is actually utilised, and by whom.

The ‘Open Space Strategy’ (4Global), which is new to the Evidence Base of this Submission Local Plan, has been deduced from a high level quantitative and qualitative assessment, which does not entirely reflect how such open spaces are, in fact, used by residents. Within Theydon Bois, the ‘open spaces’ most often frequented include the natural green environs at the edge of the settlement, accessed by public footpaths and permissive rights of way, in addition to the ‘amenity greenspace’ of the Village Green, and the ‘natural greenspace’ of Epping Forest.

Notably, under the ‘Quantitative Analysis of Natural and Semi-Natural Green Space, by Settlement’, the statistical data records the entire acreage of Epping Forest, where it falls within the Parish boundary, together with the land planted by the Woodland Trust, adjacent to the M11. However, the latter is some distance from the built settlement of Theydon Bois itself, and well beyond that which most residents choose to walk. Open space provision invariably needs to be sited closer to the residential environment to sustain a good level of amenity use.

Councillors noted, therefore, that both the Policy, and the Strategy, do not fully assess the importance of how a particular ‘open space’ is used by the community, or how it is effectively accessed. As with other towns and villages within the District, each open space has its own character and its own importance to those who identify with it.

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Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph

Policy **DM 7 – Heritage Assets**

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound **NO**

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

Positively prepared

Effective **X**

Justified **X**

Consistent with National Policy

c) Complies with the Duty to Co-operate

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 legal compliance, soundness of the Local Plan or compliance with the Duty to Co-operate, please also use this section to set out your comments:

See Response to Question 7. Amendments/modifications are suggested to address omissions in the wording of the policy, to ensure clarity and the effective delivery of the policy objectives within the Local Plan.

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DM 7 Heritage Assets

Our main concern with respect to this policy, relates primarily to the supporting text which, under 4.59, refers to 'designated assets' and 'non designated assets', but does not appear to include, or make provision for, Protected Lanes – to which there are no less than nine references in the Evidence Base document 'Epping Forest District Historic Characterisation Study (Essex County Council, 2015)'.

The Coopersale Lane, which lies in the rural landscape to the east beyond the settlement boundary, is one such example; these lanes being primarily heritage assets of the natural environment. We believe this conservation policy has been in place in Essex since the 1970s.

The Current Local Plan (of 1998, with alterations of 2006) specifically includes reference under Policy HC4 (Heritage Conservation), where EFDC has previously sought to discourage development that could be detrimental to the historic or landscape character of these lanes.

Although a minor amendment, we would wish to see that 'Protected Lanes' are also referenced under paragraph 4.59 of the supporting text, to ensure that these are acknowledged and afforded the appropriate level of conservation.

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

YES, we wish to participate at the Hearings

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

To provide clarification, and any further supporting evidence, with respect to the reasoning put forward, as appropriate.

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4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph

Policy **DM 9 – High Quality Design (and DM10)**

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound **NO**

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

Positively prepared

Effective **X**

Justified **X**

Consistent with National Policy

c) Complies with the Duty to Co-operate

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DM 9 High Quality Design

This policy replaces those in the Current Local Plan (of 1998, with alterations of 2006) which were included under the section: 'Design in the Built Environment'.

However, it is not as detailed and some of the key elements have been lost, including reference to design within the Green Belt, which was required to respect the wider landscape setting of the site and the more vernacular character of buildings traditionally associated with rural locations. Dwellings of a singularly urban design can adversely impact upon the visual openness to an intrusive degree.

In addition, the former policy DBE6 recognised the importance of not allowing car parking for new residential developments (in any environment) to visually dominate the streetscene – a policy which the Parish Council has seen successfully upheld at Appeal.

Of further concern is Policy DM 9 J, which sets the standard for the preservation of neighbour amenity at no more than 'adequate'. The NPPF sets a more positive aspiration for "the achievement of high quality design" (Paragraph 57) and it would seem reasonable to require 'good' levels of amenity to be secured in all new developments as part of the assessment criteria. We would suggest that the wording is amended accordingly.

We also cannot locate a policy that would set a standard for the provision of 'private amenity space', either to be provided with a new residential development, or retained within one which is subject to extension or the creation of additional dwelling units, as was previously included under DBE8.

The Parish Council was given to understand that Epping Forest District Council was to consider adopting its own 'Design Guide', in preference to the existing 'Essex Design Guide' (2005), which presently forms part of the District Council's Supplementary Planning Documents. Is this still the intention ?

In the light of the above omissions in some of the important criteria, we would be of the view that an illustrated, and comprehensive, Design Guide would be of assistance to all of those involved in the planning process.

As a Parish Council, the first policies that we invariably need to consider when viewing new planning applications are those relating to Design. We cannot emphasise strongly enough the importance of securing public confidence in the quality of the built environment, its integration with the wider landscape setting and its respect for the amenity of all existing, and future, residents.

DM 10 Housing Design and Quality

Would Policy **DM 10 E** (Residential Extensions), which primarily relates to external design aspects, be more appropriate for inclusion under **DM 9**, rather than within this section ?

As noted previously, under **DM 10**, this policy affords no guidance on standards for quantitative or qualitative provision of private amenity space. How will standards be applied in this regard ?

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4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph

Policy **DM 12 – Subterranean, Basement Development etc**

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound **NO**

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

Positively prepared

Effective **X**

Justified **X**

Consistent with National Policy

c) Complies with the Duty to Co-operate

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DM 12 Subterranean, Basement Development and Lightwells

Whilst the introduction of new policies, to secure criteria for ascertaining the structural stability of buildings proposed to be extended and the protection of the amenity of neighbouring properties, is viewed by the Parish Council as an important addition to the management of such developments, significant concern is raised with respect to **DM 12 B (ii)**.

Whilst this does not necessarily imply that the full remit of the quoted size will be utilised in a development, the Parish Council feels that 50% of 'each' garden area within the curtilage of the property could result in a basement extending from all sides of a building and, if quantified solely in relation to the 'garden' area, could well multiply the size and volume of that building many times over. We believe this would be excessive. It would seem more appropriate that dimensions should relate to the curtilage of the building itself, rather than to the entire extent of the residential curtilage/private amenity space.

With respect to Policy **DM 12 G**, further consideration should be given to the third and fourth bullet points of Paragraph 89 of the NPPF, with respect to "disproportionate additions over and above the size of the original building", and the replacement of a building "not materially larger than the one it replaces", since Green Belt policy recognises both the spatial, as well as the visual, aspects of 'openness'.

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YES, we wish to participate at the Hearings

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

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4. To which part of the Submission Version of the Local Plan does this representation relate ?

Paragraph

Policy **H 1 – Housing Mix and Accommodation Types**

Policies Map

Site Reference

Settlement

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

a) Legally compliant

b) Sound **NO**

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

Positively prepared

Effective **X**

Justified **X**

Consistent with National Policy

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H 1 Housing Mix and Accommodation Types

The Parish Council broadly welcomes the Housing Policy, in particular the recognition of the significance that bungalows play in providing a balanced dwelling mix to meet the needs of the different settlements.

Theydon Bois has an ageing population and currently has a large number of family homes being occupied by one person of pensionable age. It is anticipated that a number of these people would like to downsize but, due to lack of suitable properties, this has not been possible. Theydon Bois has consistently seen its stock of bungalows eroded, either by demolition and replacement by larger homes or by excessive extensions.

Overall, however, the Parish Council believes that more detailed guidance is required to provide clarity and assistance in the management of day-to-day planning applications.

We would suggest that a Supplementary Planning Document is required to provide the more detailed principles of development, which should be applied across a range of housing types, in order to achieve a high standard of accommodation that also respects the amenities of neighbouring properties and the area in which the development is located.

Examples of where more detailed guidance is required include:

Ancillary accommodation : the design of ancillary residential extensions such as 'granny annexes'

Residential sub-division of dwellings

Specialist housing

Conversions

Self-build and custom-build housing

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

YES, we wish to participate at the Hearings

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

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(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:

YES Contact details for the Parish Council are provided below

11. Have you attached any documents with this representation ?

YES An 'Introduction' has been included within this document, which is to be read in conjunction with all Representations made in Form B.

Signature: The Parish Clerk, Theydon Bois Parish Council Date: 29th January 2018

Representation by Theydon Bois Parish Council

Parish Office, Village Hall, Coppice Row, Theydon Bois, Essex CM16 7ER

Email: parishclerk@theydon.org.uk