



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

This form should be used to make representations on the Submission Version of the Epping Forest District Local Plan which has been published. Please complete and return by 29 January 2018 at 5pm. An electronic version of the form is available at <http://www.efdclocalplan.org/>

Please refer to the guidance notes available before completing this form.

Please return any representations to: Planning Policy, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ

Or email them to: LDFconsult@eppingforestdc.gov.uk

BY 5pm on 29 January 2018

This form has two parts –

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Please attach any documents you wish to submit with your representation

Part A

1. Are you making this representation as? (Please tick as appropriate)

a) Resident or Member of the General Public or

b) Statutory Consultee, Local Authority of Town and Parish Council or

c) Landowner or

d) Agent

Other Organisation (please specify)

2. Personal Details

Title
Mr and Mrs
Mrs

First Name
Derek and Susan
Muriel

Last Name
Scofield
Marshall

Job Title
(where relevant)

Organisation
(where relevant)

Address Line 1
c/o agent

Line 2

Line 3

Line 4

Post Code

Telephone
Number

E-mail Address

3. Agents Details (if applicable)

Mrs

Francesca

Hill

Sworders

The Gatehouse

Hadham Hall

Little Hadham

Ware

SG11 2EB

01279 771188

Francesca.hill@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 is made on behalf of the landowners of Old Forge Nursey, Water Lane, Tylers Cross and Woodley, Water Lane, Tylers Cross (see attached site plan ref: 218013 Dwg 002 Site Plan) which is included as part of the proposed the Water Lane Area Garden Town Community allocation which is designated for approximately 2100 homes and 0.5 ha for up to 5 traveller pitches.

Whilst the landowners support the allocation of the site and confirm that it is available immediately for residential development, this representation relates specifically to some of the details contained in Policy SP5.

In order to support the delivery of the site, the intention is to provide more evidence, which can be provided at Hearing Statement stage.

These representations comprise our full case based on the evidence currently available. However, we request to reserve our right to comment further at the hearings stage, on any currently unpublished supporting documents, in the event that it contains new information that we have not previously had the opportunity to comment upon.

Our client's site is in a sustainable location and can be directly accessed off Water Lane. We are confident that it could be deliverable both alone and in conjunction with the neighbouring sites in the strategic Masterplan area and Water Lane. The site can be master planned and designed to minimise impact on the Green Belt and local landscape, to allow for any on-site constraints identified through the Site Selection Report 2016 (such as flooding or drainage, heritage, ecology, trees, contamination, archaeology etc) can be appropriately mitigated. Detailed survey work addressing any constraints and a masterplan can be provided with the hearing statement if required to support the allocation.

It is understood that the technical site-specific appendices for the updated Site selection Report (December 2017) are due to be published, however, these are not currently available. We therefore request to reserve our right to comment further at the hearings stage, once the technical site-specific appendices have been published as these could contain new information.

Part A

Part A summarises the type of development each of the three Garden Town Communities is expected to deliver which, in addition to providing a significant number of homes, requires the provision of up to 0.5 hectares for up to 5 Traveller pitches.

We acknowledge the LPA should accommodate travellers in the most suitable place with access to health care, education and other services as set out in Policy SP2.D. furthermore, policy H4 sets out where traveller site development should be set out and part B takes into account the "the impact on local amenity and the natural and historic environment" and "the compatibility of the proposed use with surrounding land uses including potential disturbance from vehicular movements, and on-site business activities" and "the potential for successful integration between travelling and settled communities".

We object however to the requirement for the Garden Town Communities to provide land for Traveller pitches on the basis that there is currently no evidence to support or justify the suitability of these locations for new traveller provision. Indeed, paragraph 3.25 of the submission Plan advises that that 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.

Part C

We are generally supportive of the principle of providing infrastructure 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.

We object to the requirement to accord with the IDP, and specifically the wording "in accordance with the Infrastructure Delivery Plan."

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 that part B requires.

The status of the IDP is not clear, nor whether it is intended to be updated prior to the Examination.

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

Moreover, the requirement to accord with it 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 a critical 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, in many cases the IDP is awaiting for further information from consultees regarding the form of provision required, eg financial contribution versus a facility. This results in a degree of uncertainty could have significant implications on the layout of each area the ability for a strategic masterplan to be produced and ultimately on the timely delivery of development. To provide the necessary certainty regarding what each area is expected to provide, the key infrastructure requirements any infrastructure requirements should be contained in the Local Plan itself.

Part D

We agree in principle that each Garden Town Community should be holistically and comprehensively planned our clients have confirmed they would be willing to work with other landowners to deliver this. They are committed to master planning and designing a development in line with the principles set out in Policy SP4 that can be brought forward promptly, if released from the Green Belt.

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

However, we have concerns regarding the specific wording of this part of the policy. (vii) does not set out what the position would be if agreement cannot be reached or if the Council does not endorse the strategic masterplan. 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.

Part E

We agree in principle that each Garden Town Community should reflect the place shaping and Garden Town principles set out in Policy SP3 and SP4 (subject to the suggested amended). However, we object to the requirement to demonstrate they have been adhered to. This is unduly restrictive and places a policy burden on sites which could threaten the viability of the development. This is inconsistent with Paragraph 173 of the NPPF.

Part G: Water Lane Area

Introduction

We object to the requirement for the Water Lane Area to come forward on a phased development. This wording is unjustified, is unduly restrictive and will result in the unnecessary delay in the delivery of housing.

NPPF Paragraph 47, bullet point 2 requires that Local Authorities must show a five year supply of deliverable housing land, with a buffer of 5%. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

Notwithstanding the fact that that delivery has been less than the full OAN since 2011 which could constitute 'persistent under-delivery' therefore requiring the application of a 20% buffer, the shortfall arising in the pre-Plan period against the full OAN amounts to 2099 dwellings and this shortfall is substantial. NPPG 3-035-20140306 states that the shortfall should be met in the first five years of the plan 'if possible'.

The Housing Implementation Strategy (HIS) provides (paragraph 2.11) three reasons why this is not considered possible, which includes:

1. Allocating more sites which are deliverable in the first five years would be at the expense of larger strategic site allocations.

The LPA's housing trajectory at Appendix 5 of the Submission assumes that the delivery of sites subject to Strategic Masterplan requirements will start in 2021/ 2022. This assumes as set out in Figure 2.1 of the Submission Plan that Strategic Masterplans and Design Codes will be in place prior to the adoption of the Plan and the subsequent outline applications will be determined in 2019. This trajectory could be considered optimistic and the delivery of houses on these sites could be further delayed by the unnecessary requirement to phase development.

Water Lane Area is somewhat unique in that it has three distinct areas which are physically separated, all of which have their own access requirements and are therefore capable of being delivered independently without the need to phase development across the whole Water Lane Area. The southern section is separated from the rest of the masterplan area by a tranche of land (shown white) which the landowners have confirmed is unavailable for development, whilst the middle triangular section is separated from the largest northern area by Water Lane.

Therefore whilst we support in principle the provision of a strategic masterplan to establish the approximate location of key infrastructure, services and facilities and to set the design principles for the whole area, each of the smaller areas described above could be delivered independently. This would enable housing to be delivered on parts of the Water Lane Area in tandem, at a faster rate than would be the case if the wider development was phased.

In the case of the smallest, middle segment, its size and characteristics would enable it to be brought forward in the earlier part of the plan whilst still following the design principles for the wider Water Lane Garden Town Community, providing the necessary infrastructure for the immediate site and making appropriate contributions to the necessary infrastructure for the wider strategic masterplan area. Our clients who own approximately of 48% of the land allocated for housing in this middle segment have confirmed they would be willing to work with other neighbouring landowners to deliver a cohesive and comprehensive scheme for this part of the Water Lane Area.

(ii)

Part A summarises the type of development each of the three Garden Town Communities is expected to deliver which, in addition to providing a significant number of homes, requires the provision of up to 0.5 hectares for up to 5 Traveller pitches.

We acknowledge the LPA should accommodate travellers in the most suitable place with access to health care, education and other services as set out in Policy SP2.D. furthermore, policy H4 sets out where traveller site development should be set out and part B takes into account the “the impact on local amenity and the natural and historic environment” and “the compatibility of the proposed use with surrounding land uses including potential disturbance from vehicular movements, and on-site business activities” and “the potential for successful integration between travelling and settled communities”.

We object however to the requirement for the Garden Town Communities to provide land for Traveller pitches on the basis that there is currently no evidence to support or justify the suitability of these locations for new traveller provision. Indeed, paragraph 3.25 of the submission Plan advises that that 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.

(ix)

Whilst we support the principle of providing infrastructure 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, we object to the wording of this part of the policy which suggests that the highway and transport improvements must be provided by the development to make the development acceptable. The improvements listed relate to junctions and roads that fall outside both the masterplan area and Epping Forest District and therefore whilst it may be appropriate to contribute towards these improvements the development cannot be expected to provide them.

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.

Part A: Remove the requirement of 0.5ha for up to 5 Traveller pitches for each Garden Town Community

Part C: Amend wording “in accordance with” to “having regard for”

Part D: Inclusion of the wording “Where a Strategic Masterplan is absent, development proposals in relation to the Garden Communities in the Harlow and Gilston Garden Town 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 SP4, as appropriate to the scale of development proposed.”

Part E: Remove “and demonstrate that” and “have been adhered to”

Part G Introduction: Remove words “on a phased basis”

Part G (ii): Remove requirement for 0.5 hectares for up to 5 Traveller pitches

Part G (ix): add “Contributions towards”

These modifications are required to ensure that Policy is effective, justified and consistent with national policy as required by paragraph 182 of the NPPF

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

December 2017

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

The objections raised relate to significant issues which would be most appropriately discussed at the oral hearing and cannot be dealt with satisfactorily through written representations alone.

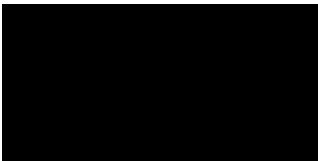
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination (Please tick)

Yes No

11. Have you attached any documents with this representation?

Yes No

Signature: 

Date: