

**RPS**

## **Planning Statement**

In respect of

Land East of Central Line/North of  
Abridge Road (including the Old  
Foresters Site), Theydon Bois

On behalf of

CK Property Theydon Bois Ltd

RPS Ref: DS/jm/JLN0243

January 2018

*Secure & Stable*  
ADDING VALUE

# QUALITY MANAGEMENT

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Date:	<b>January 2018</b>
Project Number/Document Reference:	<b>JLN0243</b>

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# 1 INTRODUCTION

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- 1.1 This statement has been produced in support of a representation made to Epping Forest District Council in response to the Epping Forest District Local Plan – Submission Version 2017. This statement relates to Land East of Central Line/North of Abridge Road (including the Old Foresters site), Theydon Bois (the representation site).
- 1.2 The representation site adjoins the settlement of Theydon Bois and significantly is immediately adjacent to Theydon Bois underground station. The representation site is promoted by CK Property Theydon Bois Limited, who are the site owners. The size of the representation site is approximately 6.9 hectares (17 acres) in total. The precise extent of the representation site is shown on the red line plan, ref: RPS/TBA.
- 1.3 The representation site is currently in the Metropolitan Green Belt. By way of this representation, it is requested that the site be released from the Green Belt and allocated as a housing site. The representation site was previously included as a housing allocation in the Draft Consultation Plan 2016 (see Draft Policy P8 – Theydon Bois, Site SR-0026B). The site was allocated for approximately 133 homes.
- 1.4 The representation site is the most sustainable of any Green Belt location considered in the Local Plan process. Notably, the site is immediately adjacent to an underground station and well related to shops and services within Theydon Bois.
- 1.5 It is considered that the Submission Version of the Local Plan is unsound. The reason being that the Plan is not consistent with national policy, in so far as insufficient provision is made for housing over the plan period. Additionally, the Plan provides an unbalanced distribution of allocated housing sites between settlements. In order to make the Plan sound, additional sites, in sustainable locations, should be allocated for housing, notably in Theydon Bois. The representation site is in a sustainable location and is suitable for residential development for reasons set out in this statement.

## 2 HOUSING PROVISION

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- 2.1 The Draft Local Plan sets out planning policies and land allocations for Epping Forest District up to the year 2033. Notably, the Local Plan seeks to allocate sufficient housing land in the district to accommodate requirements for the next 15 years.
- 2.2 Epping Forest District Council, along with other local authorities in Essex, have undertaken work in relation to population, household and job growth forecasts, so as to assist decision making on new housing targets. Notably, the relevant authorities have worked together to produce a technical document, known as the Strategic Housing Market Assessment (SHMA). The most recent of which was published in July 2017. Based on the SHMA, the housing requirement in Epping Forest is for 11,400 homes over the Plan period 2011-2033. Accordingly, Policy SP2 of the Submission Version of the Plan seeks to provide a 'minimum' of 11,400 new homes.
- 2.3 By its nature, providing for an increase in sites to accommodate this level of housing in Epping Forest is extremely challenging. As recognised in paragraph 1.23 of the Draft Plan, the district is largely rural and over 92% of land is currently designated as Green Belt. Furthermore, and in addition, large parts of the district are either designated as "Forest" or fall within a flood plain. Accordingly, it has been accepted by the District Council for some time, as reflected by the Draft Local Plan, that it is necessary to release Green Belt land adjoining settlements in order to accommodate housing requirements.
- 2.4 It is relevant to note that the Submission Version of the Plan reduces the number of housing allocations across the district and also significantly reduces housing allocations in Theydon Bois.
- 2.5 In terms of overall provision, leaving aside housing completions and planning permissions, the previous Consultation Draft of the Plan made provision for 11,290 new housing allocations in Policy SP2. However, the Submission Version only makes provision for 9,732 new homes in the new version of Policy SP2. In other words, there is a reduction of 1,558 homes between the two versions for the Plan. It is recognised that the Plan period is further on, but only 157 new homes have been constructed during the last year of the Plan.
- 2.6 A comparison of the respective versions of Appendix 5, which sets out housing projections, in the Consultation Draft and the Submission Version clearly demonstrate the reduction in housing numbers. The position as set out in the Consultation Draft 2016 was that the total supply of housing was 14,252 units (worked out on the basis of adding completions, sites with permission, windfall sites, strategic sites around Harlow and smaller allocations). The position as clear from the Submission Version of the Plan is that the total supply is 13,152. So in terms of total supply, there is a reduction in 1,100 units over the Plan period.
- 2.7 It is considered that the reduction in housing supply promoted by the new version of the Plan is inconsistent with national policy and indeed with the objective of Policy SP2 of the Local Plan, which is to provide for "minimum" of 11,400 new homes during the Plan period. Furthermore, reduction in the housing supply provides insufficient flexibility to respond to unanticipated changes in circumstances, including the unforeseen failure of sites to deliver as planned. It is for this reason it is considered that the Plan is unsound.

### 3 THEYDON BOIS

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- 3.1 The Draft Local Plan identifies a hierarchy of settlements in the district. This is based on the designation of towns, large villages, small villages and hamlets. The Draft Local Plan has prepared “visions and policies” for all settlements categorised as a town or a large village, as they represent the largest settlements within the district. Significantly and important to this representation, Theydon Bois is identified as a “large village”.
- 3.2 In light of the District’s pressing need for more housing, it is sensible to consider the potential of towns and large villages to accommodate an increase in housing. Indeed, it would be illogical not to do so.
- 3.3 Notwithstanding its designation as a large village, Theydon Bois is an obvious candidate to accommodate an increase in housing. One of the principal reasons being its location, adjacent to the London Underground Central Line. The Theydon Bois Underground station means that the village has direct and quick links into Central London. Accordingly, the village is highly sustainable, with regard to the public transport network. In summary, the merits of Theydon Bois in accommodating housing growth can be summarised as follows:
1. Central Line Underground Station
  2. Attractive parade of shops, offering local convenience retail
  3. Primary School
  4. A number of pubs and restaurants
- 3.4 Furthermore, Theydon Bois is relatively unconstrained in planning terms. Whilst like the rest of the District, land outside of the existing defined settlement boundary is Green Belt, it is not, for example, within the flood plain.
- 3.5 Notwithstanding the above, the Submission Version of the Plan allocates only 57 homes in Theydon Bois. This is a significant reduction compared to the Consultation Draft 2016, which made provision for 360 houses. The 57 homes allocation for Theydon Bois is now significantly less than any other town or large village in the district. Indeed, Theydon Bois now has a lower housing allocation than three defined “small villages” i.e. Rydon, Nazeing and Thornwood. But, each of these three villages is far worse served in terms of local facilities.
- 3.6 Whilst a number of other settlements in the district have reduced housing allocations, it is noteworthy that Theydon Bois has by far the largest percentage reduction, compared to that proposed in the Consultation Draft 2016 document. By way of illustration, the percentage provision, as compared to the Consultation Draft 2016 is as follows:
- Theydon Bois – 16%
  - Epping – 79%
  - Loughton – 85%

- North Weald Bassett – 66%
- Chigwell – 87%
- Nazeing – 55%

3.7 The low housing provision in Theydon Bois is illogical, especially in light of its sustainable location. Accordingly, it is considered that the Plan provides an unbalanced distribution of allocated housing sites between settlements. For this reason the Plan is unsound.

## 4 REPRESENTATION SITE

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### General

4.1 The representation site has particular merit, summarised as follows:-

1. Although the site is currently within the Metropolitan Green Belt, it is relatively unconstrained in planning terms. Notably, the site is beyond the defined Epping Forest, it is not subject to any landscape designation, nor any wildlife designation. Furthermore, the representation site does not include land within a conservation area or an SSSI. For information, the site is partially brownfield in that it contains foundations from old buildings.
2. The site immediately adjoins the built up area of Theydon Bois and is in a highly sustainable location. Notably, the site is immediately adjacent to Theydon Bois underground station, on the Central Line. Indeed, it is possible to make use of an existing footpath connection to the station. The ability of the representation site to provide direct access to the Underground station platform is a particular benefit. Additionally, the site is well served by buses, with a regular bus service being available on Abridge Road. Furthermore, the site is within close proximity to the village centre, including local shops, primary school and the village hall.
3. The site is able to benefit from an existing access point off Abridge Road (B172).
4. The site is large enough to provide for a range and mix of housing, plus provision of open space.
5. The ability of the representation site to meet the five 'purposes' of the Green Belt, as set out in the NPPF, is limited. For example, unlike land to the west of the Central Lane in Theydon Bois, the Green Belt in this location does not have a 'strategic' function in preventing neighbouring towns from merging into one another. Nor does the land preserve the setting and special character of an historic town. With suitable landscaping and boundary treatment, development on the representation site can be achieved so as to avoid unrestrictive sprawl. Consequently, release of the site from the Green Belt will not materially harm the function and purpose of the Metropolitan Green Belt in this part of the District.

### Arup Report on Site Selection

4.2 Analysis of the work undertaken by Arup (September 2016 report) highlights the suitability of the representation site. As set out in the Arup assessment (site reference: SR-0026B), the points in favour of development of the representation site are as follows:-

**1.1 – Impact on Internationally Protected Species** – effects of allocating the site for the proposed uses are not likely to be significant alone but should be checked for in-combination effects.

**1.2 – Impact on Nationally Protected Species** – based on the impact risk zones, there is no requirement to consult Natural England because the proposed development is unlikely to impose a risk to SSSI's.



**1.3A – Impact on Ancient Woodland** – site is not located within or adjacent to Ancient Woodland

**1.3B – Impact on Ancient/Veteran Trees outside of Ancient Woodland** – site contains ancient and/or veteran trees but at a sufficiently low density across the site that removal could be largely avoided or possible impacts could be mitigated.

**1.4 – Impact on Epping Forest Buffer Land** – site is unlikely to impact on Epping Forest Buffer Land.

**1.5 – Impact on BAP Priority Species or Habitats** – no effect as features and species could be retained or due to distance of BAP priority habitats from site.

**1.6 – Impact on Local Wildlife Sites** – site has no effect features and species could be retained or due to distance of local wildlife sites from site.

**1.7 – Flood Risk** – site within Flood Zone 1

**1.8A – Impact on Heritage Assets** – no effect likely on historic assets due to distance from site.

**1.8B – Impact on Archaeology** – there is a medium likelihood that further archaeological assets may be discovered on the site, but potential is unknown as a result of previous lack of investigation.

**1.9 – Impact of Air Quality** – site lies outside of area identified as being at risk of poor quality.

**2.1 – Level of harm to Green Belt** – site is within Green Belt, where the level of harm caused by release of the land for development would be very low, low or medium.

**3.1 – Distance to the nearest rail/tube station** – site is between 1,000 and 4,000 metres from the nearest rail or tube station.

**3.2 – Distance to nearest bus stop** – site between 400 metres and 1,000 metres of bus stop.

**3.3 – Distance to employment locations** – site is within 1600 metres of an employment site/location

**3.4 – Distance to local amenities** – site is less than 1,000 metres from the nearest town, large village or small village.

**3.5 – Distance to nearest infant/primary school** – site is less than 1,000 metres from the nearest infant/primary school.

**3.7 – Distance to nearest GP surgery** – site is less than 1,000 metres from the nearest GP surgery.

**4.3 – Capacity to improve access to open space** – development could provide an opportunity to improve links to adjacent existing public open space or provide access to open space which is currently private.

**5.1 – Landscape sensitivity** – the site falls within an area of medium landscape sensitivity – characteristics of the landscape are resilient to change and able to absorb development without significant character change.

**5.2 – Settlement character sensitivity** – development is unlikely to have an effect on settlement character.

**6.1 – Topography constraints** – topographical constraints exist in the site but potential for mitigation.

**6.2A – Distance to gas and oil pipelines** – gas or oil pipelines do not pose any constraints to the site.

**6.2B – Distance to power lines** – power lines do not pose constraints to the site.

**6.3 – Impact on Tree Preservation Order (TPO)** – the intensity of site development would not be constrained by the presence of protected trees either on or adjacent to the site.

**6.4 – Access to the site** – suitable access to site already exists.

**6.5 – Contamination constraints** – potential contamination on site which could be mitigated.

**6.6 – Traffic impact** – area around the site expected to be uncongested at peak time, or site below the size threshold where it would be expected to affect congestion.

4.3 In terms of the criteria assessed by Arup, only two negative points were identified. First, it was noted within Point 3.4 that the site is more than 4,000 metres from the nearest secondary school. This is inevitable as Theydon Bois does not have a secondary school. The second was Point 4.2 impact on agricultural land. Arup are of the opinion that development will involve the loss of the best and most versatile agricultural land (Grade 1 – 3). However, the quality of the representation site in terms of agricultural land has been explored further. Accordingly, a report on the site's agricultural land classification is provided as **Appendix 1** to this report. The report is able to conclude that the site has significant structural and drainage problems and that the land only rates at Level 4.

4.4 As a result of this assessment, Arup were able to recommend to the District Council that the representation site should be allocated for housing (see Appendix B1.1 of September 2016 report).

#### **Local Plan History**

4.5 Based on a combination of the Arup assessment and other background work, the representation site was included as a housing allocation in the Consultation Draft 2016 – see Policy P8, Site SR-00026B. The site was allocated for approximately 133 homes.

4.6 As explained in the Consultation Draft 2016, the Theydon Bois housing allocations at that time, totalling 360 units, were informed by the aspiration of Theydon Bois to maintain its local feel and character, and to provide a mix of housing alongside retail, leisure and social infrastructure to support its residents (see para 5.139 of Consultation Draft). Furthermore, as explained in paragraph 5.140 of the Consultation Draft, expansion of the settlement to the north east (i.e.

including the representation site) provides an opportunity to promote housing development in a sustainable location close to Theydon Bois station whilst minimising potential harm to the Green Belt, landscape and environment designations around the settlement. In other words, back in October 2016 it was considered that allocation of housing on the representation site would be consistent with the character of Theydon Bois and would minimise potential harm to the Green Belt and to landscape and environment designations. Logically, the same must apply now.

4.7 For reasons that are still being explored and are not fully apparent, the housing allocation for the representation site was deleted from the Submission Version of the Draft Local Plan. It is known that the Conservators of Epping Forest raised issue with regard to proposed extensions at Theydon Bois and also at Epping. However, they suggested that the resultant increase in population would require suitable alternative natural greenspace (SANG). However, on this point, for the avoidance of doubt, the representation site is not included within an Epping Forest buffer zone and as concluded by Arup (see paragraph 4.2 above), development on the representation site is unlikely to impact upon Epping Forest buffer zone.

4.8 Although the representation site has been deleted from the Submission Version of the Local Plan, it is clearly apparent that there remains strong support from within the Council for the housing allocation, as reflected by the debate at the Full Council meeting in December 2017. It was this meeting which agreed to publish the Submission Version of the Plan. Attached as **Appendix 2** to this representation is the minutes of the 14 December 2017 Council meeting. Pages 3 and 4 of the minutes refer to the motion to reinstate the Theydon Bois housing allocation. It should be noted that the motion was only defeated on procedural grounds, i.e. the need to approve the Plan without any significant change by March 2018.

### **Conclusion**

4.9 It is absolutely clear from the above that the representation site has merit. It represents the best sizeable site in Theydon Bois, capable of assisting in meeting housing requirements. The site's contribution to meeting the five purposes for including land in the Green Belt is limited and therefore it is an obvious site for a housing allocation.

**APPENDIX 1 – AGRICULTURAL LAND CLASSIFICATION  
REPORT**

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# **Report on land at Theydon Bois to determine its agricultural land classification**

**Date 8/12/16**

**T.J Wood NIAB/TAG**

## **Summary**

This land has significant structural and drainage problems which would rule out arable or livestock based enterprises in its current condition. Curing the problem issues would be expensive and not be practical in the present economic climate. Agricultural returns would be low at best or could incur significant losses.

## Location

The land lies due east of the London Underground Central Line adjacent to Theydon Bois station in Essex. The B 172 Abridge Road runs east west, one field lies to the north of this road and the land under inspection is to the north of this field.

A two tarmacked access roads run up to the site. One from Station Hill adjacent to the Underground line and one next to number 9 Abridge Road.

## Objective of visit

To determine the agricultural land classification of this piece of ground.

## Fauna and Flora

Most of the land is covered by poor quality grasses and broad leaved weeds. Moss is prevalent over much of the area indicating impaired drainage. Large parts of the area have very little vegetation present indicating a low nutrient status and poor rooting conditions.

Low output grasses are present, but the fescues, bents and meadow grasses would not support a livestock enterprise in their current condition. Thistles, Butter Cup and Bristly Ox Tongue were the main broad leaved weeds seen. Even these weeds were struggling to survive in this land.

### Soils

Eight soil pits were dug across the site to a depth of one and a half feet. Depth of soil, drainage status and rooting depth and density were noted.

Two soil types predominate; Chalky bolder and London Clay. These tend to be impervious to drainage, especially the London Clay which will not naturally restructure if compacted. Chalky Bolder clay will naturally restructure when it dries out and has a high level of Potash in it.

The soil pits indicated around 6-7 inches of top soil over laying a wet heavy sub soil. Despite the dry autumn this year the sub soils were extremely wet. Grey mottling of the sub soil showed that this land has been wet for some time. Few plant roots grew down into the sub soil which could cause plants to die of drought when top soils dry out. A serious lack of organic matter was noted. Organic matter helps soils retain major plant nutrients and helps with rooting and drainage. High organic matter would have helped maintain soil structure and encourage vigorous plant growth.

Two ditches cross the area and both had water in them, but only a modest flow. No drainage out falls were seen indicating this land is not tile drained. Branches, unmanaged willows, silt and leaves were restricting water movement.

In many places where little vegetation is growing there has been extensive top soil erosion. Lack of plant roots, which bind soils together, causes top soil to leach away into low spots and streams.

### Possible farming enterprises for this land

Arable farming on this land would not be possible in its current condition. Lack of drainage would lead to cold wet soils resulting in high plant losses. Plant diseases take hold in saturated land and roots rot in anaerobic conditions. The current poor vegetative cover on much of this ground indicates a serious

nutrient deficiency. Wet soils limit the number of days a year that field operations can be carried out. Drilling, fertilising and spraying late can result in slow crop growth or diseases taking hold. Wet ground favours the spread of the extremely injurious arable weed Black Grass. This weed is increasingly difficult and expensive to control due to herbicide resistance and loss of actives to achieve good control. Black Grass and poor timeliness of operations would greatly reduce yields and crop quality.

Tile drainage with backfill would be prohibitively expensive, a cost which would not be justified with current farming returns. Raising soil organic matter by importing sewage sludge or compost is a long term commitment. Cost is around £ 12 per ton of imported material and could take up to ten years to see real benefits, due to Nitrate Vulnerable Zone legislation limiting amount of material that can be applied in one year.

A grassland based enterprise still needs good soil structure and drainage to establish a productive grass sward. Wet ground is easily poached by stock so causing pasture deterioration. New fencing and a water supply would be needed as well as stock handling facilities. Local staff would be needed to inspect animals regularly in case of welfare problems. Two foot paths cross the site which could cause a problem from dogs worrying stock. Many recent cases have been recorded of farm animals becoming ill from diseases picked up from dog faeces.

#### Agricultural Land Classification

In its current state this land would only rate a level 4.

**APPENDIX 2 – MINUTES FROM FULL COUNCIL MEETING 14  
DECEMBER 2017**

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# EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

**Committee:** Council **Date:** 14 December 2017

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 6.00 - 11.01 pm

**Members Present:** Councillors D Stallan (Chairman), N Avey, R Baldwin, A Beales, N Bedford, A Boyce, H Brady, R Brookes, G Chambers, K Chana, D Dorrell, R Gadsby, L Girling, A Grigg, S Heap, L Hughes, R Jennings, J Jennings, S Jones, H Kane, S Kane, H Kauffman, P Keska, J Lea, A Lion, M McEwen, L Mead, A Mitchell, G Mohindra, R Morgan, S Murray, S Neville, A Patel, J Philip, C P Pond, C C Pond, C Roberts, D Roberts, B Rolfe, B Sandler, M Sartin, G Shiell, P Stalker, D Sunger, B Surtees, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley

**Apologies:** Councillors R Bassett (Vice-Chairman), W Breare-Hall, R Butler, J Knapman, Y Knight and S Stavrou

**Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), A Hall (Director of Communities), S Hill (Assistant Director (Governance)), A Blom-Cooper (Interim Assistant Director (Planning Policy)), D Coleman (Planning Policy Manager), W Marr-Heenan (Temporary Planning Policy Officer), E Taylor (Temporary Planning Policy Officer), T Carne (Public Relations and Marketing Officer), A Hendry (Senior Democratic Services Officer), N Richardson (Assistant Director (Development Management)), A Rose (Marketing & Digital Content Officer) and P Seager (Chairman's Secretary); C Sailsbury (Consultant (Arup)); M Beard (Counsel).

## 64. WEBCASTING INTRODUCTION

The Assistant Director, Governance reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

## 65. MINUTES

### RESOLVED:

That the minutes of the Council meeting on 01 November 2017 be taken as read and signed by the Chairman as a correct record.

## 66. APPOINTMENT OF VICE-CHAIRMAN

With the absence of the Vice-Chairman, Councillor J Lea was nominated to act as the Vice-Chairman for the meeting having been moved formally by Councillor Sartin and seconded by Councillor H Kane, it was:

### RESOLVED:

That Councillor J Lea be appointed Vice-Chairman for the duration of the meeting.

## 67. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's code of Member Conduct, Councillor E Webster declared a non-pecuniary interest in agenda item 6 by virtue of being a trustee of the Waltham Abbey Community Centre, Saxon Way. She declared that she would remain in the meeting unless there were site specific discussions relating to this site.

(b) Pursuant to the Council's code of Member Conduct, Councillor A Grigg declared a non-pecuniary interest in agenda item 6 by virtue of having met, at their invitation, two developers at the Civic Offices with planning officers at which she listened but made no comments. She was also present at North Weald Parish Council meetings where presentations had been given by developers and where she made no comments.

(c) Pursuant to the Council's code of Member Conduct, Councillor J M Whitehouse declared a non-pecuniary interest in agenda item 6 on sites EPP.R4, (land at St Johns Road) and EPP.R11 (Epping Library). He declared that he would remain in the meeting unless there were site specific discussions relating to this site.

(d) Pursuant to the Council's code of Member Conduct, Councillor J H Whitehouse declared a non-pecuniary interest in agenda item 6 by virtue of the fact that she was a trustee of Epping Forest 'Re-Use' which was situated on one of the identified employment sites. She declared that as it was a non-pecuniary interest she would remain in the meeting for the consideration and voting on the Local Plan.

(e) Pursuant to the Council's code of Member Conduct, Councillor C C Pond declared a non-pecuniary interest in agenda item 6 by virtue of having had, over the preceding years, approaches and meetings with various developers. He had always tried not to fetter his discretion and expressing views only on generalities. Also as an Essex County Councillor he had been consulted on the development of ECC sites in Epping and Loughton libraries. He declared that as it was not a prejudicial interest he would remain in the meeting for the consideration and voting on the Local Plan.

(f) Pursuant to the Council's Code of Member Conduct, Councillor S Murray declared a non-pecuniary interest in agenda item 6 by virtue of the fact that he was a trustee of Epping Forest 'Re-Use' which is situated on one of the identified employment sites. He declared that as it was a non-pecuniary interest he would remain in the meeting for the consideration and voting on the Local Plan.

(g) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in agenda item 6 by virtue of attending North Weald Parish Council meetings where presentations had been given by developers and where he made no comments.

(h) Pursuant to the Council's code of Member Conduct, Councillor C Whitbread declared a non-pecuniary interest in agenda item 6 by virtue of having had, over the preceding years, approaches and meetings with various developers. He had always tried not to fetter his discretion and expressing views only on generalities. Also as an Essex County Councillor he had been consulted on the development of ECC sites in Epping and Loughton libraries. He declared that as it was not a prejudicial interest he would remain in the meeting for the consideration and voting on the Local Plan.

(i) Pursuant to the Council's code of Member Conduct, Councillor J Philip declared a non-pecuniary interest in agenda item 6 by virtue of being the relevant Portfolio Holder having had, over the preceding years various meetings with officers and developers pursuant to the preparation of the Local Plan document.

(j) Pursuant to the Council's code of Member Conduct, Councillor B Surtees declared a non-pecuniary interest in agenda item 6 by virtue of being a member of Ongar Town Council and over the preceding years, having attended meetings with developers. He declared that as it was a non-pecuniary interest he would remain in the meeting for the consideration and voting on the Local Plan.

## 68. ANNOUNCEMENTS

The Chairman made an announcement welcoming the members of the public who were watching the proceedings. He then outlined the procedures for the meeting and how he wished members to participate and manage their propositions for amendments to the plan.

Finally he emphasised the importance of making a clear decision made with absolute due diligence and based on the evidence before them.

## 69. PUBLICATION OF THE SUBMISSION VERSION OF THE EPPING FOREST DISTRICT LOCAL PLAN

**Mover: Councillor J Philip, Portfolio Holder for Planning and Governance**

Councillor J Philip submitted a report seeking agreement to publish the Submission Version of the Epping Forest District Local Plan in accordance with Regulation 19 of the Planning regulations. When adopted this plan would supersede the combined policies of the Epping Forest District Local Plan (1998) and Alterations (2006) and would ensure that the Council had an up-to-date Local Plan to guide future development and infrastructure needs in the District, promote sustainable development and identify and update annually the five year supply of deliverable housing land. The Portfolio Holder drew attention to amendments to the submission version of the Local Plan that were tabled and appended as an appendix to these minutes.

**Amendment moved by Councillor C C Pond and seconded by Councillor R Jennings**

"That in paragraph 1(a) add after '2017':

'subject to a statement excluding all public urban open space from development and the allocation of 300 extra dwellings in the Harlow and Gilston Garden Town'

Paragraph 1(b), delete whole paragraph and the first line of paragraph 2."

During the debate Councillor Sandler proposed alternative wording for the amendment and this was accepted by Councillor C C Pond who withdrew his original amendment in favour of the below wording which Councillor C C Pond seconded:

"That in paragraph 1(a) of the recommendations add 'after 2017' the following words – 'subject to a statement by EFDC as landowner that excludes development on public urban open space in Chigwell and Loughton and the accommodation of 300

extra dwellings in the plot of land to the east of Theydon Bois station as delineated in the Regulation 18 draft and next to site THYB R1’.”

Councillor C Whitbread requested and was granted a short adjournment to get some advice about this new amendment.

On return and after a debate Councillors C Whitbread, J Philip, G Mohindra, S Kane and A Lion requested a recorded vote.

There voted for the amendment: (18) namely: Councillors R Baldwin, A Beales, R Brookes, L Girling, S Heap, B Jennings, J Jennings, H Kaufman, L Mead, S Murray, S Neville, C C Pond, CP Pond, C Roberts, D Roberts, B Sandler, B Surtees and D Wixley.

There voted against the amendment: (29) namely: Councillors N Avey, N Bedford, T Boyce, H Brady, G Chambers, K Chana, R Gadsby, A Grigg, L Hughes, S Jones, S Kane, P Keska, J Lea, A Lion, M McEwen, G Mohindra, R Morgan, A Patel, J Philip, B Rolfe, M Sartin, G Shiell, P Stalker, D Stallan, D Sunger, E Webster, C Whitbread, H Whitbread, and J M Whitehouse.

Abstentions: (4) namely: Councillors D Dorrell, H Kane, A Mitchell, and J H Whitehouse.

**Lost**

**Amendment moved by Councillor B Surtees and seconded by Councillor J H Whitehouse.**

That there be Inserted after ‘in consultation with the Planning Portfolio Holder’ the words “and a Portfolio Holder Advisory Group constituted for this purpose”

After a short discussion the mover, Councillor Surtees withdrew his amendment.

**Withdrawn**

**Amendment moved by Councillor J M Whitehouse and seconded by Councillor J H Whitehouse.**

“That in Policy P1 (B) of the plan paragraph (i) and (ii) (sites EPP.R1 and sites EPP.R2) be deleted and in PolicySP2 (B) Epping the number 1,305 be replaced with 355.”

**Lost**

**Amendment moved by Councillor J M Whitehouse and Seconded by Councillor J H Whitehouse.**

That in appendix 6 EPP.R5 (Epping Sports Centre) Development Requirements insert in final paragraph after ‘sports/ leisure facility’: ‘in Epping’ to read:

“Closure of the existing Epping Sports centre and the re-development of this site should not take place until a suitable replacement sports/leisure facility in Epping is delivered and is operational. This is to ensure that the public have uninterrupted access to sports/leisure facilities in the local area.”

Lost

Councillor Kaufman requested and was granted an adjournment in which to confer with counsel.

**Amendment moved by Councillor J H Whitehouse and seconded by J M Whitehouse.**

‘That in Appendix 6 EPP.R11 (Epping Library) Development Requirements a new paragraph be inserted at the end to read:

“The re-development of this site should not take place until it has been demonstrated that proposals for suitable replacement community leisure and cultural facilities (including library services) in the centre of Epping will be delivered in accordance with Policy D4 (v) and (vi).”

Councillor Philip proposed alternative wording for the amendment which was accepted by Councillor J H Whitehouse.

**Revised** amendment to read:

“That in Appendix 6 EPP.R11 (Epping Library) the re-development of the site should only take place when a suitable replacement library service provision is delivered in Epping”

Carried

**Amendment moved by Councillor B Surtees and seconded by Councillor J M Whitehouse.**

“That in Policy P4 (B):

- Delete paragraph (viii) (site ONG.R8)
- In paragraph (ii) (site ONG.R2) delete ‘135’ and replace with ‘115’
- In Policy SP2(B) Ongar delete 590 and replace with ‘561’
- In Appendix 6 West Ongar Concept Plan, minimum net capacity delete 234 and replace with 214”

After a short discussion the mover, Councillor Surtees withdrew his amendment.

Withdrawn

**Amendment moved by Councillor S Neville and Seconded by Councillor S Heap.**

“That in paragraph 1(a), add after ‘2017’:

...subject to a statement excluding BUCK.R3 lower Queens Road Shops from development and the allocation of 15 extra dwellings in the Harlow and Gilston Garden Town.”

Withdrawn

At the conclusion of the debate a vote was taken on the report as amended and consequential changes to the plan and those reported by the Portfolio Holder which was **ADOPTED**

**RESOLVED:**

- (1) That the Council agree and publish the Epping Forest District Local Plan Submission Version 2017 with the following amendments:
  - (a) In Appendix 6 EPP.R11 (Epping Library) Development Requirements the following new wording be inserted: "The re-development of the site should only take place when a suitable replacement library service provision is delivered in Epping"
  - (b) The amendments to the plan reported at the meeting and set out in Appendix 1 to these minutes.
  
- (2) That the following be agreed:
  - (a) The Epping Forest District Local Plan Submission Version 2017 (Appendix A to the agenda) be agreed and published for a period of six weeks from 18 December 2017 to 29 January 2018 in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations");
  - (b) The Sustainability Appraisal/Equalities Impact Assessment and Habitats Regulation Assessment be agreed and published alongside the Submission Plan;
  - (c) To note that the Local Plan Duty to Co-operate Statement of Compliance, Consultation Statement and Local Plan evidence base will be available on the Council's website;
  - (d) That following the conclusion of the Regulation 19 publication period, the Local Plan be submitted to the Secretary of State for Independent Examination under section 20 of the Planning Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), together with the submission documents prescribed by Regulation 22 of the 2012 Regulations before 31 March 2018;
  - (e) That the Director of Neighbourhoods, in consultation with the Planning and Governance Portfolio Holder, be authorised to make non-material typographical, formatting, mapping and other minor amendments to the Plan prior to publication on 18 December 2017 and prior to the submission of the Plan to the Secretary of State;
  - (f) That the Director of Neighbourhoods be authorised to write to the Local Plan Inspector appointed to carry out the Examination of the submitted Local Plan ("the Local Plan Inspector") asking him/her to recommend such modifications of the submitted Local Plan as may be necessary to make the Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act;

- (g) That the Director of Neighbourhoods be authorised to produce and submit any supplementary information and documentation to the Local Plan Inspector as may be required to complete the examination;
- (h) That the Director of Neighbourhoods, in consultation with the Planning Portfolio Holder, be authorised to submit a schedule of proposed main modifications of the submitted Local Plan to address any issues relating to soundness and legal compliance identified by the Local Plan Inspector; and
- (i) That the Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and enforcement decisions to be given appropriate weight in accordance with paragraph 216 of the National Planning Policy Framework.

**CHAIRMAN**

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## Amendments to Submission Version of the Local Plan

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1. **Table 2.3** on page 29 – change to the number of homes with planning permission up to 31 March 2017 plus 10% non- delivery should be 1621 (not 1639). This also affects the total supply figure which should be 3,336 and the remaining requirement should be 4,164
2. **Policy SP 2** – the number of homes proposed for Sheering of 84 got missed from the table – to ensure consistent with Policy P 12 in the Places Chapter Sheering should be included in the table alongside other small settlements and the total changed from 91 to 175
3. **Moved** Paragraphs on the Concept Frameworks so that it comes after Design Codes and before the Quality Review Panel in Chapter 2
4. **Paragraph 3.46** on page 64 – based on comments from Economic Development – changed 6 months to 12 months as this is a more appropriate requirement for applicants to demonstrate lack of marketability of a site
5. **Added** in text after paragraph 3.74 on page 70 to better reflect the evidence in the Visitor Accommodation Study undertaken by Hotel Solutions to strengthen the retention element of the policy and to make it consistent with the 12 months retention policy as for point 4
6. **Added** a new paragraph on to support Policy T 2 and ensure consistency – requiring marketing for a period of 12 months before loss of petrol filling stations
7. **Policy DM 9** on page 93 – add in to I – Strategic Masterplans and Concept Frameworks (as well as other documents already mentioned)
8. **Paragraph 5.39** – change to reflect that Epping Forest Shopping Park is not mentioned in Policy E 2
9. **Policy P 2** – removed Part M (ix) impacts on ancient woodland not considered relevant to Jessel Green and site guidance silent on this requirement
10. **Policy P 3** Waltham Abbey – remove WAL.E7 from the masterplan list in part M (not in masterplan area)
11. **Para 5.65** erroneously lists the wrong sites to be included in the concept framework – this should be ONG.R1 and ONG.R2
12. **Policy P 4 – C** – paragraph removed as duplicates A
13. **Policy P 4, P 10, P 12, P 13** – add in standard wording to the policy on Air Quality to ensure that all development that has potential to produce air pollution is required to undertake an air quality assessment and that this is consistent across all relevant site allocations
14. **Policy P 7** Chigwell – The site identified for the Limes Farm Masterplan should be CHIG.R6 (not R.7)
15. **Paragraph 5.145** on Thornwood – should be 172 homes (not 188)
16. **Map 5.25** rural allocations in the East of the District – add in RUR.E10 which is currently missing
17. **Policy P 15** – delete part B on infrastructure requirements which is not needed as these are existing employment sites and therefore no infrastructure requirements
18. **Policy D 4** – add in a new part 'In order to retain sites for community uses and meet the identified need, the Council will require robust evidence from applicants seeking to demonstrate that there is no longer a reasonable prospect of the site's continued use for community purposes before considering its release to other uses. Differing requirements will need to be met depending upon the size, nature and location of the site or property. In general, it should be marketed effectively for a minimum of 12 months at a rate which is comparable to local market value for its existing use and it must be demonstrated that the continuous use of the site for such uses is no longer viable, taking into account the site's existing and potential long-term market demand for such uses. ' (this is to make it consistent with requirements elsewhere in the plan) – also consequential changes to para 6.43
19. **Policy SP 5** – requirement for health facilities is duplicated for the East of Harlow site – so remove H (x)

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