

Stakeholder Reference:
Document Reference:

Part A

Making representation as Landowner

	Personal Details	Agent's Details (if applicable)
Title	Mr	
First Name	Sanjeev	
Last Name	Shah	
Job Title (where relevant)		
Organisation (where relevant)		
AddressRedacted.....	
Post Code		
Telephone NumberRedacted.....	
E-mail AddressRedacted.....	

Part B

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: SP 2 Spatial Development Strategy 2011-2033

Policies Map: No

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Justified, Consistent with national policy

Complies with the duty to co-operate? Don't Know

Please give details either 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; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

The July 2017 report on Establishing the Full Objectively Assessed Need (OAN) sets out that the OAN for Epping Forest District is 12,573. The Local Plan provides for approximately 11,400, a shortfall of over 1,000 homes, or nearly 10%.

The plan is not justified or positively prepared as the latest available evidence has not been incorporated, for the single most important element of a Local Plan. This breaches paragraph 158 of the NPPF which states:

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals."

The Local Plan is not effective, as over the plan period, the district is predicted to suffer a shortage of over 1000 homes. It is not consistent with national policy, which requires local plans to incorporate the most reliable and up-to-date evidence. Sites are in fact available: a number of viable sites were removed from the Draft version of the Local Plan, and these would help meet the independently assessed objectively assessed needs figure of 12,573.

The Submission Version of the Local Plan and all Technical and other associated documents fail to substantiate environmental, policy and infrastructure constraints that justify reducing the OAN to 11,400 for Epping Forest District.

The Submission Version of the Local Plan does not accord with NPPF paragraph 159 because Objectively Assessed Housing Needs exceed the number of homes being delivered by the plan.

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

Increase the housing to be built in Epping Forest District over the plan period to 12,573.

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

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To ensure important changes to the Local Plan are adequately considered and highlight where the Local Plan is not sound.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: T 1 Sustainable transport choices

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Justified, Consistent with national policy

Complies with the duty to co-operate? Don't Know

Please give details either 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; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Paragraph 32 of the NPPF sets out that permission should be refused on transport grounds only where the residual cumulative impacts of development are severe:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Local Plan Policy T1 paragraph C (iv) directly contradicts this, by providing grounds of refusal where there is simply "unacceptable" increase in traffic generation or "compromise" to highway safety. The choice of language is subjective, vague and dilutes the clear criteria set out in the NPPF.

Local Plan Policy T1, taken in entirety, is not fully consistent with the objectives and requirements of the NPPF, and would likely lead to decisions that do not accord with National Policy. Furthermore, Policy T1 in its present form subverts paragraph 154 of the NPPF, which states:

"Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan."

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

Policy T1 should directly correspond to NPPF paragraphs 29-41 to ensure soundness. Paragraph C (iv) should be removed.

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

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To ensure elements of the Local Plan that are not sound or consistent with National Policy are removed or changed, and to raise awareness of those elements.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: P 7 Chigwell

Policies Map:

Site Reference: CHIG.R6

Settlement: Chigwell

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Justified, Consistent with national policy

Complies with the duty to co-operate? Don't Know

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During the consultation period for the Draft Local Plan, local residents overwhelmingly rejected proposals for development of Limes Farm Green, site CHIG.R6.

Local residents indicated a strong and clear preference for small-scale development, such as CHIG.R3, CHIG.R8, CHIG.R10 and CHIG.R11. Many similar small-scale sites like these were put forward which could have been used as an alternative to the open green space of Limes Farm Green.

The Submission Version of the Local Plan is not based on co-operation with the public as required by NPPF paragraph 157, and it does not reflect a collective vision and a set of agreed priorities for the sustainable development of the area, thus contradicting paragraph 155 of the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

Remove Limes Farm Green, site Chig.R6, from the Local Plan. Replace with small-scale developments, including conversion of large detached properties that many residents are currently seeking to downsize from.

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: P 7 Chigwell

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared,Effective,Justified,Consistent with national policy

Complies with the duty to co-operate? Don't Know

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The changes to the boundary of the Green Belt in Chigwell are unjustified and proposals to build on areas currently designated as green belt land contradict the requirements of the NPPF.

Paragraph 89 of the NPPF sets out that "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt". NPPF Paragraph 111 states: "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land".

The Submission Version Local Plan proposes at least four sites on land that is currently designated Green Belt. The approximate number of houses amounts to 205 (sites CHIG.R1, CHIG.R2, CHIG.R4, CHIG.R5). This is 55% of the proposed total of 376 new houses. 55% of housing from Green Belt Land does not reflect the views of the local community or the true availability of suitable brownfield sites.

There are multiple brownfield sites that could meet these needs and ensure efficient use of land while protecting the green belt, as intended by the NPPF. Chigwell has an oversupply of large detached houses, many in sustainable locations (for example, properties on Manor Road between the Shell Petrol Station and Grange Hill Station, and properties along Hainault Road). For each property, approximately 3 townhouses or 10 flats could be built, and the two areas highlighted have at least 100 suitable sites that may be more efficiently used. This would lead to a much better mix of residential properties, the character of those areas may be fully protected with sensitive design, and the local economy will benefit to a greater extent, all while fully preserving the Green Belt in Chigwell.

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

Do not redesignate green belt land in Chigwell as suitable for development. Use brownfield sites instead. There are plenty.

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 5.104

Policy: P 7 Chigwell

Policies Map:

Site Reference: None of the above

Settlement: Chigwell

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

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

Complies with the duty to co-operate? Don't Know

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Paragraph 5.104 of the Local Plan records there are 12 sites for allocation to meet the identified housing requirement. However only 11 sites are listed in Policy P7 and Appendix 6e. The Local Plan is not sound as it contains material inaccuracies which prevents decisions being made with full confidence in the factual accuracy of the Local Plan.

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Paragraph 5.104 should be changed to note eleven sites for allocation. EFDC should confirm there is not a twelfth site for later inclusion

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: P 7 Chigwell

Policies Map:

Site Reference: None of the above

Settlement: Chigwell

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared,Effective,Justified,Consistent with national policy

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Excessive and Unjustified Requirements on Individual Sites

Paragraph 5.105 notes that “Proposals for residential development will be expected to comply with site specific requirements as set out in Policy P 7”. The requirements go directly against NPPF paragraph 173 on ensuring viability and deliverability of the plan, which notes:

“the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”.

The site specific requirements are not backed by credible, robust and proportionate evidence and go against specific findings of the Planning Inspector. Examples include:

1. Site CHIG.R11: Appendix 6e claims the site has access constraints, however this is not an evidence-based assertion, and all evidence-based analysis (attached) available to the Council demonstrates access viability.
2. Site CHIG R.8: Appendix 6e claims site constraints on access, and that vehicle access to the site should be limited to Manor Road. This is in direct contradiction of the findings of the Planning Inspector (APP/J1535/W/16/3162357) and Essex Highway Authority, which found no concerns with access onto the A123.
3. The Local Plan Highways Assessment models impact on the traffic network on a worst case basis. No concerns were highlighted for the A123, where sites CHIG.R11 and CHIG.R8 are located. The site development requirements go against the Council's own Highways Assessment and supporting documents which considered development along the A123.
4. Development intensity has no consistency or justification. CHIG.R3, CHIG.R8 and CHIG.R11 are all within 50 metres of each other and are targeted for flats, but intensity of development ranges from approximately 50DpH to 117DpH with no evidence-based justification.

All of these examples also contradict paragraph 158 of the NPPF which states:

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals."

The attached evidence demonstrates some requirements go against reasonable and up-to-date objective analysis.

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Site specific requirements must be reviewed, and only imposed where credible, up-to-date, quantitative evidence is available as justification. Requirements noted in the examples above must be removed, and intensity of development set for each site equal to CHIG.R3 (85DpH) which has already been approved by the Local Planning Authority and therefore provides a benchmark.

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Paragraph:

Policy: P 7 Chigwell

Policies Map:

Site Reference: None of the above

Settlement: Chigwell

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Justified, Consistent with national policy

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Viability and Deliverability of the Plan

Policy P7 part D notes the requirement of material financial contributions: "The Council will only permit planning applications that contribute towards the delivery of those infrastructure items set out above and in the Infrastructure Delivery Plan, unless subsequent iterations of the Infrastructure Delivery Plan or discussions with providers determine that these items are no longer required."

While appearing reasonable, this places onerous mandatory requirements on the 45% of small-scale developments making up site allocations. These would likely become economically unviable as a result. This aspect of Policy P7 part D therefore works against NPPF paragraphs 7, 17 and 111, being detrimental to local employment and businesses, and to redevelopment of small-scale brownfield sites. Furthermore, this requirement goes directly against NPPF paragraph 173 on ensuring viability and deliverability of the plan, which notes:

"...the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened".

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Infrastructure contribution caps should be declared upfront on a per house basis, and should reflect the type of house to be built. Transparency is required, and assessment must consider economic viability and equitable treatment to all developers.

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Paragraph:

Policy: P 7 Chigwell

Policies Map:

Site Reference: None of the above

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Local Plan Vision

The Local Plan misrepresents the highly varied character of Chigwell. By setting out in the Local Plan that "Future development will preserve and enhance the rural and historic character of the Village", it is likely that perfectly congruent and acceptable developments will be blocked. Paragraph 60 of the NPPF states:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Only a small part of Chigwell could be considered of rural and historic character. The on-the-ground facts are that Chigwell is primarily made up of diverse and modern homes. Major roads such as Manor Road and Hainault Road are undergoing continuing evolution and development, and only a very small part of Chigwell retains historic features, which are already well-protected from future development as Conservation Areas and Listed Buildings.

Furthermore, paragraph 65 of the NPPF states:

"Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)."

Policy P7 contradicts paragraph 60 and 65 of the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

Policy P7 must not conflate pockets of Chigwell with the area as a whole, and the diversity of the area should be clearly described. Future development should be appropriate to the setting and character of the immediate area and the facts on the ground, and not romantic ideals.

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

Yes, I wish to participate at the oral part of the oral examination

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: None of the above

Policies Map:

Site Reference: None of the above

Settlement: Chigwell

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Effective, Consistent with national policy

Complies with the duty to co-operate? Don't Know

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Education Infrastructure

Chigwell has been identified as suffering from a lack of Educational Infrastructure. Educational infrastructure for Chigwell has not been addressed, and key locations have been allocated to housing that could be used for this purpose (e.g. CHIG.R6). This plan prevents delivery of significant education infrastructure in Chigwell, by allocating away all practical larger sites to housing. The Local Plan in its current form does not accord with paragraph 156 of the NPPF as it does not contain sufficiently cogent policies for the provision of health, security, community and cultural infrastructure and other local facilities.

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

Mark CHIG.R6 for use for educational infrastructure.

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph:

Policy: DM 12 Subterranean, basement development and lightwells

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Justified, Consistent with national policy

Complies with the duty to co-operate? Don't Know

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Basement Development

Local Plan Policy DM12 for Basement Development is excessively restrictive. The hard limits imposed, such as number of storeys and percentage of garden, are arbitrary and no evidence is provided to support these limits. The blanket requirement to apply for planning permission undermines permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

DM12 should be specific regarding the circumstances when planning permission is and is not required. Limits to basement development should not be included in DM12 as there is no evidence to support the virtue of the limits proposed.

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Paragraph:

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Policies Map:

Site Reference: None of the above

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Positively Prepared, Justified, Effective and Consistent with National Policy

NPPF paragraph 182 requires that Local Plans are positively prepared, justified, effective and consistent with national policy. A large body of evidence has been provided to demonstrate that the Submission Version of the Local Plan has not been positively prepared, is neither justified nor effective, and is not consistent with national policy. It cannot be considered as a sound Local Plan.

Please set out what change(s) you consider necessary to make the Pre Submission 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 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.

Allow an independent party to write the Local Plan to ensure the requirements of paragraph 182 of the NPPF are met.

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

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If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To ensure important changes to the Local Plan are adequately considered and highlight where the Local Plan is not sound.

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

Yes

Signature: Sanjeev Shah Date: 28/01/2018