



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 or Town and Parish Council or

c) Landowner or

d) Agent

Other organisation (please specify)

2. Personal Details**3. Agent's Details (if applicable)**

Title	<input type="text"/>	<input type="text" value="Mr"/>
First Name	<input type="text"/>	<input type="text" value="Brian"/>
Last Name	<input type="text"/>	<input type="text" value="Flynn"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate"/>
Organisation (where relevant)	<input type="text" value="Chisenhale-Marsh Estate
Company"/>	<input type="text" value="Carter Jonas LLP"/>
Address Line 1	<input type="text" value="c/o Agent"/>	<input type="text" value="One Station Square"/>
Line 2	<input type="text"/>	<input type="text" value="Cambridge"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="CB1 2GA"/>
Telephone Number	<input type="text"/>	<input type="text" value="01223 326823"/>
E-mail Address	<input type="text"/>	<input type="text" value="brian.flynn@carterjonas.co.uk"/>

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

Paragraphs 1.5 and 1.6 identify the requirements of plan-making, and refers to the legislation, regulations and national guidance that has informed the preparation of the Epping Forest District Local Plan (EFDLP), and highlights the range of topics where evidence has been gathered to inform the content of EFDLP.

However, the full evidence base, and the Site Selection Report in particular, has not been published as part of the EFDLP consultation. As a result, EFDLP has not been prepared in accordance with the requirements of the Planning & Compulsory Purchase Act 2004 (2004 Act) or the Town and Country Planning (Local Planning) (England) Regulations 2012 (2012 Regulations), in that firstly consultation on the document does not comply with Epping Forest District Council's Statement of Community Involvement and secondly a supporting document that seeks to justify the site selection policies is not available during the consultation period.

Section 18 of the 2004 Act 2004 requires a local planning authority to prepare a statement of community involvement which sets out how those with an interest in development matters in an area will be involved in the plan-making process. Section 19(3) of the 2004 Act requires a local planning authority to comply with the statement of community involvement when preparing a development plan document. Epping Forest District

Council has prepared a Statement of Community Involvement (latest version dated February 2013), which includes a number of references to the availability of studies prepared to support the EFDLP as follows. Paragraph 7 states: *“The local plan is a document which outlines the policies which will influence development in the District up until 2033. Both the Local Plan and the supporting studies will be available to view on the Council’s website”*. Paragraph 8 is within a section on supporting documents, and states: *“There are a number of studies which are used as background evidence to the main Local Plan document. The studies are used to help guide the policies that are going to be in the final document and perhaps identify options that are not feasible. These will be available from the Council offices or on the Council’s website when they are finalised”*. Paragraph 14 is within a section that deals with the evidence gathering stages of a local plan, and states: *“This process of gathering evidence including via engagement, will also help to make sure that the information used can be seen as ‘robust’ by the Inspector towards the latter stage of the processes”*. The updated version of Appendix B of the Site Selection Report, which has informed decisions about the sites to allocate in EFDLP, is not available during the Regulation 19 consultation stage (of the 2012 Regulations). Therefore, the Statement of Community Involvement has not been complied with, and as such the requirements of Section 19(3) of the 2004 Act has not been met, and means that EFDLP is not legally compliant.

Regulation 8(2) of the 2012 Regulations requires a local plan to contain a reasoned justification of the policies contained in it. Regulation 17 defines a number of terms which are relevant to the preparation of local plans, including the term “proposed submission documents” which includes supporting documents relevant to the preparation of the local plan. Regulation 19 relates to the publication stage of a local plan, and requires that before a plan is submitted to the Secretary of State, a local planning authority must make the proposed submission documents, which includes the supporting documents, available for consultation. Therefore, since the updated version of Appendix B of the Site Selection Report is not available during the Regulation 19 consultation, then the reasoned justification for the selection of sites in EFDLP has not been made. The absence of evidence on the outcome of the site selection process makes it impossible for statutory consultees and all those with an interest in development matters within the area to comment on the ‘justified’ soundness test because it specifically relates to the evidence base.

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

The non-availability of a key evidence base document represents a legal compliance failure, which should be rectified before EFDLP is submitted to the Secretary of State. It is very likely that the Inspector appointed to examine EFDLP will raise concerns about the failure to make a proposed submission document available for consultation at Regulation 19 stage during their preliminary review of the document. We request that Appendix B of the Site Selection Report is published and made available for comment in accordance with Epping Forest District Council’s Statement of Community Involvement and the requirements of the 2004 Act and 2012 Regulations. The updated Site Selection Report should be available for consultation for at least 6 weeks.

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

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

It is very likely that the Inspector appointed to examine EFDLP will raise concerns about the failure to make a proposed submission document – the updated Site Selection Report - available for consultation at Regulation 19 stage. If not, then it would be appropriate for those making representations on legal compliance matters to appear at a hearing session, so that the issues can be discussed in public.

***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:

Carter Jonas LLP

Date:

29/01/18

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

Paragraphs 1.10 and 1.11 refers to the consultation that has been undertaken for the plan-making process of EFDLP. It is claimed that the comments received have been taken into account for EFDLP. We disagree because some of the policies in Submission Version EFDLP are completely different to the versions subject to consultation at Draft Local Plan stage in October 2016; we highlight in particular the changes to Policies SP2: Spatial Development Strategy 2011-2033 and P12: Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots – an extract of the policies and supporting text are attached to these representations.

The proposed sequential approach now contained in Policy SP2 is completely different to the version subject to consultation at Draft Local Plan stage. We doubt whether the changes to Policy SP2 in the Submission Version EFDLP were made as a result of any consultation responses. In any event, as set out in our response to Policy SP2, there is no mention of sustainable development in the policy, the suggested sequential approach is not informed by national guidance, and some matters which are related to the delivery of sustainable development such as accessibility by non-car modes of transport are not identified in the policy. The inclusion of a sequential approach into Policy SP2 was not identified as an alternative at Draft

Local Plan stage, and as such it is not clear why this approach is provided at Submission Version EFDLP stage.

The proposed allocations now proposed in Policy P12 have been altered significantly to the version subject to consultation at Draft Local Plan stage. For example, land at Coopersale Cricket Club and Coopersale and Theydon Garnon Primary School Playing Fields (Ref. SR-0405 for 19 dwellings) has been deleted from EFDLP; our client owns the land at Coopersale Cricket Club and the Development Framework document demonstrates that development at the site could be delivered without the need to include the school playing fields (which remain in use and are likely to be required by the school), and could accommodate between 19 and 28 dwellings depending on site density. As set out in our representations to Paragraphs 1.5 and 1.6 and to Policy P12, part of the evidence used to inform the decision to amend the allocations is not available during the consultation (updated Appendix B of the Site Selection Report), and the findings of the Green Belt Assessment demonstrated that development at the site would lead to 'low' harm to Green Belt purposes. We doubt whether the decision to delete the allocation of the site was based on any consultation responses or robust evidence.

We conclude that consultation at Draft Local Plan stage has not informed the Submission Version EFDLP.

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.

We do not request changes to Paragraphs 1.10 and 1.11, but we do request changes to Policies SP2 and P12 which follow more logical conclusions from previous consultation stages and the assessment of evidence.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18

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

Paragraph 2.3 refers to the requirements of the Duty to Cooperate (DtC). A Duty to Cooperate Statement of Compliance has been published alongside EFDLP, which seeks to explain how the requirements of the DtC have been met. We consider that the requirements of the DtC have not been met, which is related to the decision to not incorporate the findings of the updated West Essex and East Hertfordshire Strategic Housing Market Assessment (July 2017) into EFDLP, and no evidence that this decision was discussed with neighbouring authorities; we note that all relevant neighbouring authorities are meeting the findings of the updated housing assessment through their respective local plans. Housing is one of the strategic priorities where cross boundary discussions should take place through the DtC process. We consider that the requirements of the DtC could be met if the findings of the updated housing assessment were discussed with neighbouring authorities and incorporated into EFDLP.

The duty to co-operate requirement for plan-making is derived from Section 110 of the Localism Act 2011, which inserted Section 33A into the Planning and Compulsory Purchase Act 2004. Section 33A states:

“Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

- (a) a local planning authority,
- (b) a county council in England that is not a local planning authority, or
1 a body, or other person, that is prescribed or of a prescribed description, must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
 - (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
 - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3)....”

We note in particular the duty imposes a requirement to engage “*constructively*”, “*actively*”, and “*on an ongoing basis*”. As set out below, there is no evidence of engagement on the higher level of objectively assessed housing need identified in the updated SHMA and how this should be incorporated into EFDLP.

The NPPF provides key guidance on the duty to co-operate requirement. Paragraph 156 identifies the strategic priorities where co-operation may be required, including the delivery of houses and transport infrastructure. Paragraphs 178 to 181 explain how the duty to co-operate should be carried out. It is clear that co-operation must be constructive and effective. Consultation and discussion on its own is insufficient. What is required is a co-ordinated approach towards the delivery of sustainable development and to meet strategic priorities.

Paragraph: 011 Reference ID: 9 of the Planning Practice Guidance (PPG) identifies what actions constitute effective cooperation under the duty to cooperate, and states insofar as relevant:

“...The activities that fall within the duty to cooperate include activities that prepare the way for or support the preparation of Local Plans and can relate to all stages of the plan preparation process. This might involve joint research and evidence gathering to define the scope of the Local Plan, assess policy impacts and assemble the necessary material to support policy choices. These could include assessments of land availability, Strategic Flood Risk Assessments and water cycle studies.

Authorities should submit robust evidence of the efforts they have made to cooperate on strategic cross boundary matters. This could be in the form of a statement submitted to the examination. Evidence should include details about who the authority has cooperated with, the nature and timing of cooperation and how it has influenced the Local Plan.”

We comment in more detail on housing need and the Memorandum of Understanding in our representations to Paragraphs 2.17 and 2.41 to 2.43, and as such we focus on the outcome of the DtC in these representations. Paragraphs 3.7 to 3.12 of the Duty to Cooperate Compliance Statement deals with housing and economic needs. Paragraph 3.9 refers to the outcome of the Memorandum of Understanding on the Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire HMA (MoU March 2017) and the findings of the updated West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA July 2017). The MoU included an agreement that the EFDLP would accommodate 11,400 dwellings between 2011 and 2033, and the updated SHMA demonstrated that the full objectively assessed housing need for Epping is 12,573 dwellings. We have a number of concerns with the outcome of the approach set out in Paragraph 3.9 of the DtC Compliance Statement in respect of the requirements of the DtC process. Firstly, the SHMA is incorrectly described as an ‘interim’ document when it is actually an update to take into account new household projections; the apparent status of the document is not a reason to justify no discussions or agreement on how to incorporate the findings into EFDLP. Secondly, it is stated that: “*The Council will continue to work with its partnering authorities in order to refine*

this work as necessary following adoption of the Local Plan”, which clearly demonstrates that the requirements of the DtC have not been fully complied with for EFDLP in that discussions on objectively assessed housing needs have not been completed. There is no evidence of discussions that any agreement exists between Epping Forest District Council and neighbouring authorities on how to deal with the findings of the updated SHMA including that the Council can opt out of meeting the identified need or that any ‘refinements’ to that work will be undertaken or are necessary. Thirdly, it is unlikely that the SHMA will be updated in the future, and any discussions on the level of housing need will be limited, because the Government intends to introduce a standard methodology for calculating objectively assessed housing need. As set out in our representations to Policy SP2, the housing target should be increased to meet the objectively assessed housing need figure identified in the updated SHMA.

We consider that the requirements of the DtC could be met if the findings of the updated SHMA were discussed with neighbouring authorities, and the higher level of objectively assessed housing need identified in the updated SHMA incorporated into EFDLP.

We acknowledge that arrangements exist between the Council and neighbouring authorities to meet the requirements of the DtC. However, it is clear that those requirements have not been met in respect of the findings of the updated SHMA on objectively assessed housing need, when they quite clearly should have been.

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.

We consider that the requirements of the DtC could be met if the findings of the updated SHMA were discussed with neighbouring authorities, and the higher level of objectively assessed housing need identified in the updated SHMA incorporated into EFDLP.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18

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

Paragraph 2.17 refers to the Memorandum of Understanding on the Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire HMA (MoU March 2017). However, the agreements made through the MoU are based on an earlier SHMA from 2015 which has subsequently been updated. In summary, the findings of the updated West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA July 2017) should be incorporated into a revised MoU and the updated objectively assessed housing need figure for Epping Forest District Council should be inserted into Policy SP2 of EFDLP. There was sufficient time available between the publication of the updated SHMA and consultation on EFDLP for the revised housing target to be discussed and agreed with neighbouring authorities and inserted into policy.

Figure 5 of the updated SHMA sets out the full objectively assessed need between 2011 and 2033 for each of the four authorities in the housing market area. The findings are as follows:

- East Hertfordshire – 18,396 dwellings
- Epping – 12,573 dwellings
- Harlow – 7,409 dwellings

- Uttlesford – 13,332 dwellings

The findings of the updated SHMA are being carried forward by all of the authorities in the housing market area with the exception of Epping Forest District Council.

- East Hertfordshire District Council has proposed amendments to the housing target in an Updated Housing Topic Paper (August 2017) which was submitted to the Local Plan Examination process. The East Hertfordshire Local Plan now seeks to meet the identified full objectively assessed housing need of 18,396 dwellings.
- Harlow Council has proposed a housing target of 9,200 dwellings in the Draft Harlow Development Plan, which is due to be subject to consultation in January/February 2018. The proposed housing target for Harlow exceeds the housing need figure identified in the updated SHMA.
- Uttlesford District Council proposed a housing target of 14,100 dwellings at Regulation 18 Local Plan consultation stage, which was held during August/September 2017. The proposed housing target for Uttlesford exceeds the housing need figure identified in the updated SHMA.

Therefore, Epping Forest District Council are the only authority in the housing market area which is not meeting the objectively assessed housing need figure identified in the updated SHMA. We understand that Harlow and Uttlesford plan to provide more housing than identified in the updated SHMA in recognition of the significant need for housing and affordable housing in their respective areas.

Paragraph 159 of the NPPF expects local planning authorities to have a clear understanding of the housing needs in their area, and are required to prepare a Strategic Housing Market Assessment to assess their full housing needs. Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing, and to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. As set out above, an updated SHMA was prepared in July 2017 for the housing market area, but Epping Forest District Council has decided not to include the findings in respect of the objectively assessed housing need into EFDLP. This approach is not sound for the following reasons: it is not positively prepared in that it seeks to avoid meeting identified housing needs; it ignores the evidence in the updated SHMA which is not reasonable or justified; it is not effective in terms of meeting the strategic priority of housing which is a cross boundary matter; and, it is not consistent with national guidance.

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.

We request that the findings of the updated SHMA (July 2017) are met in respect of the identified objectively assessed housing need for Epping Forest District Council. As set out in representations to Policy SP2, the housing target should be increased to a minimum of 12,573 dwellings between 2011 and 2033.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18

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

Paragraph 2.27 includes the Vision for the District and the Local Plan Objectives. We do not object to the vision or objectives, but consider that they will not be delivered by the proposed development strategy in EFDLP as set out in Policy SP2. In particular, we consider that the following parts of the vision and objectives will not be met:

Vision Criteria

- (ii) new homes of an appropriate mix of sizes, types and tenures to meet local needs have been provided and well integrated communities created;
- (iv) development needs will be met in most sustainable locations;
- (ix) access to places by public transport, walking and cycling will be promoted;

Local Plan Objectives

- B(i) to make provision for objectively assessed market and affordable housing needs within the District, to the extent that this is compatible with national planning policy;
- D(ii) to improve public transport, walking and cycling opportunities with the aim of promoting healthy lifestyles, reducing the effects of traffic congestion and improving accessibility to services

and the countryside without requiring the use of the car;

As set out in our representations to Paragraph 2.17, an updated SHMA was prepared in July 2017 for the housing market area which identified a higher objectively assessed housing need figure for Epping Forest District Council; an increase from 11,400 dwellings to 12,573 dwellings between 2011 and 2033. However, Epping Forest District Council has decided not to include the findings in respect of the objectively assessed housing need into EFDLP. Therefore, in these circumstances those parts of the vision and objectives that relate to meeting housing and affordable housing need will not be met.

As set out in our representations to Policy SP2, which defines the overall development strategy, there is no mention of sustainable development in the site selection process or sequential approach, and no mention of transport related sustainability objectives. Paragraph 7 of the NPPF identifies the three strands of sustainable development. Paragraph 17 identifies the twelve core planning principles. Paragraphs 30 and 34 seek to reduce greenhouse gas emissions, reduce congestion, and minimise the need to travel by directing development to locations which are accessible by sustainable modes of transport. In particular, we consider that the decision not to allocate land East of Epping means that an opportunity has been missed to direct development to a sustainable location on the edge of Epping which is accessible to the facilities within the town centre and the station by walking and cycling.

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.

We do not request changes to the Vision for the District or the Local Plan Objectives. However, we do request changes to Policy SP1 in order to ensure that the vision and objectives are delivered through the development strategy.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18

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

We commented on the Memorandum of Understanding on the Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire HMA (MoU March 2017) in detail in Paragraph 2.17, and do not repeat those comments here. In summary, the findings of the updated West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA July 2017) should be incorporated into a revised MoU and the updated objectively assessed housing need figure for Epping Forest District Council should be inserted into Policy SP2 of EFDLP. Figure 5 of the updated SHMA sets out the full objectively assessed need between 2011 and 2033 for each of the four authorities in the housing market area. The objectively assessed housing need for Epping is 12,573 dwellings. Epping Forest District Council are the only authority in the housing market area which is not meeting the objectively assessed housing need figure identified in the updated SHMA.

Paragraph 159 of the NPPF expects local planning authorities to have a clear understanding of the housing needs in their area, and are required to prepare a Strategic Housing Market Assessment to assess their full housing needs. Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing, and to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. As set out above, an updated SHMA

was prepared in July 2017 for the housing market area, but Epping Forest District Council has decided not to include the findings in respect of the objectively assessed housing need into EFDLP. This approach is not sound because it is not consistent with national guidance.

Furthermore, the decision to not meet objectively assessed housing needs ignores the forthcoming introduction of a standard methodology for calculating housing need, which for Epping Forest District Council and the majority of local planning authorities will result in a higher housing requirement. The housing need for Epping Forest District Council using the proposed standard methodology for assessing housing need – as contained in the Planning for the Right Homes in the Right Places: Consultation Proposals (September 2017) – is 913 dwellings per year, compared with 570 dwellings per year in EFDLP. In our opinion, the proposed standard methodology should also include other market signals such as rents and overcrowding, and that defined economic indicators are also included in the assessment. It is clear that in the near future the housing requirement for Epping Forest District Council will increase significantly above the levels proposed in EFDLP, and in these circumstances it cannot be justified to not meet the currently identified housing needs from the updated SHMA of 12,573 dwellings between 2011 and 2033.

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.

We request that the findings of the updated SHMA (July 2017) are met in respect of the identified objectively assessed housing need for Epping Forest District Council. As set out in representations to Policy SP2, the housing target should be increased to a minimum of 12,573 dwellings between 2011 and 2033. Table 2.1 should be amended to reflect the higher housing requirement, and the housing land supply in Table 2.3 should be amended to reflect the fact that additional sites will need to be identified to meet that higher housing requirement.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18

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

Table 2.3 identifies the sources of the housing land supply in EFDLP for the period 2011 to 2033. As set out in our representations to Paragraph 2.17 and Policy SP2, the housing target should be increased to 12,573 between 2011 and 2033 to meet the findings of the updated SHMA (July 2017). Therefore, Table 2.3 should be amended to reflect the higher housing requirement.

Table 2.3 includes an allowance of 385 dwellings for windfall sites, or 35 dwellings per year for the final 11 years of the plan period. Paragraph 48 of the NPPF sets out the approach to including windfall sites in the housing land supply, and states: *“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens”*. Paragraph 24 (ID: 3) of the Planning Practice Guidance provides a further explanation about the use of a windfall allowance, and states: *“A windfall allowance may be justified in the 5-year supply if a local planning authority has compelling evidence as set out in paragraph 48 of the National Planning Policy Framework. Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical*

area (using the same criteria as set out in paragraph 48 of the National Planning Policy Framework)". Paragraphs 3.5 and 3.6 of the Housing Implementation Strategy set out the approach to the windfall allowance in EFDLP. However, the Housing Implementation Strategy contains no evidence to justify the proposed windfall allowance, as required by national guidance, and as such it cannot be justified. We request that robust evidence is provided to justify the proposed windfall allowance or the allowance is deleted.

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.

We request that the findings of the updated SHMA (July 2017) are met in respect of the identified objectively assessed housing need for Epping Forest District Council. As set out in representations to Policy SP2, the housing target should be increased to a minimum of 12,573 dwellings between 2011 and 2033. Table 2.3 should be amended to reflect the fact that additional sites will need to be identified to meet that higher housing requirement.

We also request that robust evidence is provided to justify the proposed windfall allowance.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18

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

We commented on the Memorandum of Understanding on the Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire HMA (MoU March 2017) and the updated West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA July 2017) in detail in Paragraphs 2.17, 2.41 to 2.43 and 2.53 to 2.63, and do not repeat those comments here. In summary, the findings of the updated West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA July 2017) provide the updated objectively assessed housing need figure for Epping Forest District Council and should be inserted into Policy SP2 of EFDLP. Figure 5 of the updated SHMA sets out the full objectively assessed need between 2011 and 2033 for each of the four authorities in the housing market area, and for Epping Forest District Council this is 12,573 dwellings. We request that this higher housing need figure of 12,573 dwelling is referred to in Policy SP2 as a minimum housing target, and the current figure of 11,400 dwellings is deleted.

A higher housing target will mean that additional housing sites will need to be allocated in the more sustainable locations. As set out in our representations to Policy P12, we request that land at Coopersale Cricket Club (part of Site Ref. SR-0405) should be reallocated for between 19 and 28 dwellings and released from the Green Belt.

In our representations to Paragraphs 1.10 to 1.11 we commented on the emergence of the proposed sequential approach now contained in Policy SP2 through the consultation stages of EFDLP, and in particular that the policy approach is completely different to the version in at Draft Local Plan stage and as such has not been subject to consultation.

In summary, the other main concerns we have with Policy SP2 are that there is no mention of sustainable development in the policy, the suggested sequential approach is not informed by national guidance, and some matters which are related to the delivery of sustainable development such as accessibility by non-car modes of transport are not identified in the policy.

Paragraph 7 of the NPPF contains the Government's view of the meaning of sustainable development, and explains that there are three dimensions to sustainable development which are as follows:

"An economic role – contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change, including moving to a low carbon economy."

Paragraph 8 goes on to say that: *"These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions"*.

Paragraph 17 sets out twelve core planning principles that should underpin plan making and decision taking. In summary, those planning principles relate to the following: meeting housing need, delivering high quality design, taking account of local character, managing resources, conserving and enhancing the natural environment, reusing previously developed land, conserving heritage assets, and managing patterns of development to make use of sustainable modes of transport.

Paragraphs 30 and 34 deal with the relationship between the location of development and sustainable transport. Paragraph 30 states:

"Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport".

Paragraph 34 states:

"Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas".

A sequential approach can be applied to certain types of development i.e. those located in a high flood risk area or involving town centre uses located outside centres and not allocated. However, the NPPF does not advocate the use of a sequential approach for any other types of development or as a general planning policy. Paragraph 8 expects the three strands of sustainable development to be considered together, with no priority given to one strand over another. Paragraph 17 identifies the core planning principles, and again there is no priority given to one principle over another. As set out above, it is the delivery of sustainable development that should be the guiding principle for planning decisions including through the plan-making process. As set out above, there is no mention of sustainable development in Policy SP2, and we are concerned about this because this policy is intended to provide the overarching development strategy for EFDLP. We are also concerned that Policy SP2 fails to mention access to sustainable modes of transport, which is clearly relevant to sustainable development and should be a key part of any development strategy.

In any event, the proposed sequential approach in Policy SP2 has not actually informed the selection of sites in EFDLP e.g. some previously developed land is not suitable for redevelopment or residential development and is not allocated, the scale of housing need in Epping Forest District Council means that greenfield and Green Belt sites will need to be allocated for residential development, and it is not uncommon for best and most versatile agricultural land to be released for residential development when considered against other benefits and the planning balance.

We request that the sequential approach to development contained in Criteria A of Policy SP2 is deleted.

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.

We request that this higher housing need figure of 12,573 dwelling is referred to in Policy SP2 as a minimum housing target, and the current figure of 11,400 dwellings is deleted.

We request that Policy SP2 includes references to the delivery of sustainable development, as set out in the NPPF.

We request that the sequential approach to development contained in Criteria A of Policy SP2 is deleted.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18

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

Paragraphs 2.134 to 2.142 identifies the Green Belt purposes, and the approach to development and the release of land from the Green Belt through EFDLP. In summary, we have three concerns with the approach to Green Belt policy in EFDLP, which are as follows: the revised Green Belt boundaries are insufficient to meet the identified objectively assessed housing needs; the proposed Green Belt boundaries will not be permanent or capable of enduring beyond the plan period; the option of identifying safeguarded land to meet longer term development needs has not been considered; and the findings of the Green Belt Assessment Stage 2 Report (August 2016) have not properly informed the selection of sites for Green Belt release.

Paragraph 83 of the NPPF states that *“Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan”*. As set out in Paragraph 2.136 of EFDLP, exceptional circumstances exist to alter the Green Belt boundaries, which are related to meeting housing needs and the inability of neighbouring authorities to meet that need because they too are constrained by Green Belt policy. Paragraph 83 goes on to states that: *“...authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of*

enduring beyond the plan period". The evidence of the updated SHMA demonstrates a higher level of objectively assessed housing need, which indicates that additional land is required; since the Green Belt boundary in Epping Forest District Council is extensive and surrounds the most sustainable locations for development then releasing additional land from the Green Belt is the only credible option. In addition, the proposed standard methodology for calculating housing need indicates a higher housing requirement for Epping Forest District Council in the future, and as a result it is very likely that further land will need to be released from the Green Belt at the next review of the Local Plan. As a consequence, the currently defined Green Belt boundaries in EFDLP have no permanence and are unlikely to endure for very long. Therefore, we conclude that Paragraphs 2.134 to 2.142 are unsound on the basis that they are not consistent with national guidance in respect of the Green Belt.

The Green Belt Assessment Stage 2 Report & Technical Annex (August 2016) assessed potential development sites against the five purposes for including land within the Green Belt. Our client's site, land at Coopersale Cricket Club, was assessed in the Green Belt Assessment (part of Parcel Ref. 048.1). As set out below, we conclude that the findings of the Green Belt Assessment have not informed the selection of sites. As such, we disagree with the commentary in Paragraph 3.142 which indicates that the Green Belt Assessment and Site Selection Report have informed the selection of sites.

Table 4.1 in the Green Belt Assessment Report provides a summary of the assessment for the sites against each of the Green Belt purposes and an overall assessment of harm. The overall assessment of Green Belt harm for land at Coopersale Cricket Club (and Coopersale and Theydon Garnon Primary School Playing Fields) was 'low'. As set out in the Land at Coopersale Cricket Pitch Development Framework Document submitted with our representations to Policy P12, the proposed development will include hedge and tree planting at the site boundary to provide a landscape buffer. It is clear that development at land at Coopersale Cricket Club would have limited impact on Green Belt purposes.

Therefore, we conclude that the evidence in the Green Belt Assessment has not informed the site selection process, which is an unsound outcome because it is not effective.

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.

We request that the findings of the Green Belt Assessment for part of Parcel 048.1 (land at Coopersale Cricket Club) are used to inform the selection of sites in EFDLP. The evidence demonstrates that land at Coopersale Cricket Club should be released from the Green Belt.

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

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

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/2018

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

Policy P12 identifies the residential allocations in Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots, including land at Parklands in Coopersale for approximately 6 dwellings (Site Ref COOP.R1).

We do not object to the proposed allocation in Coopersale, but we note that the site is relatively small and represents an area of previously developed land within the confines of the settlement. As such the principle of development would be acceptable and in normal circumstances redevelopment of this site would be classified as a windfall site rather than specifically allocated. In addition, the number of dwellings that would be delivered from this site would fall below the affordable housing threshold, so no affordable housing would be required.

We do object to the decision not to allocate land at Coopersale Cricket Club in Coopersale in Policy P12. The land at Coopersale Cricket Club and Coopersale and Theydon Garnon Primary School Playing Fields (Ref. SR-0405) was allocated at Draft Local Plan stage for 19 dwellings. No evidence has been provided to justify the deletion of this previous allocation at Proposed Submission stage. The need to meet the objectively

assessed housing needs in the updated SHMA indicates that additional sites should be allocated rather than deleted. Furthermore, the deletion of the site was not an alternative option identified at Draft Local Plan stage, and is identified in the Sustainability Appraisal as a more suitable strategic option.

As set out in our representations to Paragraphs 2.134 to 2.142, the evidence of the Green Belt Assessment has not been used to inform the selection of sites. The overall assessment of Green Belt harm for land at Coopersale Cricket Club (and Coopersale and Theydon Garnon Primary School Playing Fields) was 'low'. The site scored as 'relatively weak' against Green Belt Purpose 3 (safeguarding the countryside from coalescence) but for all other Green Belt purposes the site made no contribution. As set out in the Land at Coopersale Cricket Pitch Development Framework Document submitted with these representations, the proposed development will include hedge and tree planting at the site boundary to provide a landscape buffer. It is clear that development at land at Coopersale Cricket Club would have limited impact on Green Belt purposes.

The conclusion of Sustainability Appraisal for development at Coopersale (see pg. 125) comprising development within the settlement boundary and development in the Green Belt to the south east as the most suitable strategic option, and is states that:

“This strategic option lies predominantly within the existing settlement boundary and encompasses an area of Green Belt to the south-east of Coopersale. The Green Belt Review: Stage 2 (2016) concluded that the loss of this area would have limited impact upon the Green Belt. Overall, this strategic option would maximise opportunities to focus development in the most sustainable locations within the settlement, which are in close proximity to existing community facilities, and to use previously developed land within the settlement (where this would maintain adequate open space provision within the settlement), in line with the land preference hierarchy set out in the Site Selection Methodology. This strategic option would also minimise any harm to the wider landscape around the settlement, and lies entirely within Flood Zone 1.”

The evidence, and the evidence in the Green Belt Assessment and Sustainability Appraisal in particular, demonstrates that land at Coopersale Cricket Club could be reallocated for residential development. The site was allocated in the Draft Local Plan and there is no evidence in the Sustainability Appraisal to indicate that the site allocation should be deleted. The evidence of the Green Belt Assessment demonstrates that the site does not need to be included within the Green Belt.

We set out below additional details of the proposed development, which support and justify the reallocation of the site as requested.

Our client, Chisenhale-Marsh Estate Company, owns the land at Coopersale Cricket Club. The site is leased to the Cricket Club. The landowner owns a significant amount of land around Epping and Coopersale which could be used for the relocation of the Cricket Club in the future, suitable sites are being assessed for this purpose, and discussions will need to take place with the Club.

The site is 1.2 hectares in size. The Development Framework document demonstrates that the proposed development of the site could be delivered without the need to include the adjacent school playing fields, and could accommodate between 19 and 28 dwellings depending on the selected site density.

A Development Framework Document is submitted with these representations. The Framework Document has been informed by a number of technical assessments, including on highways, drainage, trees and ecology. A Transport Technical Note, Flood Risk Assessment & Drainage Strategy, Arboricultural Feasibility

Assessment and Preliminary Ecological Assessment are submitted with these representations. We consider that there are no insurmountable constraints to development. Two schematic options have been proposed within the Framework Document, firstly a 'policy-compliant' scheme for 19 dwellings on the site (net density of 17 dwellings per hectare), and secondly a 'policy-enhanced' scheme of 28 dwellings (net density of 23 dwellings per hectare).

We consider that there is an opportunity to deliver a greater amount of housing and affordable housing on the site, which would include landscaping and drainage infrastructure, and make efficient use of a site that should be released from the Green Belt.

The site is located outside the adjacent Nature Reserve (which includes the Gurnon Bushes Site of Special Scientific Interest ('SSSI')). The proposed development of the Site would not incur upon the SSSI. The overall site layout of the proposed development shows that a suitable buffer to existing trees and vegetation within the SSSI can be appropriately accommodated. The site is well contained and 'nestled' within a definable boundary to its south and east by woodland (which are also in the ownership of Chisenhale-Marsh Estate Company). As such, the proposed development would be suitably contained by the surrounding forest landscape and will not intrude on the character of the nature reserve/SSSI.

51. Whilst there would be a loss of usable public open space within the boundary of Coopersale through the loss of the cricket pitch, residents will have good access to green space in the form of the adjacent nature reserve and forest walks. As set out above, the landowner can provide an alternative site for a cricket pitch on land that they own.

The Development Framework Document provides illustrative schemes showing how a 'policy-compliant' development of 19 dwellings and a second scheme of 28 dwellings could be achieved. Both schemes can achieve the following:

- Single dwelling plot sizes which are similar to those found in other parts of Coopersale, ranging from as large as 400sqm plots to 200sqm. All plots are served using on-plot car parking;
- A balancing pond at the south-westerly corner of the site to provide on-site drainage;
- Buffer hedge/tree planting along property boundaries to existing neighbouring properties immediately north to provide a 'soft' buffer and help mitigate potential overlooking. Building orientation of dwellings near this boundary to be east-west orientation to avoid direct overlooking into neighbouring properties;
- A 25-metre deep plots on the eastern and southern boundaries of the site to provide a sufficient buffer to buildings for existing tree roots and canopies;
- Low order shared streets, akin to mews surfaces/characteristic to promote low vehicle speeds and encourage cycling and walking;
- Vehicular access from Brickfield Road, but with flexibility to utilise other means of access if required;
- Relocation of the Essex Way, long distance footpath, onto land immediately south of the site.

In conclusion, the evidence of the Green Belt Assessment and Sustainability Appraisal demonstrates that land at Coopersale Cricket Club could be reallocated for residential development. The proposed development at the site would have a 'low' harm to the Green Belt purposes. The site was allocated in the Draft Local Plan and there is no evidence to justify the decision to delete the previous site allocation. The Development Framework Document demonstrates that the site could accommodate up to 28 dwellings. The site specific technical evidence prepared for the site demonstrates that there are no constraints to 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.

We request land at Coopersale Cricket Club in Coopersale is reallocated for up to 28 dwellings in Policy P12 and supporting text.

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

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

These representations relate to an additional development site in Coopersale, and we should participate fully in the Examination in Public to expand upon and respond to questions on the above comments.

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:

Carter Jonas LLP

Date:

29/01/18
