

23 April 2018

Delivered by email

Epping Forest District Council
Planning Policy Directorate
Neighbourhoods Directorate
Civic Offices
323 High Street
Epping
Essex
CM16 4BZ

Dear Sir / Madam,

EPPING FOREST DISTRICT LOCAL PLAN - REGULATION 20 SUPPLEMENTARY REPRESENTATIONS

LAND FUND LIMITED

I write on behalf of our client, Land Fund Limited ("Land Fund"), in response to the recent publication of the Epping Forest Site Selection Report (Arup, March 2018), which has been prepared to inform the Submission Version of the Epping Forest District Local Plan (EFDLP) (December 2017).

Land Fund Limited submitted detailed representations to the Submission Version of the EFDLP in January 2018 and raised concerns regarding the validity of the consultation. This was on the basis that a key evidence base document relative to the preparation of the Local Plan was not fully available and there was therefore no opportunity for this information to be reviewed and for representations to be submitted in relation to the missing appendices.

This missing evidence has now been made available and Land Fund welcomes the opportunity to review the completed document and provide supplementary representations. However, it is still questionable whether the Local Plan can be considered 'justified' (and therefore 'sound') when key evidence was not complete at the time the Local Plan was prepared and published.

Validity of current consultation

Correspondence from Epping Forest District Council dated 26 March 2018 confirms that any supplementary representations should relate only to those elements of the report which were not available at the time the original Site Selection report was published (namely Appendices B and C). This is a fundamentally flawed approach as the missing appendices are vital to determining whether the Submission Version of the Plan can be considered 'sound'.

Consulting on the missing evidence only does not allow for proper consideration of whether the Plan represents the most appropriate strategy based on evidence (i.e. whether it is 'justified') and / or

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whether the plan has been ‘positively prepared’ to meet the objective assessment of development requirements.

It must therefore be the case that additional comments on the Submission Version of the Local Plan are appropriate and necessary to the extent that this new evidence may have an impact on it. The Local Plan and the wider evidence base are therefore referred to where relevant within these representations.

Background

Land Fund owns and is actively promoting land south of Upshire Road, Waltham Abbey (“the Site”) for residential development. A Site Plan is enclosed at **Appendix 1**.

Through representations submitted in December 2016 and January 2018, Land Fund has previously queried the approach to site selection as set out in the methodology; in particular whether the settlement hierarchy and sustainability of settlements has been given due consideration in the selection of sites.

Paragraph 4.27 of Appendix 1 confirms that:

“The settlement hierarchy will only be used as a sense check on the results given that the land available does not tally with the places most likely to provide growth in line with the existing hierarchy.”

Whilst the Council are not inviting comments on those elements of the Site Selection Report which have previously been consulted on, it is important to review this statement and this approach to the methodology in the context of the findings of the now published site assessments. As this is fundamental to the spatial strategy for the District, it is imperative the Council confirm whether there is in fact a greater amount of ‘available’ land in those settlements towards the top of the hierarchy which have been allocated fewer homes than those further down the hierarchy.

Land Fund has also previously requested that their Site be reassessed in the site selection report as a single piece of land, rather than as part of two separate parcels (site references SR-0034 and SR-0372). The characteristics of these two wider parcels are not reflective of the Land Fund site and therefore the Site scores worse against some criterion than it should due to constraints on other parts of the wider parcels.

Site Selection Report (Arup, March 2018)

Having reviewed the missing appendices, it is evident that the revised Site Selection Report has not taken on board comments raised by Land Fund through previous representations, and the Site has still been considered and assessed as part of two wider parcels of land (site references SR-0034 and SR-0372). Land Fund’s previous concerns that the site has not been accurately assessed therefore remain.

Land Fund has prepared a detailed evidence base of technical assessments relating to the Site and previous representations submitted in December 2016 included a review of the site against the relevant assessment criteria based on this evidence. This exercise confirmed that the Site scores better than the wider parcels which have been assessed in the Site Selection Report. This exercise is still valid and is reproduced in **Appendix 2**.

This exercise is particularly relevant in terms of the ‘Landscape Sensitivity’ of the parcels which, within Appendix B1.5.2, is cited as being the primary reason that eastern expansion of the Waltham Abbey settlement has been discounted as a strategic option at Stage 2 of the site selection process.

The Epping Forest Settlement Edge Landscape Sensitivity Study (2010) (SELSS) identifies five broad Landscape Setting Areas (LSAs) around Waltham Abbey. The Site falls within LSA 3, which stretches from Breach Barns Caravan Park in the north to the M25 in the south and from the eastern edge of Waltham Abbey to Woodgreen Road and through Warlies Park to the west. The study evaluates LSA3 as having a high sensitivity to change, meaning the LSA is considered desirable to safeguard in landscape terms and has a significant role in contributing to the structure,

character and setting of the settlement. Notwithstanding, the SELSS states that *“Further assessment work would, however, be needed to examine site-specific landscape and visual sensitivities”*.

On this basis, a Landscape and Visual Appraisal (LVA) (LDA Design, December 2016) was prepared in relation to the Site and this has been submitted in support of previous representations prepared on behalf of Land Fund. This document concludes that the strong urban influences on the landscape within the Site mean that it is not representative of the wider character area, and has a lower sensitivity to the character area as a whole and to the wider LSA.

On this basis, it is considered that the site is only of moderate landscape sensitivity and is therefore comparable with the sensitivity of land to the north of Waltham Abbey which is stated in Appendix B1.5.2 to be a *‘more suitable strategic option’*.

Appendix B1.5.2

More generally, Appendix B1.5.2 sets out the justification for the strategic direction of growth in Waltham Abbey and indicates that expansion to the east of the settlement is a *‘less suitable strategic option’* for the following reasons:

“As a result of its location to the east of the settlement, when compared with other strategic options at the settlement level, it would be more harmful to the surrounding landscape than other strategic options. This is evidenced by the Settlement Edge Landscape Sensitivity Study (2010), which concluded that the landscape to the east of Waltham Abbey is highly sensitive to change...While the northern part of this strategic option is located within Flood Zone 1, much of the area at the edge of Waltham Abbey is within Flood Zones 2 and 3. This area would therefore be less suitable for development taking account of the sequential flood risk test compared with other strategic options around Waltham Abbey, particularly given this would tend to direct growth further away from the existing town centre.

While the strategic option would result in very low harm to the Green Belt, as evidenced by the Green Belt Review: Stage 2 (2016), this is considered to be outweighed by its unsustainable location, distant from the existing town centre, and its potential harm to the wider landscape.”

Expansion to the north of the settlement is suggested to be a *‘more suitable strategic option’* for the following reasons:

“This strategic option provides opportunities to support development within close proximity to existing town centre services whilst minimising harm to the Green Belt. The loss of this strategic option from the Green Belt would have a low impact upon the Green Belt, as evidenced by the Green Belt Review: Stage 2 (2016). It would maximise opportunities to focus development sustainably, in close proximity to existing town centre amenities, public transport services and community facilities. While the wider character area, Copped Hall ridge north, is identified as being sensitive to change in heritage terms, it is noted in the Historic Environment Characterisation Study (2015) that the south-west corner (which aligns with the strategic option) would be less sensitive to change.

Part of this strategic option is sensitive to change in landscape terms, as evidenced by the Settlement Edge Landscape Sensitivity Study (2010), which concluded that the landscape to the north-east of Waltham Abbey is highly sensitive to change, with the landscape to the north-west of moderate sensitivity. Overall, it is considered that there is more potential to mitigate harm to the landscape in the western portion of the strategic option, in closer proximity to Waltham Abbey town centre. Development did incorporate sensitive design which responds to the characteristics of the landscape, including retention, where possible, of existing historic landscape features and incorporation of screening to minimise visual harm to the wider landscape. The area is predominantly located within Flood Zone 1 and therefore where sites within this strategic option are located within higher flood risk zones, further

consideration will need to be given as to whether specific sites meet the sequential and exceptions test in accordance with the National Planning Policy Framework.”

It is apparent from this section of the Site Selection Report that the land to the east of the settlement has been assessed as one whole parcel, whereas the assessment of land to the north has been focussed more specifically on potential development sites. The outcome of this approach is that the Site scores worse comparatively to the sites to the north, because it has not been assessed as an individual piece of land, and is therefore impacted by constraints on the wider parcels.

Land Fund previously raised similar concerns in relation to the Sustainability Appraisal (December 2017) through representations submitted in January 2018. These representations stated:

“It is interesting to read from the SA that all the strategic options for growth have been assessed at a ‘strategic’ level only, except for the northern strategic option which is largely justified on the basis that some of the constraints affecting the wider parcel do not affect the sites specifically proposed for allocation. We confirmed in our previous representations that the majority of constraints affecting the wider eastern area assessed, did not affect the Land Fund Site. This includes from a landscape sensitivity point of view.”

We would also note (as raised in previous representations) that the site assessment work has failed to identify that whilst the sites to the north of the settlement are predominantly not at risk of fluvial flooding, they are at risk of surface water flooding, whereas the Land Fund site largely is not. It is therefore considered that the Submission Version of the Local Plan has not correctly applied the sequential test, is not in accordance with national policy and therefore cannot be considered ‘sound’.

Summary and Conclusions

It is Land Fund’s firm view that the failure to provide the full suite of supporting evidence at the time of the original Regulation 20 consultation has prejudiced the ability of interested parties to fully consider the ‘soundness’ of the Submission Version of the Local Plan. To address this shortcoming in the previous consultation, the Council should have reopened the full Regulation 20 consultation to allow the opportunity for the Local Plan to be considered and commented on as a whole. This request for supplementary representations on only those appendices which were previously missing is clearly flawed.

In addition to the approach to the consultation, Land Fund is also disappointed to see that the concerns raised through previous representations regarding the approach to site assessment have not been addressed. In particular that the Site has still been considered as part of two wider parcels of land which are subject to a variety of constraints that would not impact the deliverability of housing on the Site. However, land to the north of the settlement, which is identified as a ‘more suitable strategic option’, has been considered at a ‘site level’ and constraints affected the wider parcels of land have not impacted on their overall ‘score’. The Site has therefore been unduly discounted at stage 2 of the site selection process and could be a suitable site to accommodate much needed residential development in Waltham Abbey.

This has implications when considering the wider assessment methodology which suggests that the settlement hierarchy has only been used as a ‘sense check’ because *“the land available does not tally with the places most likely to provide growth in line with the existing hierarchy”*. The Site is available and suitable for development and could therefore sustainably accommodate additional growth in Waltham Abbey in accordance with the settlement hierarchy.

We trust that the above representations and enclosed appendices will be given due consideration. Please do not hesitate to contact me should you wish to discuss the content of this letter.

Yours sincerely

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Associate Director

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