

Mrs. Melissa Pepper

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22 April 2018

Dear Planning Inspector,

**Supplementary Regulation 20 Representations to the Epping Forest District Local Plan Submission Version 2017**

Following Epping Forest District Council's decision on 26 March 2018 to make site selection reports publicly accessible (<http://www.efdclocalplan.org/wp-content/uploads/2018/03/EB805P-Appendix-B1.6.6-Results-of-Identifying-Sites-for-Allocation.pdf>), I am writing to submit supplementary Regulation 20 representations to the Epping Forest District Local Plan Submission Version 2017. This additional information was only made available a significant time after the formal consultation period ended, and following a successful legal challenge by CK Properties Theydon Bois Limited. Without this judicial review claim, Epping Forest District Council would have continued to withhold these details from the community – an issue that I raised in my original submission (see Appendix A) - which meant that the planning and consultation process did not adequately meet legal requirements.

Of the 31 sites initially put forward for consideration in Epping, 15 were not proposed for allocation. According to the site allocation report, of these 15 non-proposed sites, 12 identified no on-site restrictions or constraints to development. The justification given for not proposing these sites included: complex ownership patterns; landscape sensitivity; Green Belt harm; the presence of BAP Habitats and Tree Preservation Orders which would result in reduced site capacity; and that the sites were *'less preferred by the community'*.

Sites predominantly in the South of Epping have been proposed for development, with 73% of all planned housing located in this 'Masterplan' area. The site allocation report indicates that on-site restrictions and constraints were identified in each of the large-scale sites proposed for development in South Epping. Furthermore, the justifications outlined above for not proposing sites for allocation are very much present in the areas South of Epping proposed for allocation: land is split across six different owners, cannot be promoted as a single cohesive development, and offers no guarantee of streamlined delivery for development purposes; is located on Green Belt land which the LUC Green Belt Assessment (2016) deemed the removal of would have a high level of harm; is affected by a BAP Priority Habitat Area (identified by DEFRA/Joint Nature Conservative Committee as the most threatened and requiring conservation under the UK Biodiversity Action Plan), Ancient Woodland, Tree Preservation Orders, a Grade II listed farm and buildings, and High Voltage Transmission Cables and BPA Oil Pipelines within the site.

In addition, the land proposed for development in the South Epping Masterplan is: classed as BMV (Best and Most Versatile) Land – land that the National Planning Policy Framework states should be protected, with development preference given to poorer quality land; affected by a ransom strip owned by the Corporation of London; the furthest distance of all sites originally identified from transport, health, retail and other vital facilities increasing reliance on private vehicles; 'kerb side' to the M25 raising concerns about air and noise pollution; and requires significant infrastructure development, not least the provision of a new road to be built over the London Underground railway line which divides two major parts of the site.

In terms of preference of the community, according to the summary of responses to the Community Choices consultation which ran from July to October 2012, a number of the South Epping sites proposed for allocation

received a larger response rate and majority proportion opposition, while some of those not proposed for allocation received a smaller response rate and a lower proportion of opposition. Furthermore, the South Epping plans that were put out for consultation in 2012 were for development in the region of 523 dwellings across three sites. The submitted plan proposes a minimum of 950 homes on this land. This is an 82% increase – an additional 427 homes on the site - without consultation. Regardless of this, while I am a strong advocate of meaningful community consultation, I am concerned that large-scale, multi-million pound, potentially damaging decisions are being made on the basis of a ‘vote’ rather than a logical, sustainable, environmentally, and structurally sound basis.

Epping is currently taking on a disproportionate allocation of development for the region. The site selection report indicates that of the 12 sites initially put forward for consideration in neighbouring Theydon Bois, nine were not proposed for allocation. According to the report, these nine sites alone had the capacity to accommodate 1,274 units. Theydon Bois is proposing just three sites for allocation, taking only 57 units of the 11,400 required for the district. The original sites in their entirety in Theydon Bois offer capacity of up to 12% of the region’s requirements (n=1,331/11,400). The submitted plan proposes that Theydon Bois takes on just 0.5% of the region’s requirements (n=57/11,400). In light of the significant housing demand, it is completely unacceptable for Theydon Bois – an area with considerable identified capacity, the majority of which is within notably easier reach of transport, retail and other important facilities compared to the South Epping Masterplan site – to assume such limited responsibility within the submitted plan.

Alternative options are available that do not present the significant challenges of the current South Epping Masterplan site. These are outlined in my original submission (see Appendix A) and include (but are not limited to) land to the East of Epping and the North Weald golf course, both of which have committed developers and fully scoped plans (either existing or proposed) for housing, education, health, leisure, retail, and transport provision. Despite Epping Forest District Council’s overdue decision to release important information relating to site selection, it remains unclear why these considerably more sustainable options – and those presented in Theydon Bois – have been omitted from areas for proposed allocation.

On a final point, the emailed letter from Epping Forest District Council on 26/03/18 alerting me to the release of the previously withheld site selection report stated: *‘We note that your comments made reference to the fact that, as some of the appendices to the site selection report had not been published, you were not able to comment on them’*. The wording of this sentence suggests that only those original respondents who made reference to the absence of key documents have been alerted to their subsequent release and new opportunity to comment. If this is the case, Epping Forest District Council remain in violation of legal requirements to consult fully with the public.

Epping Forest District Council has failed to conduct a transparent consultation and has submitted a plan that lacks a clear and sound evidence base. The current plan is unsustainable, environmentally, and economically unsound. Thank you for considering these representations – and those in my original submission attached in Appendix A – when reviewing the Epping Forest District Local Plan Submission Version 2017.

Yours faithfully,

**...Redacted...**

Melissa Pepper

## Appendix A: Original representation submitted 29 January 2018

Dear Planning Inspector,

### Representation against South Epping Masterplan (EPP.R1 and EPP.R2), Epping Forest District Local Plan Submission Version 2017

#### I am making this representation as a resident/member of the general public

The Epping Forest District Local Plan Submission Version 2017 as it currently stands **does not meet legal requirements**, is **unsound on the basis that it is not justified** (i.e., not *'the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence'* as set out in the National Planning Policy Framework (NPPF)), and is **not consistent with national policy** (i.e., it will not *'enable the delivery of sustainable development in accordance with the policies in the Framework'*). The remainder of this document presents information to support these claims – specifically in relation to the **South Epping Masterplan (EPP.R1 and EPP.R2, page 117-119)**.

#### The Epping Forest District Local Plan planning process does not meet legal requirements

##### **There have been significant and far-reaching changes to the submitted plan following consultation**

- The 2016 consultation document set out proposals for in the region of 523 dwellings across three sites (SR-0113B; SR-0069133; SR-0333bi) on land south of Brook Road and Ivy Chimneys. The submitted plan proposes a minimum of 950 homes on this land. This is an 82% increase – an additional 427 homes on the site without consultation.
- Taking site EPP.R2 alone, information set out in the 2012 consultation document (page 101, referred to as site EPP-G) stated: *'potential for residential development which would need to be focused on the northern part of the site due to the electricity lines. Site promoters only suggest the northern part of the site for development...maximum capacity approx. 250 dwellings (equivalent to 10dph – suggested SLAA capacity)'*. The submitted version of the plan includes proposals for 500 homes on this site – a 50% increase on exactly the same stretch of land, despite assessment in 2012 deeming the area suitable for only 250 houses.
- The submitted plan also includes adjoining land in the children's play area in Flux Lane, South Epping. This land - given to the people of Ivy Chimneys and South Epping in perpetuity, with the condition it was not to be built on – was not included in any consultation literature and has not been subject to sustainability assessments.

##### **Key documents relating to site selection have been withheld from the public**

- At least six sites have been removed from the plan since the 2016 consultation. The council has withheld details of the evidence base informing the removal of these sites from the public.
- The FAQ page of the Epping Forest District Planning Our Future webpage states: *'the Council is yet to publish all of the detailed appendices which accompany the Site Selection Report and provide details relating to the assessment of individual sites...the Council will bring the publication of the remaining appendices to the attention of the Planning Inspector appointed to examine the Plan to ensure that the issue can be considered appropriately through the Independent Examination process'*. This information – in a clear and accessible format - should have been made publicly available prior to the deadline for representations.

## **The plan directly contradicts results of the 2012 and 2016 consultations**

- Priorities emerging from these consultations were around protecting and enhancing green spaces, using brownfield land before releasing any Green Belt land for development, and building housing close to public transport links and facilities.
- The plan that has been submitted for inspection proposes that 73% (950 of the planned 1,305 dwellings) of development in Epping takes place on Green Belt land as part of the South Epping Masterplan – a site that, of all those proposed, is located the greatest distance away from the London Underground Station, public transport, shops, health centres, and other local facilities.
- The South Epping Masterplan directly contradicts priorities raised in the 2012 and 2016 consultations.

### **The South Epping Masterplan is not justified**

#### **The South Epping Masterplan requires major infrastructure investment**

- This includes a substantial new road network and relief road over or under the Transport for London Central Line which runs directly across the middle of the site.
- The submitted version of the plan sets out aspirations for a new neighbourhood centre, community facilities, employment, retail, primary school, health hub, road access and layout, a bus corridor, and a vehicular, pedestrian and cycling bridge over the Central Line alongside the 950 homes – all on a stretch of land that was assessed suitable for only 523 homes in 2016. This substantial infrastructure has not been properly costed and there are no guarantees for delivery.

#### **The South Epping Masterplan presents a number of high impact site constraints**

- There are High Voltage Transmission Cables and BPA Oil Pipelines present throughout the site, which will impact on volume of land available for development. An assessment conducted as part of the 2012 consultation stated that electricity lines on site EPP.R2 meant that only the northern part of the land was suitable for development – up to a maximum of 250 dwellings.
- There is a Grade II listed farm and buildings on the site that will require careful work to minimise impact.
- There is a BAP Priority Habitat Area within the site – identified by DEFRA/Joint Nature Conservative Committee as the most threatened and requiring conservation under the UK Biodiversity Action Plan.
- There is Ancient Woodland within the site, which will require careful design to reduce impact such as a buffer zone. This will further reduce the volume of available land for development.
- There are a number of Tree Preservation Orders in place throughout the proposed site. These will require continued protection.
- The submitted plan states that the Masterplan will provide adequate levels of high quality open space, including replacement of the Brook Road Informal Recreation ground.
- All of the above is proposed alongside the significant infrastructure and a minimum of 950 homes – on the same stretch of land that was deemed suitable for only 523 dwellings in an assessment conducted to inform the 2016 consultation.

**The South Epping Masterplan is located the greatest distance of all sites from public transport, shops, health centres, and other local facilities, which will increase reliance on car use**

- The *closest* point of the site is approximately 0.7 miles from the tube station, 1.2 miles from town centre shops/services, and almost two miles from the local secondary school and health centre.
- The gradient between South Epping and Epping High Road is 1 in 16 (6.25%) over a distance of 480m, exceeding those set out in the Sustrans Guidance<sup>1</sup>. This gradient would be unachievable for most people to walk or cycle, increasing reliance on private car use. Building 950 new homes on South Epping does not support ambitions for a low carbon future.

**The South Epping Masterplan will exacerbate traffic in a frequently gridlocked area**

- Brook Road and Ivy Chimneys Road (those bordering the South Epping Masterplan) are one of only two entry/exit roads in to and out of Epping. Drivers use the road to avoid the busy high road area.
- Many parts of the road are single track, compounded by parked cars (few houses have off-street parking). The Central Line bridge running across the two roads is on a bend and creates a dangerous bottleneck.
- Ivy Chimneys Primary School is positioned at one end of the road and Coopersale Hall Primary School (a private fee-paying school) at the other. There is particularly heavy traffic at drop off/pick up times.
- Construction traffic couldn't use the existing road network to access the site. Additional roads and access points would need to be in place before construction started.
- The South Epping Masterplan will likely to lead to an additional 2,000 or so road users who, given the location of the proposed development, will be reliant on cars to access facilities in the area.

**The South Epping Masterplan is located directly next to the M25 motorway resulting in air and noise pollution concerns and additional infrastructure requirements**

- The proposed site for development sits directly next to the M25 motorway, one of the busiest roads in the UK. The M25 - is clearly visible from both Brook Road and Ivy Chimneys. Properties built on the furthest part of the site will be virtually 'kerb side' with the motorway.
- To mitigate noise and air pollution and the visibility of the motorway, large-scale barriers would need to be erected alongside the stretch of motorway, further increasing infrastructure costs.
- The noise and air pollution for families living in homes so close to the M25 on the South Epping Masterplan site is a significant concern. A recent study in the British Medical Journal (2017)<sup>2</sup> conducted with over half a million participants in Greater London and surrounding counties up to the M25 motorway, found that air pollution from road traffic in London adversely affects fetal growth. Research published in the Lancet (2017)<sup>3</sup> indicated that living within 50 metres of a motorway increases the risk of dementia with noise and air pollution from motorways also linked with respiratory and heart conditions, Parkinson's Disease, Alzheimer's, Multiple Sclerosis, and permanent, life-limiting damage to the lungs of children and unborn babies.

**The South Epping Masterplan – 73% of all housing development in Epping – is on Green Belt land**

- The 2017 Department for Local Communities and Government Paper *Fixing Our Broken Housing Market* states that *'Green Belt boundaries should be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their*

<sup>1</sup> Sustrans (April 2014) *Handbook for Cycle Friendly Design* (Page 8) [https://www.sustrans.org.uk/sites/default/files/file\\_content\\_type/sustrans\\_handbook\\_for\\_cycle-friendly\\_design\\_11\\_04\\_14.pdf](https://www.sustrans.org.uk/sites/default/files/file_content_type/sustrans_handbook_for_cycle-friendly_design_11_04_14.pdf)

<sup>2</sup> Smith, E. *et al* (2017) 'Impact of London's Road Traffic Air and Noise Pollution on Birth Weight: Retrospective population Based Cohort Study' *British Medical Journal* Volume 359, j5299.

<sup>3</sup> Chen, H. *et al* (2017) 'Living Near Major Roads and the Incidence of Dementia, Parkinson's Disease and Multiple Sclerosis: A Population-Based Cohort Study' *The Lancet* Volume 389, Number 10070, pp-718-726.

*identified housing requirements*'. It is not clear that Epping Forest District Council have fully examined other reasonable options as they have not made clear the evidence base for including and excluding proposed sites for development.

- The land proposed for development as part of the South Epping Masterplan is classed as BMV (Best and Most Versatile) Land. The NPPF states that Local Authorities should seek use of poorer quality land in preference to that of higher quality.
- The LUC Green Belt Assessment (2016) assessed that removal of the Green Belt that forms the South Epping Masterplan would have a high level of harm.
- The Green Belt land on the proposed South Epping Masterplan site acts as a buffer between Epping and the highly polluting M25 motorway, and prevents sprawl between Epping and Theydon Bois.

### **The topography of the South Epping Masterplan site is not suitable for large-scale sustainable development**

- The site is hilly and boggy in many parts. A brook runs along the edge and through the middle of the land directly opposite Brook Road.
- The land is at the bottom of a hill, one of the lowest parts of Epping (60 metres above sea level, compared to almost 110 metres on the High Road), and acts as a flood plain for excess water.
- The land is regularly waterlogged and Brook Road itself has experienced frequent floods due to burst water pipes and heavy rain.

### **The South Epping Masterplan will increase density in the area from approximately 13.1 to 40+ persons per hectare**

- Epping Hemnall Ward (in which the South Epping site is located) already has one of the highest population densities in the Epping area (13.1 compared to 9.8 per hectare for the town as a whole).
- The South Epping Masterplan would create a housing area with a population density of 40 plus persons per hectare. According to data from the Local Government Association, this is quadruple the mean figure for all English regions in 2016 (9.48).

### **The South Epping Masterplan will significantly damage the character of the surrounding area**

- The density of development would negatively impact on the character of the immediate surrounding area (many houses adjacent to the site are period properties) and the market town as a whole.
- This directly contravenes ambitions in the submitted plan to *'ensure that the design, density, layout and landscaping of new development is sensitive to the character of the surrounding area'*.

### **The land proposed for use in the South Epping Masterplan is split across six different landowners**

- The site cannot be promoted as a single cohesive development and there is no guarantee of streamlined delivery for development purposes.

### **The South Epping Masterplan is not consistent with national policy**

The proposed South Epping Masterplan is not consistent with the NPPF in at least five different areas:

- The NPPF states that *'local planning authorities should plan for development in locations and ways which reduce greenhouse gas emissions'*. The South Epping Masterplan site is the greatest distance of all proposed sites from public transport, shops, health care and other facilities, with a hill gradient exceeding those set out in the Sustrans Guidance. This will increase reliance on private vehicle use.

- The NPPF requires that development responds to local character and history, reflects local surroundings, and should be refused for poor design. It is currently unclear how large-scale, high-density development will reflect the local area, a significant proportion of which is made up of period properties.
- The NPPF states that the planning system should contribute to and enhance the natural and local environment by *'preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water and noise pollution'*. The South Epping Masterplan site is directly next to the M25 – the busiest motorway in the country.
- The NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...A local planning authority should regard the construction of new buildings as inappropriate in Green Belt'*. The South Epping Masterplan – which will incorporate 73% of all proposed development in Epping – is based entirely on 'high level harm' Green Belt land. The Local Authority has not made clear what *'very special circumstances'* justify this.
- The NPPF states that *'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions, or other requirements should, when taking account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'*. The substantial infrastructure requirements set out in this document – including a large-scale and complex road network built over a busy London Underground rail line in order to join the two parcels of land – presents significant financial demands which, to date, have not been properly costed to fully assess viability of the development.

#### **The submitted plan has been 'rushed through' due to threat of additional housing requirements**

- Residents, members of the public and Local Authority councillors have been warned on a number of occasions that the district will be required to accommodate an additional 9,000 houses if they do not approve this version of the plan.
- At a Full Council meeting on 14 December 2017, a number of councillors stated that they did not want to approve the plan, but were doing so due to concern about increased housing allocation if submission was delayed.
- This has led to an ill-thought through, unsustainable plan, with a weak (in places, non-existent) evidence base.

#### **Alternative sites are available that do not present the significant challenges of the current South Epping Masterplan site**

- Large-scale sites, with actively interested landowners/developers, are available in Epping. Examples of two sites are land to the East of Epping, and the land currently occupied by North Weald golf course.
- These sites pose significantly fewer constraints compared to the South Epping Masterplan site.
- The land East of Epping is within close walking distance of the London Underground stations, the High Road, health facilities, and primary and secondary schools, reducing reliance on private vehicles, offers more straightforward land assembly - just two owners – who have an established developer firmly 'on board', is located within a wider, more accessible road network which will better support site traffic, and has been fully costed in terms of site development requirements (shops, health facilities etc.) with consideration given to the government-preferred Garden Village approach. Furthermore, the removal of Green Belt land in this area has been assessed as moderate/low, compared to the high-risk assessment in the current South Epping Masterplan area.
- North Weald golf course is well linked with the A414 and M11, avoiding the already congested Epping town area. There is a single landowner actively working with an established developer. This site is not agricultural

and therefore, according to NPPF and other government guidance, should be preferable for development. Plans for a school, health, leisure and retail facilities have been fully costed as part of the development.

- In addition to the options outlined above, the neighbouring village of Theydon Bois – an area that is currently accommodating just 58 houses as part of the submitted plan – has potential to take on a considerably greater volume of development on land east of the London Underground station, all of which would be within walking distance of transport, shops and other facilities.
- It is not clear why these more sustainable options, requiring significantly less costly and time consuming infrastructure development compared to the South Epping Masterplan site, have not been fully considered as part of the submitted plan.

The South Epping Masterplan proposed in the submitted plan presents an unsustainable, environmentally, and economically unsound option, lacking in clear evidence base, and approved by the Local Authority under threat of significant additional housing requirements.

The reasons outlined in this document indicate that the Epping Forest District Local Plan Submission Version 2017 does not meet legal requirements, is unsound on the basis that it is not justified, and is not consistent with national policy. Proposals for the South Epping Masterplan should be rejected in the current form, and further assessment conducted to explore other available sites that present more sustainable and viable development opportunities.

Yours faithfully,

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Melissa Pepper