



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 Estates
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

SUPPLEMENTARY RESPONSE TO REPRESENTATION ID. 19LAD0055-1

In our original representations to Paragraphs 1.5 and 1.6 of the Submission Version EFDLP we objected to the fact that the full evidence base, and the Site Selection Report in particular, had not been published as part of the EFDLP consultation. As a result, we concluded that EFDLP had 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.

Appendix B [Doc Refs. EB805 and Appendix B EB805 A to P] has now been published within the Site Selection Report 2018. We were notified by letter (via e-mail sent on 26th March 2018) that Appendix B was available and subject to consultation until 23rd April 2018. We have commented on the updated sites assessments which are relevant to our client's site at land at Coopersale Cricket Club in Coopersale in our December 2017

supplementary representations to Policy P12.

While we were notified of the additional consultation stage and had the opportunity to submit further comments, it is not clear who else has been consulted about the new evidence documents. It appears that the updates to Appendix B have been subject to limited consultation, in that only those who previously submitted representations about the non-availability of site selection documents were notified and invited to submit comments. There is no mention of the additional consultation stage on the Council's website. If, as expected, the consultation on the updated Appendix B has been limited, then this process does not comply with the Council's Statement of Community which means that the requirements of Section 19(3) of the 2004 Act have not been met and that EFDLP is not legally compliant. Statutory consultees, local residents, and all those with an interest in development matters within the area should have been notified of the consultation on updated Appendix B. The update to the Consultation Report [Doc Ref. EB122] will confirm who has been consulted and when in order to confirm whether the consultation requirements have been complied with or not.

Furthermore, the consultation period on updated Appendix B only lasted 4 weeks, which is not in accordance with legislation, and the Council did not invite any comments on other documents and appendices to the Site Selection Report that were previously unavailable during the Regulation 19 consultation period. The Council has made clear that no additional matters shall be considered. It is for this reason these representations are focused on Appendix B. The new evidence provided in Appendix B is substantial, and accordingly a 4 week period means insufficient time has been allowed for during the consultation to enable consultees to make proper representations or consider the documents in detail.

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.

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. 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 and all the appendices now available 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 Appendix B to the Site Selection Report 2018 - 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:

23/04/18

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)

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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

SUPPLEMENTARY RESPONSE TO REPRESENTATION ID. 19LAD0055-2

We commented on Paragraphs 1.10 and 1.11 in our representations to the Submission Version Epping Forest District Local Plan (EFDLP) in January 2018. In those representations we disagreed with the claim that comments received at earlier plan-making stages had been taken into account for EFDLP. In those representations, we highlighted the changes made to Policy S12: Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots between the Draft EFDLP stage and the Submission Version EFDLP stage. In particular, we highlighted the fact that land at Coopersale Cricket Club and Coopersale and Theydon Garnon Primary School Playing Fields (Ref. SR-0405 for 19 dwellings) was deleted from the Submission Version EFDLP despite being allocated in the Draft EFDLP. Our client, the Chisenhale-Marsh Estates Company, owns the land at Coopersale Cricket Club, made it clear in representations at Draft EFDLP stage (and at Submission Version EFDLP stage) that the site was suitable and available for residential development and was deliverable. The site could accommodate between 19 and 28 dwellings depending on site density. The findings of the Green Belt Assessment, which has not been revised, demonstrates that development at the site would lead to 'low' harm to Green Belt purposes.

In summary, we object to the outcome of the Site Selection 2018 process in respect of Site Ref. SR-0405 Land at Coopersale Cricket Club in Coopersale because the site was assessed and subsequently allocated at Draft EFDLP stage, but the Site Selection 2018 process effectively involved a complete rerun of the assessment process and discounted the site at the initial stage of the process. This outcome is inconsistent with earlier stages of the process and is unsound because it is not effective. We highlight the outcome of the different stages of the assessment and plan-making process for Site Ref. SR-0405 below.

The site was assessed in Site Selection process in 2016 [see Doc Ref. EB801G Appendix B1.4.2 – Results of Stage 2 Assessment - EB801Giii - A-B1.4.2-Extract for Epping p67-111 of full Appendix]. The Site Suitability Assessment for the site is attached. The assessment related to a larger site, and included the adjacent school playing fields. In representations to the Draft EFDLP it was confirmed that the school playing fields were excluded from the proposed development site, and the Development Framework Document for the site relates to the smaller site.

The site was allocated for 19 dwellings in Draft Policy P12 in the Draft EFDLP – an extract of the policy and supporting text is attached. The decision to allocate the site will have been based on the findings of the Site Selection 2016 process, the Green Belt Assessment Stage 2 Report & Technical Annex 2016) [Doc Ref. EB705B], and the Sustainability and Equalities Impact Appraisal 2017 [Doc Ref. EB204].

The site was not allocated in the Submission Version EFDLP.

The Site Selection process 2018 seeks to provide the evidence to explain and justify the decision to delete the site and not allocate it in the Submission Version EFDLP. The site was discounted from the reassessment at the initial stages and as a result was not subject to further assessment. The site was referred to in Appendix B1.2.1 - Residential and Employment Sites Discounted from the Assessment [Doc Ref. EB805B] – see pg.B64. The justification for the site states: *“Representation received to Draft Local Plan confirmed that proposed site allocation was no longer available for residential development”*. As set out above, this statement is incorrect. The representations submitted to Draft EFDLP on behalf of the landowner confirmed that the site was available and suitable for development, and a Development Framework Document was submitted with those representations to demonstrate the form and content of development at the site. The content of the representations to Draft EFDLP is confirmed in Appendix B1.2.3 - Representations Received to Draft Local Plan Consultation [Doc Ref. EB805D] - see pg. B86. The Summary of Representations for the site states: *“Representation submitted by site promoter supporting the allocation of the site in the draft Local Plan and commenting on the indicative capacity assessment, and providing additional information”*. Updates Made to the Site Selection Assessment *“The assessment of the site was reviewed in light of comments made and the assessment of the site is included in the appendices to the Report on Site Selection 2017”*.

The above review of the assessment and plan-making process for the site demonstrates the inconsistencies in the outcome and approach adopted at different stages. The findings and conclusions of the Council’s consultants are incorrect for Site Ref. SR-0405. The site is suitable and available for residential development. The site should be released from the Green Belt, as proposed at Draft EFDLP stage, because the Green Belt Assessment demonstrated that development at the site would lead to ‘low’ harm to Green Belt purposes. There has been no change in circumstances or evidence to justify the decision to delete that draft allocation.

We request that the 2016 Site Suitability Assessment for the Coopersale Cricket Club land part of Site Ref. SR-0405 is inserted back into the site selection process and updated to reflect the later stages of the assessment process. The decision to undertake a complete rerun of the assessment process and discount the site at the initial stage of the 2018 site selection process was clearly inappropriate. We request that our representations to Policy P12 (see Rep Id. 19LAD0055-10) are used to update the site assessment. 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.

The decision to remove a draft allocation is also inconsistent with the findings of the updated West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA July 2017), which demonstrated that the full objectively assessed housing need for Epping is 12,573 dwellings between 2011 and 2033, an increase from the previous assessment of 11,400 dwellings. A higher housing requirement should have resulted in additional allocations, not the deletion of draft allocations.

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 request that the 2016 Site Suitability Assessment for the Coopersale Cricket Club land part of Site Ref. SR-0405 is inserted back into the site selection process and updated following a robust assessment process.

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

The 2016 Site Suitability Assessment for Site Ref. SR-0405

Draft Policy P12 and supporting text in Draft EFDLP

Signature:

Carter Jonas LLP

Date:

11/04/18

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)

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If no, then which of the soundness test(s) does it fail*

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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

SUPPLEMENTARY RESPONSE TO REPRESENTATION ID. 19LAD0055-10

As set out in supplementary response to Paragraphs 1.10 and 1.11, land at Coopersale Cricket Club in Coopersale (Site Ref. SR-0405) was not correctly assessed in the Site Selection 2018 process; the site was discounted at the initial assessment stage, when it had been assessed at previous stages of the plan-making process and was allocated in Draft EFDLP. In these circumstances, the decision by the Council and it's consultants to undertake a complete rerun of the assessment process and discount the site at the initial stage of the 2018 site selection process was clearly inappropriate.

In our supplementary response to Paragraphs 1.10 and 1.11, we requested that the 2016 Site Suitability Assessment for the Coopersale Cricket Club land part of Site Ref. SR-0405 is inserted back into the site selection process and updated following a robust assessment process. Our original representations to Paragraphs 2.134 to 2.142 and to Policy P12 of the Submission Version EFDLP included detailed information on the form and content of the proposed development at the site, which should be used to complete and update the assessment process. In summary, the key points to note which are relevant to the assessment of

the site are as follows:

- The overall assessment of Green Belt harm for land at Coopersale Cricket Club was 'low'.
- The proposed development will include hedge and tree planting at the site boundary to provide a landscape buffer.
- The proposed development would be suitably contained by the surrounding forest landscape and will not intrude on the character of the nature reserve/SSSI.
- The proposed development would provide drainage infrastructure including a balancing pond.
- There is sufficient land within the site to accommodate the proposed development and meet all space and amenity standards, and for hard and soft landscaping and for on-plot car parking.
- The existing long distance footpath can be relocated to land immediately to the south of the site.
- The landowner can provide an alternative site for a cricket pitch on land that they own.

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:

11/04/18
