

RPS

**Supplemental Planning
Statement Responding
To Appendix B to the
Site Selection Report
(March 2018)**

In respect of

Land East of Central Line/North of
Abridge Road (including the Old
Foresters Site), Theydon Bois

Representation Site 2

On behalf of

CK Property Theydon Bois Ltd

RPS Ref: DS/jm/JLN0243

April 2018

Secure & Stable
ADDING VALUE

QUALITY MANAGEMENT

Prepared by:	Danny Simmonds
Authorised by:	Danny Simmonds
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1 INTRODUCTION

- 1.1 This supplemental planning statement has been produced in support of a representation made to Epping Forest District Council in response to the Epping Forest District Local Plan – Submission Version 2017 (“SVLP”). This statement relates to Land East of Central Line/North of Abridge Road (including the Old Foresters site), Theydon Bois (the representation site).
- 1.2 The representation site adjoins the settlement of Theydon Bois and significantly is immediately adjacent to Theydon Bois underground station. The representation site is promoted by CK Property Theydon Bois Limited, who is the site owner (owners). The size of the representation site is approximately 11.5 hectares (29 acres) in total. The precise extent of the representation site is shown on the red line plan, ref: RPS/TB1, included as Document 1.
- 1.3 The representation site is currently in the Metropolitan Green Belt. By way of this representation, it is requested that the site be released from the Green Belt and allocated as a housing site. The representation site was previously included as part of a housing allocation in the Draft Consultation Plan 2016 (see Draft Policy P8 – Theydon Bois, Site SR-0026B). Part of the site was allocated for approximately 133 homes.
- 1.4 The representation site is the most sustainable of any Green Belt location considered in the Local Plan process. Notably, the site is immediately adjacent to an underground station and well related to shops and services within Theydon Bois. This is evidenced through these representations and also the representations made on behalf of the owner throughout the Local Plan process and in the Regulation 19 representations dated 29 January 2018.
- 1.5 It must be emphasised that this supplemental representation specifically responds to Appendix B of the Site Selection Report (March 2018). These representations are however made under protest on the basis that Appendix B was not made available during the Regulation 19 period and therefore informed submissions could not be made on behalf of the owner at that stage in the absence of any explanation or rationale as to why the representation site was removed from the submission version of the Local Plan.
- 1.6 Neither the owner nor its agents were specifically invited to make further representations to Appendix B following its publication around 16 March 2018. Some interested persons received a copy of the undated letter appended to this statement, at Document 2, which invited those persons to make further representations to Appendix B. The owner was instead made aware of this letter second hand through another local resident.
- 1.7 However, these representations are submitted nonetheless and made on a without prejudice basis to the current legal proceedings being pursued by the owner. It remains clear that the owner has been materially and significantly prejudiced as a result of the non-availability of Appendix B and, in any event, even if the owner had been invited to make further representations, prejudiced by the short period of time to review the substantial documentation that comprises Appendix B. Consequently the owner continues to be significantly prejudiced by the inability to make fully informed representations to the SVLP and key supporting documents.

2 GENERAL BACKGROUND

- 2.1 On 20 March 2018, the Planning Court granted permission to CK Property Theydon Bois Ltd (i.e. the owner and site promoter) to challenge by way of a judicial review the District Council's decision to approve the Submission Version of the Local Plan ("SVLP") for publication and submission. The District Council has given an opportunity to supplement representations upon the draft Local Plan, to take account of Appendices B and C of the Site Selection Report by the undated letter appended at Document 2. Neither the owner nor its agent received a copy of this letter. These appendices were not available at the time of the publication of the SVLP; during the Full Council meeting of 14 December 2017 whereby members resolved to publish the SVLP and submit the same for examination; nor during the Regulation 19 period.
- 2.2 From the outset it needs to be made clear that the owner is firmly of the opinion that the lack of availability of Appendix B (and indeed other documents such as Appendix F which comprises the equivalent technical assessment for employment sites as Appendix B for residential) was a serious omission on behalf of the Council and that its absence did indeed prejudice their position in terms of making a full and reasoned response to the SVLP during the Regulation 19 period and prior to this. RPS wrote to the Council, on behalf of the owner, on two occasions requesting a copy of Appendix B, prior to its release in March 2018. The Council failed to release this document.
- 2.3 As explained above, although the owner is now aware - through second hand sources - of the possible opportunity to make comments upon Appendix B (and Appendix C), neither the owner nor their agents (i.e. RPS) received notification from the District Council as to this opportunity.
- 2.4 Appendix B is a very lengthy document, comprising a huge amount of technical information. Appendix B contains 21 individual components many of which span over 100 pages if not more each. It has therefore not been possible within the short time since Appendix B was published, or indeed since the owner was made aware of the undated letter at Document 2 in late March, to study Appendix B in the detail level of required to make fully informed representations or indeed make an informed judgment as to whether the SVLP is sound.
- 2.5 However, from only a review of Appendix B1.6.5, B1.4.2 and B1.1 in detail, this reaffirms the owner's view that Appendix B is indeed a vital component of the technical information that supports the SVLP and that the SVLP cannot be regarded as sound.
- 2.6 This supplemental statement focuses on the following parts of Appendix B that the owner has had the opportunity to consider in detail and this statement considers these documents in this order:
- Appendix B1.6.5 – technical assessment testing
 - Appendix B1.4.2 – results of stage 2 and stage 6.2 assessment
 - Appendix B1.1 – overview of assessment of residential sites

- 2.7 For the avoidance of doubt, comments made during the Regulation 19 period by the owner, as set out in a planning statement dated January 2018, still remain relevant and forms part of the owner's representations to the SVLP, which should be submitted to the Secretary of State. However, points made in the original representation are not repeated in this case. In other words, this supplemental statement seeks to confine comments to Appendix B of the Site Selection Report only.
- 2.8 It should be emphasised again that these representations are made without prejudice to the legal proceedings which are currently being progressed by the owner.

3 APPENDIX B1.6.5 – TECHNICAL ASSESSMENT TESTING

- 3.1 Appendix B1.6.5 explains three strategic technical assessments, which were undertaken by the District Council in September 2017, to consider the implications of the district wide distribution of housing, employment and infrastructure needs. The purpose of the assessment was to “test a range of potential variant options” in order to inform final site selection.
- 3.2 The three assessments were labelled Technical Assessments A, B and C. Each assessment was tested through the Sustainability Appraisal. In terms of relevance of this representation, Technical Assessment A assumes higher growth in Theydon Bois, based on 354 additional dwellings (as compared to 360 additional dwellings in the 2016 draft version of the Local Plan). As is clear from the site schedule at the back of this appendix, this representation site was included as part of the Technical Assessment A, but was excluded from Technical Assessments B and C. Technical Assessments B and C assumed lower levels of growth in Theydon Bois, in both cases adopting 90 additional units.
- 3.3 As is clear from this appendix, the Technical A Assessment had very clear advantages and scored more favourably as opposed to the other options (i.e. Technical Assessments B and C) , especially in terms of sustainability, as is clear from the following extracts, all of which are on Page 8:
- “In respect of Transport there is existing congestion in the south of the District and focusing development there could exacerbate this...Alternative A proposes the greatest level of growth along the London Underground Central Line, so performs better against Transport than the other alternatives.**
- Following on from the findings of the transport assessment, the appraisal found that Alternative A performs slightly better against climate change as it is more likely to reduce the need to travel and the need of the private vehicle so would minimise traffic related emissions to air.**
- Overall, Alternative A was rated against three topics as the most sustainable option – they were Climate Change and Transport with positive effects and Land and Waste with the least negative effects of the three scenarios...”**
- 3.4 Technical Assessment A also scored equal to Technical Assessment B (which assumed the same lower levels of growth in Theydon Bois as Technical Assessment C of 90 units) in terms of Biodiversity and Green Infrastructure, and also in relation to Landscape against both Technical Assessment B and C.
- 3.5 It is clear that, on the independent studies undertaken by Arup and the Council's own evidence, that this Technical Assessment Testing only supports the position for growth in Theydon Bois and the inclusion of the representation site as a housing allocation. There is nothing in this document to suggest that additional housing in Theydon Bois, as contemplated by the 2016 version of the Plan, will be harmful or indeed strategically inferior to the other strategic options proposed through Technical Assessment B and Technical Assessment C. In fact, this appendix we

consider evidences why Technical Assessment A and the inclusion of the representation site in the SVLP would represent the most sustainable strategic option and quite clearly the most appropriate strategy as required by the National Planning Policy Framework.

- 3.6 For all these reasons, in so far as this document was prepared in order to inform final sites selections, it provides further evidence to support an allocation on the representation site and reinstatement as per the allocation in the Regulation 18 draft Local Plan.

4 APPENDIX B1.4.2 – RESULTS OF STAGE 2 AND STAGE 6.2 ASSESSMENT

- 4.1 An update of the Arup site selection appraisal is contained in Appendix B1.4.2. This is an extensive assessment of all potential sites. The assessment is divided into four separate documents. The Theydon Bois sites are considered in Part 4. The Arup assessment is an update of that undertaken in September 2016, as referred to in the January 2018 representation made by RPS – see paragraphs 4.2-4.4 inclusive. As was the case in September 2016, the representation site scores well against all criteria. Relevant parts of the Arup assessment for the representation site, especially in relation to this supplemental submission, are as follows:
- 1.1 – Impact on Internationally Protected Species** – effects of allocating the site for the proposed uses are not likely to be significant alone but should be checked for in-combination effects.
- 1.4 – Impact on Epping Forest Buffer Land** – site is unlikely to impact on Epping Forest Buffer Land.
- 2.1 – Level of Harm to Green Belt** – site is within the Green Belt, where the level of harm caused by release of the land for development would be very low, low or medium.
- 5.1 – Landscape Sensitivity** – site falls within an area of medium landscape sensitivity – characteristics of the landscape are resilient to change and able to absorb development without significant character change.
- 4.2 As with the September 2016 appraisal, the Arup assessment highlights that the representation site is more than 4,000m from the nearest secondary school and raises concerns about the loss of the best and most versatile agricultural land. In relation to the first point, it is inevitable that the site will be beyond 4,000m from the nearest secondary school, as Theydon Bois does not have a secondary school. So clearly, this point will relate to any potential development site in Theydon Bois. In any event, the lack of a secondary school in Theydon Bois should not prevent development. There may be capacity in existing schools in neighbouring settlements or alternatively, it may be appropriate to seek a Section 106 financial contribution towards additional facilities. On the second issue, a report on the site's agricultural land quality has already been submitted as part of the previous representation. This report is able to conclude that the representation site is classified as Grade 4, i.e. poor quality agricultural land. Accordingly, contrary to the erroneous conclusions in Appendix B1.4.2, development of the representation site will not involve the loss of any best and most versatile agricultural land.
- 4.3 Based on the Arup assessment, it is clear that a residential allocation on the representation site will not be harmful in terms of the issues of Internationally Protected Sites (i.e. Epping Forest Special Area of Conservation), Green Belt, and landscape. Indeed, based on the Arup work, it is clear that development upon the site will not cause harm to any material planning or environmental matter.

5 APPENDIX B1.1 – OVERVIEW OF ASSESSMENT OF RESIDENTIAL SITES

5.1 Appendix B1.1 contains a summary assessment of all potential residential sites. Analysis of the representation site is contained on Page B5 of the document. As is clear from Page B5, it is recommended that the site proceeds (with residential development) at Stage 1, Stage 2 and Stage 3. However, Stage 4, it is recommended that the site should not proceed. The justification in the document can be separated out as follows:

- The site was proposed for allocation in the draft Local Plan (2016) and remains available within the first five years of the Plan period.
- Response is received through the Regulation 18 Draft Local Plan consultation indicating that the site is less preferred by the community as a result of the scale of growth proposed.
- The Conservators of Epping Forest (Conservators) raised concerns around the overall scope of growth proposed in Theydon Bois, which is located in proximity to the Epping Forest SAC, and the potential effects arising from recreational pressure and air quality. The Conservators identify the need for SANG to compensate for the scale of growth, which adversely effect the deliverability of the site.
- It was considered that other sites in Theydon Bois were more preferable in terms of their suitability.

Availability

5.2 The representation site was indeed proposed in the 2016 draft version of the Plan. The reasons that justified its inclusion as a housing site in 2016 very much remains the case now, especially in light of the Council's challenging housing requirements. It can be confirmed that the representation site remains available within the first five years of the Plan.

Scale of Growth

5.3 It is noted that residents of Theydon Bois are concerned about growth. However, most if not all of the sizeable housing allocations in Theydon Bois have attracted objections from local residents. This itself is not a justifiable reason to delete housing allocations. In this connection, Theydon Bois is identified as a "large village" and in terms of the Local Plan's hierarchy of settlements, it is logical that it should take its proportionate share of allocated housing. In any event, Theydon Bois' position adjacent to the London Underground Central Line makes it an obvious candidate to accommodate an increase in housing. Furthermore, as highlighted by Appendix B1.6.5 (Technical Assessment Testing), the provision of a high growth strategy for Theydon Bois has significant advantages in terms of sustainability and indeed is strategically favourable than the other options tested.

Conservators of Epping Forest

5.4 The owner has seen the Local Plan representation made by the Conservators of Epping Forest (Conservators). The Conservators have raised concerns about the prospect of an increase in housing across Epping Forest district. For example, Page 2 of their December 2016 representation states their concern is “the current plan is being disproportionately led by housing targets”. They also raise issues in relation to the release of Green Belt sites, for example at Theydon Bois and Epping. However, the Conservators are not expressly resisting a housing allocation on the representation site. Rather they are suggesting suitable alternative natural green space (SANG) will be required, so as to accommodate an increase in population in the settlement. With regard to the SANG point and other matters raised by the Conservators, the following points are relevant:

1. The housing allocation for the representation site as contained in the 2016 version of the Draft Local Plan proposes 133 dwellings. However, the Council’s habitat regulations assessment of November 2016, to coincide with the earlier 2016 draft of the Local Plan, imposed a 400 house threshold for SANG. The document contains a recommendation that applications for more than 400 dwellings in Loughton, Epping, Waltham Abbey, Theydon Bois and Chigwell should contain their own on-site SANG (typically at a rate of 8 hectares per 1000 population). The Council have adopted the same approach in the latest version of their habitat regulations, to coincide with Regulation 19 version of the Plan. In other words, the requirements for SANG only comes in to play when a housing allocation exceeds 400 units. Accordingly, based on the Council’s habitat regulations, a SANG is not required on the representation site.
2. Notwithstanding the above, the representation site is large enough to accommodate a SANG. Indeed, as set out the owner’s January 2018 representation (see paragraph 5.3), the site is large enough to accommodate areas of open space and community facilities, if required. As part of this provision, it is clearly possible to provide SANG on-site, in accordance with the Council’s requirements of 8 hectares per 1000 population. Accordingly, the Conservators’ concern that the need for SANG may affect deliverability of the site does not apply in this case.

5.5 The Council’s reliance on the Conservators objection as a reason to de-allocate the Theydon Bois site is inconsistent with their approach elsewhere. For example, the Conservators objected to the loss of green space at Borders Lane and Jessel Green. It was claimed that if Jessel Green was lost it would place considerable place on the nearby Forest and would seem to be in contradiction to the green infrastructure policies in the draft Local Plan. Notwithstanding the Conservators view, the current Regulation 19 draft version of the Local Plan allocates Jessel Green for housing.

Other Sites

5.6 It is not accepted that there are other sites in Theydon Bois which are more preferable in terms of their overall suitability. As explained in the January 2018 representation, the representation site has considerable benefits, notably its position immediately adjacent to the Theydon Bois Underground station. Indeed as clear from the original representation, it can be legitimately

concluded that the representation site is the best site in Theydon Bois to accommodate a level of housing, consistent with its “large village” status.

Conclusion

- 5.7 The owner remains of the opinion that the representation site has clear merit. It represents the most sustainable site in Theydon Bois, capable of meeting housing requirements. The additional information provided in Appendix B only reaffirms its suitability as a housing site. The points raised by objectors, in particular the Conservators, should not legitimately weigh against a housing allocation.

DOCUMENT 1 – SITE LOCATION PLAN, REF: RPS/TB1

**DOCUMENT 2 – UNDATED LETTER FROM PLANNING POLICY
TEAM / EPPING FOREST DC**

