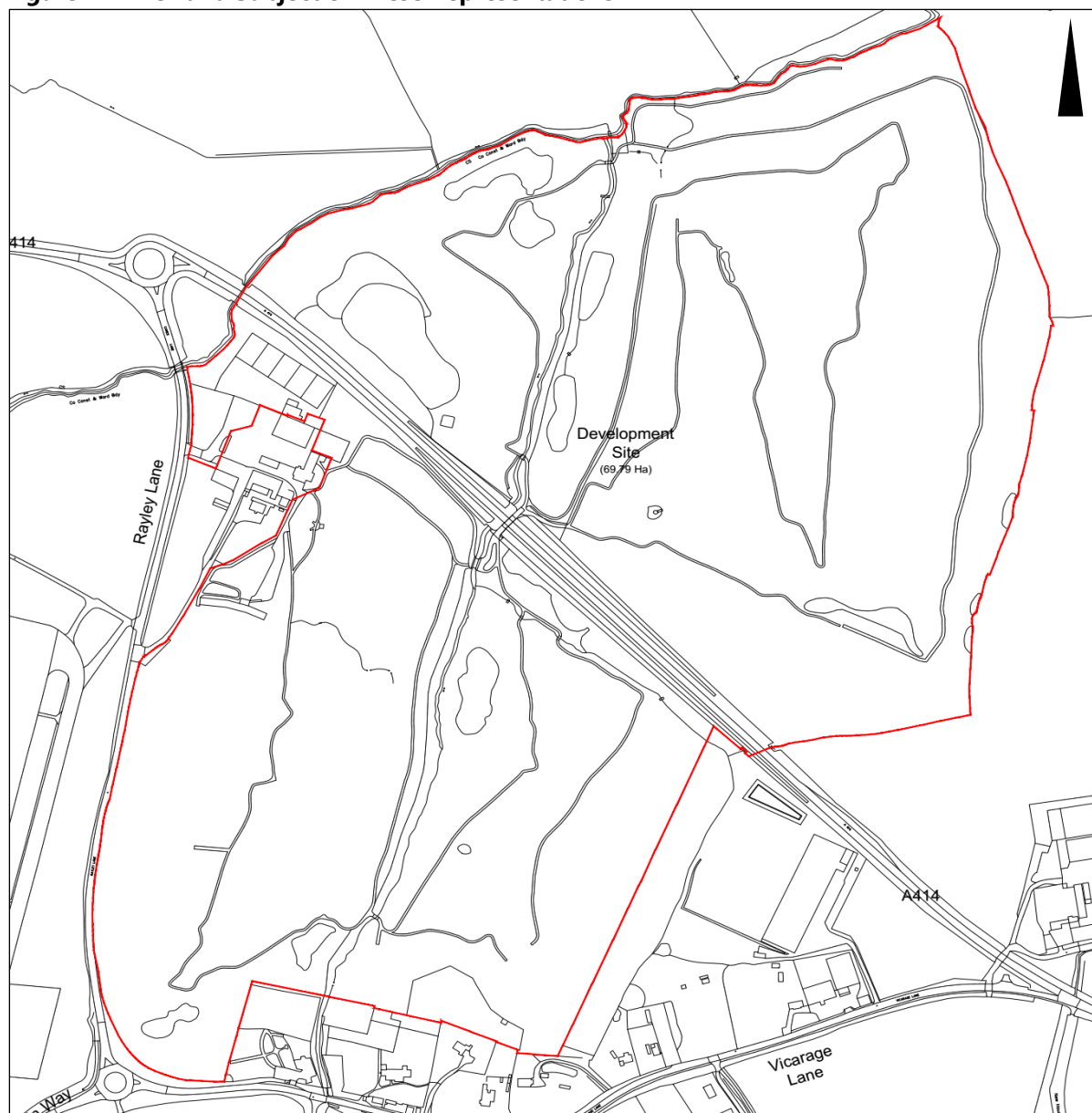


Introduction

These Supplemental Representations are made on behalf of Quinn Estates Ltd (henceforth 'Quinn Estates') and relate to Land to the North and South of the A414, North Weald Bassett. They have been prepared following receipt of an undated letter from the Council that was circulated by email on 26 March 2018. That letter was sent following a permission hearing in the Planning Court on 20 March 2018.

The land which is the subject of these Representations is outlined on a map below (**Figure 1**). It was last used as a golf course which closed because it was financially unsuccessful. As previously noted, Quinn Estates and the landowner have entered into a contract of sale with Redrow PLC which means that the site is deliverable and can make a timely and valuable contribution to the delivery of housing and essential supporting infrastructure.

Figure 1 – The Land Subject of These Representations



Source – BDB Design; not to scale.

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In our previous representations we have explained Quinn Estates' and Redrow's excellent track record in delivery new homes and economic development. This is an important consideration in light of various Government announcements and consultations, not least in the February 2017 White Paper *Fixing our broken housing market* where the Government considers that a developer's track record in delivering major schemes is an important consideration, so much so that it has proposed that a developer's track record be taken into account when considering planning applications for major developments.

1. Relationship with Previous Representations

These Supplemental Representations do not replace our previous representations – they should be read in addition to our previous submissions.

Representations were made in accordance with the statutory requirements at the Regulation 18 stage of the Local Plan process. Whilst they were duly made, for the reasons explained in our Regulation 19 Representations (which were also duly made), our client is concerned that full and proper regard has not been paid to our Representations by the Council.

2. Procedural Concerns

In our previous representations we explained why, based on the turn of events, we consider that our client's site was prematurely and unfairly discounted; it could not have been assessed against all other sites and, on that basis, the assessment of all other sites must also be tainted by this procedural defect. It is clear from the July 2017 Cabinet Report, for example, that the relative merits of the sites that had been submitted (and, yet, still accepted by the Council as candidates for allocation) following the closure of the Regulation 18 consultation period in December 2016 had not been assessed by the date that the July 2017 Cabinet Report was published. It is also clear that the Council had not even published a methodology for site selection at that time. Nevertheless, the Council had already dismissed sites – including our client's site – by that time.

A similar criticism can be made in relation to the current consultation; whilst we welcome the opportunity to comment on the *Appendices B and C to the Site Selection Report*, these documents should have informed the selection of sites that were presented to the July 2017 Cabinet Meeting and to the December 2017 Council Meeting.

By the Council's own admission this information was not available to interested parties during the statutory consultation period. The publication of these documents in March 2018 naturally gives rise to a suspicion that evidence is being 'retrofitted' to the proposed site allocations, and does nothing to allay concerns that sites have been unfairly and / or prematurely discounted. The turn of events certainly leads us to question how the Council could have selected all sites without the benefit of the necessary evidence base, and whether it is pure coincidence that the Council's selections correspond with the conclusions of the *Appendices B and C to the Site Selection Report*.

Having regard to the policy tests for local plans, the publication of *Appendices B and C to the Site Selection Report* confirms that the draft local plan as it stands is not and cannot be 'sound' because it is clearly **not justified** (which means that the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence).

Furthermore, and as we have highlighted in previous submissions, when the Council was asked to authorise submission of the emerging local plan, it was not informed of the draft London Plan. The

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draft London Plan was published approximately two weeks before the 14 December 2017 Council meeting and includes significant increases to housing targets in boroughs that neighbour Epping Forest District. Not only does this raise Duty to Cooperate issues but also it may necessitate the identification of additional sites in Epping Forest's emerging local plan.

It is our clear position that parties will only be satisfied that fair and due process has been followed when the Council returns to the Regulation 18 stage of local plan preparation; simply consulting on *post hoc* evidence base does nothing to remedy the apparent prejudice that has been displayed thus far.

3. New Material Considerations

Since the Submission Version of the Local Plan was prepared, the Government has published a draft Revised National Planning Policy Framework ('dRNPPF'; 5 March 2018). Emerging policy is a material consideration and it is possible that the final version of the Revised NPPF will have been published before the local plan Examination in Public takes place, particularly given recent court action.

Paragraphs 136-137 of the dRNPPF propose to implement the housing White Paper proposals that certain criteria should be satisfied before 'exceptional circumstances' are used to change Green Belt boundaries, and that where Green Belt is released first consideration should be given to land which has been previously-developed or which is well-served by public transport.

Paragraph 136 of the dRNPPF says that:

"Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic plan-making authority should have examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of the plan, which will take into account the preceding paragraph, and whether the strategy;

- a) makes as much use as possible of suitable brownfield sites and underutilised land;*
- b) optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and*
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."*

Such a comparative assessment has not been undertaken in this case but must be undertaken to demonstrate that the Council will meet these new tests, lest the emerging plan be considered unsound by the Local Plan Inspector. As noted above, this should necessarily also have regard to the Duty to Cooperate, particularly with neighbouring London boroughs.

4. Review of Green Belt Assessments

Quinn Estates has commissioned Amec Foster Wheeler / Wood to undertake an independent review of the Green Belt studies that have been commissioned by the Council, not least given the change in the basis of the assessment of the subject site between Stage 1 and Stage 2 of the Green Belt assessment.

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A review of the methodology and baseline is essential context to any review of *Appendices B and C to the Site Selection Report* given that the antecedent documents establish the framework for the selection of sites.

Amec Foster Wheeler considers there to be two significant flaws in the Council's assessment of the contribution of the Green Belt in this locality and that these render the evidence unreliable as a basis for plan-making and decision-taking in respect of the area's suitability as a location for development.

The flaws relate to: (1) the illogical definition of parcel boundaries as the basis for assessment; and (2) an inconsistent analysis of the meeting of Green Belt purposes:

1. Illogical Boundary Definition

- the Stage 1 Assessment uses the A414 as a clear boundary between parcels DSR-008 (covering land to the north the A414) and DSR-010 (covering land between North Weald Bassett and the M11);
- by contrast, the Stage 2 Assessment chooses to ignore the A414 as a significant boundary feature, extending parcel DSR-008 southwards to the less substantial boundaries of Rayley Lane and Vicarage Lane;
- the Stage 2 Assessment offers no explanation for this change; and
- there are significant implications arising from this boundary shift in terms of the assessment of parcel DSR-008's contribution to fulfilling Green Belt purposes.

2. Inconsistent Analysis of the Meeting of Green Belt purposes

- the analysis of the extent to which parcel DSR-008 meets Green Belt purposes is confused in two respects: first, in respect of the separation function (Purpose 2), and second in respect of the prevention of encroachment function (Purpose 3);
- **Purpose 2 - Prevent neighbouring towns¹ from merging.** The following analysis is offered: *"in this large area of gentle, north and west-facing slopes would extend the settlement edge significantly closer to Harlow. A broad area of high ground to the south of Harlow, in which the wooded areas of Harlow Park, Mark Bushes and Latton Bushes are very prominent, creates strong visual separation, but to the south of Hastingwood a very broad, shallow valley provides long views so there would be a perception of settlement expansion from some distance north of the parcel. To the east the parcel accounts for about one third of the 4km gap between North Weald Bassett and Chipping Ongar, so the gap experienced in travelling along the A414 would be reduced noticeably, but Chipping Ongar lies in a valley and has no intervisibility to this distance."*

However:

- North Weald Bassett is not a town (indeed the Stage 2 Assessment labels the settlement type as a 'Large Village') and therefore cannot be used as the basis for the assessment of Purpose 2;
- the analysis conflates physical and perceptual assessment, the latter more properly the concern of landscape sensitivity and capacity assessment; and

¹ The Assessment defines 'towns' as: London, Harlow, Cheshunt, Hoddesdon, Epping, Waltham Abbey, Loughton / Debden, Chigwell, Buckhurst Hill, Chipping Ongar, North Weald Bassett, Theydon Bois, Roydon and Lower Nazeing)

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- the conclusions on Purpose 2 are therefore neither not logical nor valid in terms of the assessment of the strategic role of the Green Belt.
- **Purpose 3 – Assist in Safeguarding the Countryside from Encroachment’.** The analysis states that: *“North Weald Golf Course occupies the western third of this area but the remainder is mostly arable farmland, centred on the farm at Wyldingtreet. The parcel forms the southern slopes of a very broad, exposed and rural valley (along which Cripsey Brook flows). The settlement edge at Tyler’s Green is contained by a strong hedgerow and the eastern and western parts of the parcel are more remote from the inset settlement. Development along Vicarage Lane West is not urbanising in character. There are no significant barrier features separating the parcel from the wider countryside.”*

However:

- the analysis appears to relate solely to land to the north of the A414, failing to consider the significant area south of the A414 which has been included in the Stage 2 Assessment, notwithstanding the statement in the Assessment that: *“The A414 could form a strong parcel boundary, but this would not alter the assessment findings”;*
- the illogical boundaries of parcel 008.2 render the analysis of the Stage 2 unreliable in relation to Purpose 3, with no specific analysis of land to the south of the A414; and
- the analysis of parcel DSR-010 in the Stage 1 Assessment (which contains land to the south of the A414) concludes that the parcel performs strongly in respect of preventing encroachment into open countryside. *(12) The parcel is largely dominated by the airfield, the associated roadways and control tower. The airfield is surrounded by large slightly sloping arable fields that provide panoramic views of North Weald Bassett. It is unlikely that the topography and location prevent encroachment of development, given the proximity to North Weald Bassett and the open landscape. Therefore, the Green Belt designation safeguards the countryside from encroachment. (13) The parcel has not been encroached by built development or other urbanising elements.*

Given the extent of urbanising uses associated with the North Weald Airfield and its periphery, and land off Vicarage Lane (notably at Chase Farm), the statement at (13) cannot be relied upon as a fair analysis of the true contribution of the land to Green Belt purposes and consequently the effect of introducing development.

5. Assessment of the Former North Weald Golf Course Site

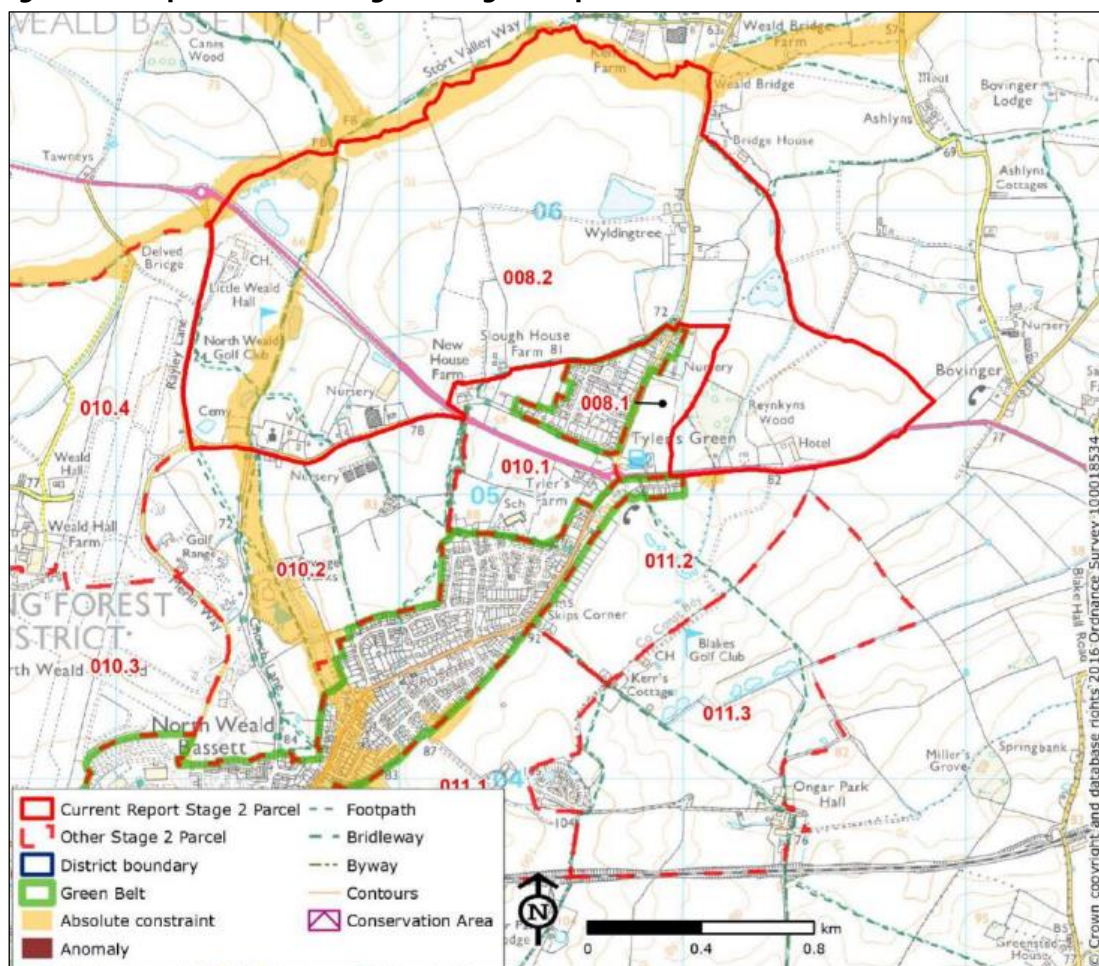
Amec Foster Wheeler has also reviewed the summary of the subject site in *Appendices B and C to the Site Selection Report*. The following inaccuracies / issues have been identified:

- Appendix C (2016, pages C108/C109) lists the harm to the Green Belt as follows:
 - Parcel 008.1 – Moderate
 - Parcel 008.2 – Very High
 - Parcel 010.1 – Low
 - Parcel 010.2 – Moderate
 - Parcel 010.3 – High
 - Parcel 010.4 – High
 - Parcel 010.5 – Moderate
 - Parcel 011.1 – Moderate
 - Parcel 011.2 – High

- Parcel 011.3 – Very High

The location of those parcels is as shown on the map below.

Figure 2 – Map from 319th Page of Stage 2 Report



Source – Epping Forest District Council

The reason for excluding the former North Weald Golf Course is noted in *Appendix B1.1 – Overview of Assessment of Residential Sites* (Arup, March 2018) thus:

Figure 3 – Extract from Arup Report

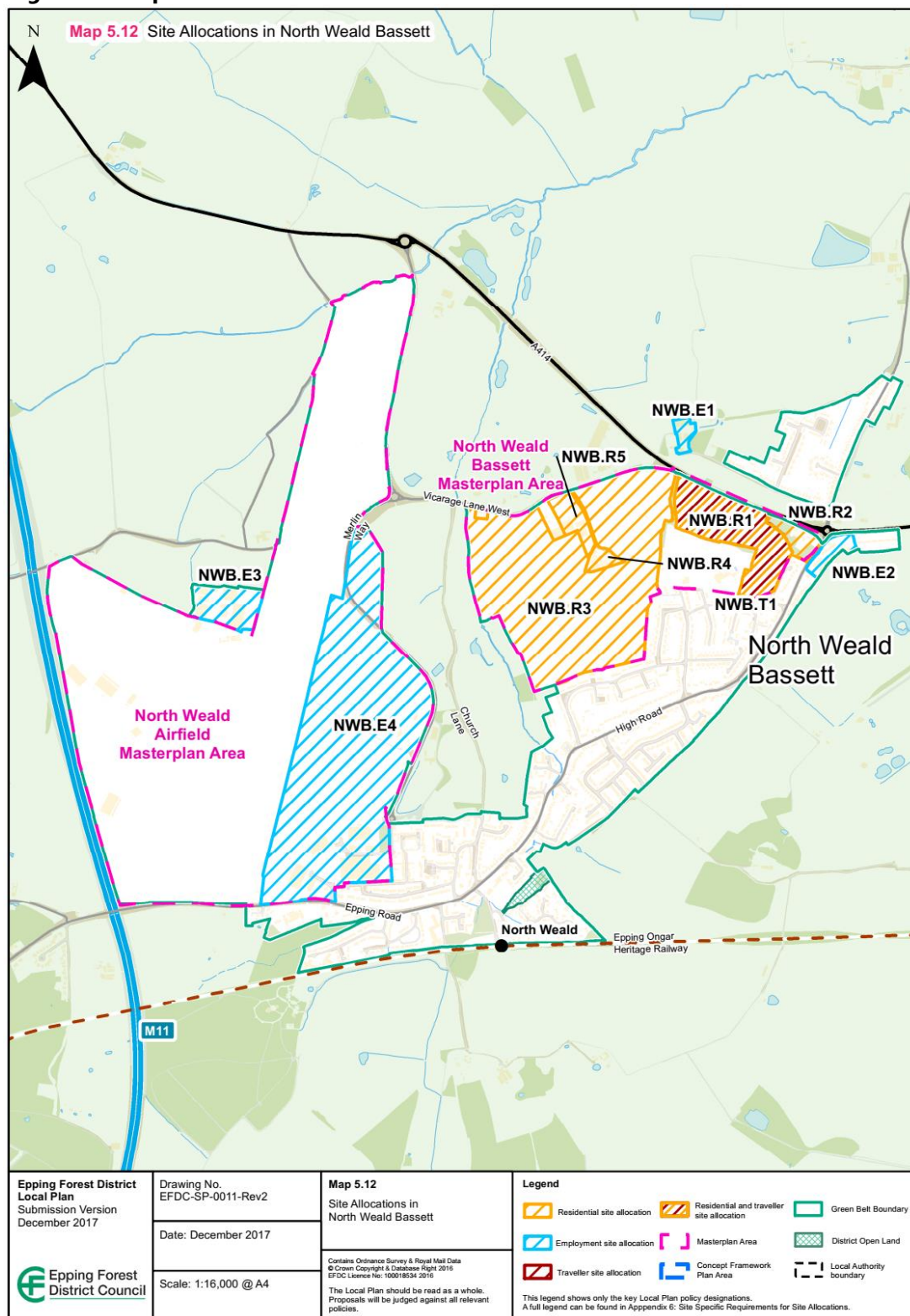
ARUP Appendix B1.1
Overview of Assessment of Residential Sites

Site Ref	Address	Parish	Tranche	Settlement (Sites proceeding to Stage 2 only)	Promoted Use	Stage 1 / Stage 6.1	Stage 2 / Stage 6.2	Stage 3 / Stage 6.3	Stage 4 / Stage 6.4	Justification
SR-0179	Part of North Weald Golf Club, Rayley Lane, North Weald, Essex, CM16 6AR	North Weald Bassett	Tranche 1	North Weald Bassett	Residential	N/A				<p>The site was subject to detailed feasibility work as part of the North Weald Bassett Masterplanning Study. The Study concluded that the site was too remote from the edge of the existing settlement and airfield to be included in the Masterplan area. Additionally, the site scored poorly against several criteria at Stage 2, including flood risk. The proposed development scale would harm the settlement character and promote an unsustainable development pattern in an isolated location, detached from the existing settlement.</p> <p>This site did not proceed to Stage 4 of the site selection process in 2016 as it was considered to be less suitable. However it was re-considered as part of Stage 6.3 in 2017 since it was identified as potentially being able to contribute to the Council's five year housing land supply. Although the site could contribute to the five-year housing land supply, it was considered that this benefit did not override the constraints previously identified and therefore it did not proceed any further.</p>

Source – Arup / Epping Forest District Council

As is apparent from the Submission Version of the Local Plan (see **Figure 4**), however, a number of sites which have a 'High' score in terms of Green Belt purposes are proposed for allocation, for example 010.3 and 010.4.

Figure 4 – Map 5.12 from Submission Version Local Plan



Source – Epping Forest District Council

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It is our client's position that:

- The land at North Weald Bassett Golf Course was prematurely and unjustifiably excluded from further consideration on the basis of inaccurate definition and scoring of the contribution to Green Belt purposes, as set out above. If parcel 010 had been properly defined, that is using the A414 as its northern boundary (and including the part of 008.2 that is to the south of the A414), the scoring of its contribution to Green Belt purposes would have been 'Moderate' as is the case in relation to land to the south of Vicarage Lane (010.2). On that basis it would have been justifiable to give further serious consideration to development of the former North Weald Golf Course.
- Whilst two sites to the north of Vicarage Lane were originally proposed to be taken forward, the reason for discounting them (Appendix B1.6.6 (Decisions on Residential Sites for Allocation in North Weald Bassett, ARUP, 2018 pages 1108 and 1109)) reveals the land between Vicarage Lane, the A414 and Rayley Lane is indeed suitable for development, but does not fit within the Council's wider development strategy for the village (emphasis added):

SR-0195B, Land to the North of Vicarage Lane, East, North Weald Bassett

*This site was proposed for allocation in the Draft Local Plan (2016). Although the site was identified as available within the first five years of the Plan period, and has no identified constraints or restrictions which would prevent it coming forward for development, it was considered to be less critical to the delivery of development in the settlement as a result of its more outlying location to the north of the A414 and relative detachment from North Weald Bassett (it forms part of Scenario B Option 3 in the North Weald Bassett Masterplanning Study and is adjacent to Tylers Green). **It was considered that other sites in North Weald Bassett could make a greater contribution to achieving the Council's aspirations for North Weald Bassett which seeks to promote growth to the north of the existing settlement but south of Vicarage Lane and the A414.** If these sites were allocated they would cumulatively provide the desired growth in this settlement. This site is therefore not proposed for allocation.*

SR-0467, North Weald Nurseries, Vicarage Lane, North Weald Bassett

*This site was identified as available within the first five years of the Plan period and has no identified constraints or restrictions which would prevent it coming forward for development. However, it falls outside of the spatial extent of the previously commissioned North Weald Bassett Masterplan Study. **It was considered that Vicarage Lane provides a logical edge and suitably defensible Green Belt boundary for the expanded settlement. The desired level of growth for the settlement could be achieved without extending development north of Vicarage Lane.** The site is not proposed for allocation.*

- In its assessment of the former North Weald Golf Club site (reference SR-0179, which excluded consideration all of the land to the north of the A414), Arup looked solely at the merits of, and benefits associated with, residential use. This means that it scored poorly on sustainability measures that would be addressed through the on-site delivery of complementary uses alongside residential, such as shops and community facilities. Those complementary uses were clearly set out in our previous representations and, as is also clear from those representations, some (such as the proposed schools) are of district-wide importance and will assist in achieving sustainable growth.
- Similarly, regard has not been paid to the ability to create accessible public open space on the site. As noted in our representations, the proposed development would include a country park

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which would improve access to the Green Belt, along with amenity space associated with the new homes.

- Furthermore, the assessment has disregarded other important considerations such as the Council's proposals for employment uses on the North Weald Airfield which is adjacent to the subject site and which would add significantly to the sustainability of this location for a mixed-use residential-led development, augmenting existing provision such as the Bassett Business Units.
- Flood risk is identified in the Council's evidence as a constraint that prevented the site from being progressed beyond Stage 2 of the site assessment process. Thus the Council's assessment apparently disregards detailed evidence presented in our previous representations which explained that discrete areas of flood risk land would not fetter the site's ability to accommodate residential and non-residential growth. Indeed, Arup's own site assessment of SR-0179 notes that the "*band of Flood Risk Zone 3a and 2 across central area of site*" would "*reduc[e] the developable area by circa 1/5*". Moreover, Arup explicitly states that "*[t]he impact of the higher Flood Risk Zones can be mitigated by site layout.*" Therefore by Arup's own account, this constraint should not have constituted a justified reason to discount the whole of the site at an early stage in the plan-making process.
- The Arup Report also reduces the score given to our client's site on the basis of a purported loss of Best and Most Versatile Agricultural Land ('BMV'). It indicates that the conclusions have been reached without the benefit of a site visit or even a basic understanding of the site's history. The site is a former golf course that has been subject of extensive land raising and therefore its redevelopment would not constitute a loss of BMV land or land that is capable of viable cultivation. The site is, in fact, sequentially-preferable to other sites in the District that are actively farmed, and which nevertheless are being brought forward by the Council as draft allocations. In this regard the Council's approach is inconsistent with national planning policy (2012 NPPF paragraph 112) and therefore **unsound**:

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

This requirement is also in the dRNPPF (paragraphs 168, 169 and footnote 45).

There are other errors in the Arup report, such as a reference to the A614 instead of the A414. Given the multiple errors in relation to just the one site that we have looked at, we question how many other errors might appear elsewhere in the report and taint its conclusions.

Based on the issues set out above we consider that our client's site has been incorrectly scored. We expect that other sites may have been incorrectly scored, too.

This highlights the wholly unsatisfactory timing and nature of this consultation exercise; if just one site has been incorrectly scored then it may have been unjustifiably excluded, other land may have been unjustifiably included. The Council should have first consulted on the robustness of the full *Site Selection Report*, including the appendices, and then undertaken the site ranking and selection process.

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Once again, the only remedy to this is to return to the Regulation 18 stage of the plan preparation process and to undertake a proper site selection process in the light of responses from this consultation exercise.

Overall Conclusion

These Supplemental Representations relate to evidence base that was published by the Council in March 2018. The evidence base is an analysis of sites, the intention of which is to inform the release of land from the Green Belt. However, the Council had already made a decision in that regard before this document was published.

This consultation cannot rectify the serious defects in the Submission Version of the emerging Local Plan that we have consistently highlighted by way of our series of representations.

Now that the Council has published *Appendices B and C to the Site Selection Report* our client has commissioned an analysis by advisors that are experienced in examining Green Belt matters.

The aforementioned information cannot be divorced from the wider Green Belt assessment work that has been commissioned by that Council; it is that work which provides the baseline and criteria for the assessment of sites.

We have noted that there are issues, such as in relation to the definition of land parcel boundaries, which highlight that an inconsistent and illogical approach has been taken. We have also set out a number of errors in the assessment of just one site which also raise concerns about the robustness of the assessment.

We can say with certainty that the implications for the assessment of our client's site are significant and, regardless of whether or not such failings are widespread, it follows that the failings that are apparent in the assessment of our client's site render unsound the whole of the site analysis given that it is a comparative exercise.