

Planning Policy Team
Epping Forest District Council
Civic Offices
323 High Street
Epping
CM16 4BZ

Ref: 317/KEN

Date: 23rd April 2018

Dear Sirs

**SUPPLEMENTARY REPRESENTATION - EPPING FOREST LOCAL PLAN SUBMISSION VERSION 2017
KILNASH AND ADJACENT LAND, VICARAGE LANE, NORTH WEALD**

We write on behalf of our clients, Mr and Mrs N.K. Stacey, to make further representations in respect of the above referenced matter.

These representations are made at the LPA's invitation (as per the letter sent with your email of 26th March 2018 and as clarified in the LPA's email of 29th March 2018). We would ask that you cross refer these supplementary written representations with those originally made by us on 29th January 2018.

Our clients have the ability to make these comments because the LPA had not provided all of its evidence documents at the time the Submission Version Plan was published. We had commented that this approach was a cause for concern and had put our client at a disadvantage. Others are clearly concerned by this given that a High Court case is due to be heard concerning the process the council had followed.

We have reviewed the originally unpublished appendices of Site Selection Report 2017 as well as the recently published Site Selection Report 2018 which you have advised we may comment on. Having read these documents, they only serve to reinforce the original objections that we had made to the Plan. The reasons for this are now set out.

Residential Land Allocation Consideration

We note that our client's land was progressing well for consideration as a residential allocation (Site Ref SR-0467) within the Site Selection Report (SSR) up to the Stage 6.3 Assessment before falling away at Stage 6.4.

The SSR in 2016 made an initial Assessment of Site SR-0467 which is contained in the Appendix B1.5.2 (Results of Identifying Sites for Further testing) (Document Ref EB801J). The assessment states:

*'The area around the site was subject to detailed feasibility work as part of the North Weald Masterplan. Although this site lies outside of the Masterplan area, it has no constraints which could not be overcome and **should continue to be considered.**'*

However, despite this positive assessment, and the site being stated as 'Suitable' and shown as such on the accompanying plan, the recommendation of the report curiously stated that the site should not proceed for further testing.

There is no explanation for this contradiction.

At that stage the site was ranked:

*Flood Risk – 1
Location – 7
Agricultural Land – 3
Site Rank - 7*

The SSR in the same appendix - Appendix B1.5.2 (Document Ref: EB8051I) further assessed Site SR-0467, as follows:

The area around the site was subject to detailed feasibility work as part of the North Weald Bassett Masterplanning Study. Although this site lies outside of the Masterplan area, it has no constraints identified at Stage 2 which were unlikely to be overcome and is well-related to adjoining SR-0158A (which is aligned with Option 3A in Scenario B). The site therefore continued to proceed. At this stage the site was assessed with scores/rank as follows:

*Flood Risk – 1
Location – 5
Agricultural Land – 3
Site Rank - 5*

The site location score had improved from the previous 2016 assessment (EB8051J).

The site was ranked '1' for Flood Risk, so this is not an issue.

It was ranked '3' in relation to Agricultural Land although the land has not been in production for 16 years, the size and shape of the plot does not lend itself to intensive agricultural use and it would not be economically viable to clear the land for this purpose.

The site was ranked '5' in relation to location, also producing an overall rank of 5. This ranking is misguided and appears to be a key constraint holding back the allocation. Our client's site is 'well related' to Site SR-0158A which is part of the large area of greenfield land proposed for residential allocation to the south. Furthermore, the council's assessment of Vicarage Lane refers this area as a 'dispersed settlement'. This area will no longer be a dispersed settlement following the proposed Northern Expansion of North Weald.

Accordingly Site SR-0467 and adjacent properties (as promoted by the client) should be allocated for residential purposes in the Plan.

The accompanying plan (Results of Stage 3 and Stage 6.3 Assessment for Residential Sites in North Weald Bassett) dated *March 2018* (EB8051I) shows that Site SR-0467 was 'suitable' and was to proceed for further testing. Whilst we know that the site was not included as a residential allocation, we do not understand the processes or timings that led to this decision. This is because the Submission Plan had already been produced in 2017 – apparently based on recommendations of the SSR – yet the SSR has produced a Plan dated *March 2018* stating that Site SR-0467 was 'suitable'. This potentially could imply some degree of pre-determination in forming the Submission Plan, as the evidence to produce the Plan was not available.

At the Stage 4 & Stage 6.4 Assessment of the SSR (Appendix B1.6.6 - Results of Identifying Sites for Allocation) (Document Ref:EB805P), Site SR-0467 was no longer deemed appropriate for allocation. The Assessment concluded:

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.

However, the site was assessed as being without insurmountable constraints:

On-site restrictions were identified, but it was considered that these could be overcome, and that identified deficiencies in primary and secondary school places or GP surgeries would not adversely affect the achievability of the site; consideration of infrastructure requirements has been dealt with through the Infrastructure Delivery Plan (2017).

Despite its lack of constraints, Site SR-0467 therefore fell down on the grounds that:

- it was outside the extent of the North Weald Masterplan Study
- Vicarage Lane provides a logical and defensible edge for an expanded settlement & the Green Belt
- The site is not needed to meet desired growth levels

We now comment on these points:

It is clear that the SSR places significant weight on the North Weald Masterplan Study ('the Masterplan') and accordingly we have reviewed this document, which put forward options for the northern expansion of North Weald.

Site SR-0467 was incorrectly identified at Page 100 of the Masterplan as part of a larger area along with land to the east all the way up to the A414 bypass.

This error has been compounded because Site SR-0467 (as incorrectly extended) is also assessed jointly with a very large site to the north-west (Site SR-0179) which is former Golf Course, promoted by Quinn Estates Ltd. Page 101 of Master Plan concludes on the joint assessment of these sites as follows:

*These sites are not considered to be appropriate for new development as they are located a **considerable distance** from **existing** development, so will not **integrate** effectively with North Weald Bassett's **existing** settlement form. The sites also sit to the **north-west** of the settlement, towards Harlow and therefore may prompt concerns regarding **coalescence** with the town*
(NB emphasis added)

In response to this criticism, the following points are made:

Site SR-0179 is not only of a significant scale in terms of land area (circa 67 hectares) but it is also closer (north-west) to Harlow than our client's promoted land including SR-0467 (further east and measuring only 2.4 hectares) and would not therefore have the same potential for coalescence. Our clients wish to make it clear that their site is not part of SR-0179 and should therefore be considered on its merits. The council's reliance on the Masterplan concerning potential coalescence allegedly caused (partly) by our client's land is unfounded in these circumstances. As such, the assessment is not robust.

In consideration of the Masterplan options, the LPA has decided to allocate large areas of Greenfield Land immediately south of the site, on the opposite side of Vicarage Lane. The effect of this allocation will effectively be to join the settlement at North Weald to our client's land. This renders any concerns regarding distance from the existing settlement less appropriate, because the urban area of North Weald would then (under the LPA's proposed allocation) extend to within 10 metres or so of the client's land ie on the opposite side of Vicarage Lane. Site SR-0467 is vacant, overgrown land with redundant nursery buildings. In light of the proposed allocation to the south, logic would dictate that SR-0467 would form part of a more comprehensive allocation aimed at addressing and improving the local environment on the north side of Vicarage Lane.

Furthermore, the 'overall' site which we have suggested should be allocated for residential development (see original representations) also includes: 2 houses to the west; and a house and other nursery buildings to the east of Site SR-0467. These parcels, along with SR-0467 therefore comprise *Previously Developed Land* and should have been considered and given due weight as part of the SSR sifting process. This land is already within a residential environment along Vicarage Lane (which it fronts) where other local facilities are found eg church and nursery. This part of North Weald has been previously referred to as a '*dispersed settlement*' and thus recognises residential characteristics. The SSR (Appendix F1.3), in assessing Site SR-0418, noted:

*"Existing glasshouses in area of predominantly rural, **dispersed settlement** along Vicarage Lane near to historic church."*

The SSR has ranked large tracts of Greenfield Land to the south higher than brownfield land to the north. There appears to have been no proper qualitative check of the SSR regarding the exclusion of our client's land for consideration as a residential allocation. The sound planning solution of the Masterplan and in turn SSR would therefore have been to **integrate** the client's subject site with the council's other allocation proposed to the immediate south, as part of the North Weald expanded settlement. The failure to do so does not represent the most suitable option (ie *the most appropriate strategy*) in planning terms.

Furthermore, Page 82 of the Masterplan conceptually identifies the subject site within an area of land (also encompassing land to the north-east up to the bypass) notated as within 'Phase 3'. There is no explanation of what this phasing means. However, it would imply some recognition that the land could be developed at some stage in the future or may have a role to play in the way in which the constraints and opportunities of the area could be addressed.

At Page 102, the Masterplan does recognise safety and congestion concerns with the junction of Vicarage Lane West with A414. At Page 103 under 'Opportunities', the Masterplan notes 'Improved integration of the settlement with surrounding areas'. The associated plan refers to 'Junction reconfiguration' and this strengthens the argument to integrate the road frontage to the north of Vicarage Lane. The council should have focussed on the word 'integration'. The SSR has failed to come up with proposals to integrate the existing development to the north of Vicarage Lane with its proposals to the south of the lane as part of a comprehensively planned arrangement.

In respect of the Plan's proposed large residential allocation to the south (including SR-0158a), it would not represent sound planning to ignore what goes on at the boundary of this land. Vicarage Lane will no doubt become busier and change markedly with brand new development on the south side, yet with Site SR-467 being directly opposite without allocation, it might further deteriorate to the detriment of the setting of the new allocation. It clearly makes sense to include our client's land as an allocation, also taking account of the localised constraints and opportunities set out in the Masterplan.

In our original representations, we expressed some concern about the Plan's proposals to allocate certain land within parts of the overall northern expansion to the north of North Weald. Our concerns are further emphasised having reviewed the SSR and Masterplan. The land allocated (in the Local Plan as a result of the SSR) to the south of Vicarage Lane includes, inter alia, SR-0076. This parcel had always been excluded in all of the options and growth scenarios set out in the Masterplan. It seems that the SSR has used a 'pick and mix' approach to which elements of the Masterplan it wants to use. The Local Plan proposes to allocate this parcel of land which was assessed with sites SR-0158b and SR0416 and stated in the Masterplan to be problematic for the following reasons:

These sites sit within the flood risk zone identified for North Weald Bassett, and are additionally located over or close to the existing sewage works. Both of these characteristics raise the costs of site preparation significantly and do not provide a comfortable living environment.

These sites were also shown within a Local Nature Reserve (at page 102 of the Masterplan) which also noted environmental and noise impact from the airfield which lies to the west.

Against the above background, we believe that SSR used the information Masterplan inconsistently and inappropriately concerning site SR-0076. This adds to the concerns raised above where the SSR has relied on incorrect assessment information in the Masterplan in relation to our client's subject site (including SR-0467).

It is understood that Vicarage Lane could provide a defensible boundary for the northern expansion of North Weald and to define the Green Belt. Equally, all of our client's subject site could also provide such defensible and logical boundaries. We believe however, it is more logical to include the 'subject site' given that it includes existing buildings, dwellings and areas of unkempt appearance.

Green Belt policy supports caveated redevelopment of brownfield land and (as page 109 of the Masterplan recognises) one of the five purposes of the NPPF is to 'assist in urban regeneration, by *encouraging the recycling of derelict* and other urban land'. The land at SR-0467 is derelict and should be subject to a Local Plan allocation which would recycle for residential purposes this land to meet national planning policy objectives. The council has failed in this regard.

There is no planning logic in preventing the strategically planned redevelopment of the site. The Local Plan provides a most suitable opportunity to include this land as a residential allocation, so that it may be properly planned as part of (and integrated with) the northern expansion of North Weald. This would allow the site's removal from Green Belt status.

A long term approach to Green Belt planning should be taken. The Masterplan acknowledges para 85 of the NPPF which states LPA's should '*Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period*'. In this respect, it is noted that the Masterplan identifies the area of the site and land to the east as within 'Phase 3' and also notes constraints and opportunities, including junction reconfiguration (A414/Vicarage Lane). Given the Plan's proposed northern expansion of North Weald, the SSR should also have taken account of the need to accommodate opportunities in the Vicarage Lane area and allocated land to the north side accordingly, taking it out of Green Belt at this stage, rather than having to address the matter during the life of the new Local Plan.

Page 102 of the Masterplan identifies the A414 being a clear and definable hard boundary but does not then use this as the boundary for Green Belt amendment. In the circumstances described, this would have been more logical, taking in to account the existing buildings, structures and land uses in the 'triangle' of land between Vicarage Lane and the A414, encompassing the client's subject site and other nursery land to the north-east.

Whilst the SSR indicates that the site is 'not needed' to meet desired growth levels, this does not represent a sound option in our view for the reasons stated. The Plan should not just be about accommodating housing numbers but ensuring that any large new allocations (eg North Weald expansion) properly assess how such development will integrate with/impact upon its immediate surroundings and how these adjacent sites should consequentially be planned for.

In conclusion of all the above, we therefore maintain that the Site SR-0467 and immediately adjacent land has not been properly assessed by the LPA. Adding further force to this assertion is that our client does not recall being sent the Land Promoter/Developer Survey which the SSR states would be done 'as a minimum'. This would have allowed further information to be given to the council to aid an earlier more informed assessment regarding the site's potential for allocation.

Employment Land Allocation Consideration

Site SR-0467 owned by the client was originally put forward for proposed residential purposes under the 'Call for Sites' (dated 11th October 2012; Ref:0228).

Notwithstanding this the LPA, then included this land within a larger parcel (ref SR-0418) including adjacent nursery land to the east and also existing employment land to the south side of Vicarage Lane (Chase Farm) as part of an employment allocation in the Draft Local Plan. There appears to be no explanation of why our client's part of the land at Site SR-0418 was subsequently deleted from the Plan.

The Site Selection Report at Appendix B1.2.1 only refers a smaller part of Site SR-0418, this being the Chase Farm element. It states (regarding site SR-0418) that "*Existing Settlements Employment Land Supply Assessment (2017) concluded that there was no scope for expansion of this existing employment site. Site therefore withdrawn from site selection process. Site has been promoted for residential uses and has been superseded by site reference SR-0991*".

The Employment Land Review 2017 at Appendix A merely states concerning SR-0418 that '*This site should not continue to the next stage. This site overlaps with ELR-0096.*'

There is no reference that we can find in the Site Selection Report Appendices regarding the consideration of our client's land (and that land to the east of it) specifically for employment uses, as part of Site Reference SR-0418. The LPA will need to explain its position to the Inspector accordingly.

In the event that residential allocation of Site SR-0467 (part of former site SR-0418) does not occur, the question will remain what will happen with this untidy site with various buildings upon it. Now is the time to plan for the future of this site, given that the northern expansion of North Weald will be located only 10 metres away. An employment allocation is less sensible than a residential allocation at this site given the existing residential land uses immediately adjacent and proposed to the south of Vicarage Lane.

Summary

Having reviewed the SSR reports/appendices, we firmly maintain that the subject site (Ref SR-0467 and adjacent properties, as promoted in our earlier representation) should be included as a residential allocation, to complement the strategic northern expansion proposed by the council on adjacent land to the south.

We do not believe for reasons set out herein and in our original representations that the Local Plan is sound. In excluding the subject site from allocation it is not 'Justified' (ie it is not the *most appropriate* strategy, when considered against the reasonable alternatives, based on proportionate evidence) and is not 'Consistent with national policy' (leaving brownfield and redundant land without allocation, whilst allocating adjacent greenfield land).

We trust these additional comments will be taken in to account.

Yours faithfully,

A black rectangular redaction box covering the signature of Chris Loon.

Chris Loon BSc (Hons), Dip TP, MRTPI
Director