

Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	3395	Name	Susan	Crowley on behalf of Darby, Griffiths, Peck, Thomas, Tannahill, Fulbrook, Moore, Pennington	Crowley associates on behalf of Darby, Griffiths, Peck, Thomas, Tannahill, Fulbrook, Moore, Pennington
----------------	------	------	-------	---	--

Method Letter

Date 19/1/2017

This document has been created using information from the Council's database of responses to the Draft Local Plan Consultation 2016. Some elements of the full response such as formatting and images may not appear accurately. Should you wish to review the original response, please contact the Planning Policy team: ldfconsult@eppingforestdc.gov.uk

Letter or Email Response:

Site referred to as: SR---0132Ci Described as Epping Sports Club and land west of Bury Lane, Lower Bury Lane Draft Local Plan Consultation Response By Crowley Associates On behalf, ...Redacted... The Clients wish to make a representation in relation to Site Reference: SR---0132Ci, referred to as Epping Sports Club and land west of Bury Lane, Lower Bury Lane (the "Site"). The Site is allocated for housing in the Draft Local Plan. 1.3 On behalf of the Clients, we wish register our strong Objection the allocation of the Site for housing. Having examined the evidence used to justify the allocation we consider that: The Local Planning Authority (the "LPA") has failed to recognise the value of the open space element to the immediate and wider community and to the district as a whole (Section 6 refers); and The LPA has failed in its duty to fully justify the amendment of the Green Belt boundary in this and other locations in order to meet its Objectively Assessed Housing Need (OAHN) (Section 7 refers); and The LPA has failed to recognise the contribution the entire Site makes to the Green Belt (Section 7 refers); and The LPA has failed to properly assess the suitability of the Site (Sections 4 and 8 refer) Development of the Site for housing would not be in the manner of sustainable development (Section 8 refers) 1.4 If the LPA insists on allocating the Site for housing, we are of the opinion it will be: failing to plan positively for its future development requirements; proposing a policy approach which is not consistent with national policy (National Planning Policy Framework (the "NPPF")); failing to acknowledge the constraints of the Site in terms of its ability to meet current housing delivery targets; 1.5 The Site should be removed from the Draft Local Plan. If the Site is retained, the resulting Proposals Map when taken together with the objectives of Housing, Green Belt and Open

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID 3395

Name Susan

Crowley on behalf of Darby, Griffiths, Peck, Thomas, Tannahill, Fulbrook, Moore, Pennington

Space policy would deliver a Housing, Green Belt and Open Space Strategy which is not Sound. 2.0

BACKGROUND 2.1 The Site is split into two by Bury Lane with land amounting to approximately 2ha situated east of the highway, sandwiched between Lower Bury Lane and Bury Lane, which is in use as formal recreation space (privately owned) and a larger portion situated extending west/north---west of Bury Lane, which encloses just under 7ha of what the LPA considers to be the best most versatile agricultural land. 2.2

We understand that the land has been promoted through the call for sites and having passed through the various site assessment filters, the LPA considers it suitable for allocation as a housing site. 2.3

Notwithstanding the fact that the LPA is supporting the allocation, in assessing the suitability of the Site for housing, the LPA expresses concern over the potential for development of the site to have an adverse impact on: Landscape character The function of the Green Belt in this location Buffer land TPO's/ancient and veteran trees; and The setting of nearby heritage assets 2.4

In addition, the LPA acknowledges the harm caused by the loss of a large area of what it describes as the best most versatile agricultural land to housing. 2.5

The LPA has determined that development of the site should be: "limited to [that] part of the site currently used as a sports club [which] equates to approximately 30% of the site area"1 2.6

We take this to mean the 2ha of land situated between Bury Lane and Lower Bury Lane, i.e. that which is currently in use as formal recreation space. In turn we are advised that the recreation space is to be relocated elsewhere on land within the same ownership. We must assume therefore that the replacement recreation facility would be situated somewhere within the larger portion west/north---west of Bury Lane and if we are to assume equivalent replacement or better, we can factor in an additional land take of at least 2ha. 2.7

The LPA is not clear what if any purpose the residual 4.9ha will have post development. 1 As per Appendix B1.6.4 - Results of stage 3 capacity and stage 4 deliverability assessments (Arup 2016) and Appendix B1. 6.5 - Results of identifying sites for allocation (Arup 2016) 3.0

EXISTING LAND USE DESIGNATION 3.1 The entire Site is located within the Metropolitan Green Belt. Having referred to the existing adopted Local Plan (Updated) Proposals Map, we notice that it is also washed over by a symbol, which suggests it is at risk of flooding. Having referred to the Environment Agency's Flood Risk Maps we do indeed find that portions of the Site and the surrounding highways are at risk from surface water flooding. The land plays an important drainage function. 4.0

SITE ASSESSMENT HEADLINES 4.1 We note that the Site first appeared, referred to as Epping Sports Club (containing 2.34ha and only including the cricket pitch, bowls club and tennis courts), was originally promoted through the LPA's call for sites. The SLAA considered the site to be suitable for development stating: "Site is suitable but is within the Green Belt. Site is also performing open space function as sports club, albeit site promoter suggests this could be re---provided on other land owned nearby. Small number of TPO's along western edge would need to be retained". 4.2

The SLAA identified no constraints to development. 4.3

The stage 2 assessment identified the Site as it appears in the Draft Local Plan, describing it as: 100% Greenfield Having a "negligible" area of open space Being next to existing public open space Capable of providing opportunities to improve access to public open space 4.4

The Stage 2 assessment went on to state that: "part of the Site is in a very low sensitivity Green Belt parcel which is largely enclosed by development and separated from the wider Green Belt by planted buffers." And: "There are protected trees on and adjacent to the site but the percentage of the site area affected is limited and they would not be a significant constraint". 4.5

It then stated that the: "level of harm [to the Green Belt] caused by release of the land for development would be very low, low or medium". 4.6

It assessed the

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

existing points of access onto the site as being acceptable, on what grounds we are not clear. It certainly failed to take into consideration the configuration of the surrounding highways.

4.7 It suggested that as the development would propose a density at odds with the wider characteristics of the area, the development would likely have an effect on the character of the area. It further suggested that as the site adjoined a landscape character area of medium sensitivity, the form and extent of development would need to be sensitive to the location "to avoid adverse impact on" the landscape.

4.8 It identified 34 ancient trees within the Site and described the land as falling partially within deciduous woodland and BAP priority habitat however it failed to properly consider the constraints caused by the presence of these important features stating that "the intensity of site development would not be constrained by the presence of protected trees either on or adjacent to the site". In addition, it failed to identify the site as being located within Epping Forest Buffer Land.

4.9 It failed to take account of risk from surface water flooding. It failed to mention the proximity of elements of heritage interest. It mistakenly described the Site as 100% Greenfield.

4.10 Furthermore, it failed to properly consider the extent and status of the existing open space on site and it failed to consider the full impact of the development which by the LPA's own admission would necessarily result in the relocation of a large area (2ha) of recreation space and associated facilities which currently include floodlighting, car parking, boundary enclosures, club huts (with W.Cs, showers, changing rooms, common areas etc.), and a large expanse of artificial surfaces onto what is a very sensitive parcel of Green Belt land.

4.11 At stage 3 and 4 of the assessment, matters of capacity and deliverability were assessed. It was only at this stage the assessment found that the western part of the Site contains a Listed Building. It failed to acknowledge heritage assets in the wider context.

5.0	SITE DESCRIPTION	5.1	The site comprises two distinct elements:
	Formal recreation space; and		Agricultural land
	We understand that the recreation space includes:	5.2	Epping Cricket Club Ground
	A Bowls Green	5.1	Tennis courts; and
	The space enclosing the cricket pitch is surrounded by housing on the south---west, south---east and north---east boundaries. In the case of dwellings off Bury Lane, Lower Bury Lane, Bury Walk, Highfield Green and Highfield Place the rear gardens of properties adjoin the pitch. Most dwellings have an outlook directly onto the pitch.	5.2	The club itself was established in 1865, and has occupied the grounds and the existing pavilion since 1896, the quality of provision is good (as per the LPA's own open space audit undertaken in 2012) and the club plays at County level.
	In addition to the cricket ground, the parcel of recreation space sandwiched between Lower Bury lane and Bury Lane is home to Epping Bowls Club, which has been in existence for a period of over 100 years and to Epping Tennis Club, which has the use of four outdoor, floodlit artificial courts.	5.4	All three clubs are well established and well used and are serviced by enough on---site car parking, changing and other support facilities. In addition to the sports function performed by the facility, the ground hosts social events.
	5.5		The building stock surrounding the cricket pitch belongs in the main to the early 20th Century (of Edwardian origin) with some earlier stock (including the heritage assets, see below) interspersed together with small pockets of late 20th Century infill.
	5.6		The pre 20th Century and early 20th Century development is of a particularly high quality and properties of this era appear well kept and tend to sit a drive's length or more from back edge of highway in larger than average plots. Later 20th Century infill in the wider neighbourhood, is mixed in terms of character. The overall character is of a well established residential neighbourhood.
	5.7		Trees and hedgerows provide a strong visual backdrop and we understand that a TPO applies to the Site.
	5.8		There are two Listed Buildings located within 80m of the southeast boundary of the cricket ground: Winchelsea House --- Grade II - Late

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

18th Century Epping Place - Grade II* 5.9 The roofscapes of these two buildings are visible from within the Cricket Ground and they cut across the line of view at points on the approach south---east along Lower Bury Lane and Bury Lane. 5.10 In addition, Creeds Farm Listed Grade II is located directly adjoining the southern boundary of land west of Bury Lane, whilst Appletree Cottage located on Bury Lane is located within 30m of the southeast corner of the same area. Both these properties have a significant presence in the wider landscape and they appear in views to, from and through the site. Both properties are sensitive visual receptors. 5.11 Hedgerow separates the Cricket ground from Lower Bury Lane and there is gated (pedestrian) access to the ground located in the south---east corner. Whilst the recreation space is well contained in views from Bury Lane there are clear views across it along Lower Bury Lane from where there a sense of connection with the wider countryside. Combined, these visual qualities lend Lower Bury Lane an edge of settlement feel. 5.12 Bury Lane carries two---way traffic northeast from roundabout junction with High Road (the B1393). It is not lit and there are no footpaths. It provides the primary point of access to Epping Cemetery and the site of St John's School. 5.13 The junction of Bury Lane with Lower Bury Lane (unclassified) has been re---engineered in the last couple of years to accommodate access to the school site and as a result of these works, a section of Lower Bury Lane (between its junction with Bury Lane and the entrance to the existing recreation facility) has been downgraded to a PROW in the form of a footpath/cycle route and effectively turning the highway into a cul de sac. 5.14 For the remainder of its length, Lower Bury lane travels as a single carriageway until close to the junction with High Road. Footpath provision is staggered, crossing at intervals from the east side of the highway to the west as it travels away (north---west) from the junction with High Road. We understand that the Highways Authority, Essex County Council, has classified the highway as a Type 4 Minor Access Road and considers it only capable of serving up to 100 dwellings. 5.15 The area of land to the west, north---west of Bury Lane is in agricultural use. It is bounded to the east, north---east by a group of mature/veteran trees; to the west, south---east by hedgerow; and to the south by an agricultural 'shed'. Beyond the boundary at the southern end lies Creeds Farm (previously mentioned), which comprises a group of buildings in residential use. There are clear views west across this portion of the Site and there is a strong visual connection with the wider countryside (in views from Bury Lane and from within/through the Site). The area of Site west of Bury Lane clearly belongs to the open countryside. 6.0 VALUE OF THE OPEN SPACE 6.1 In accordance with Paragraph 69 of the National Planning Policy Framework (the "NPPF"), local authorities: "should create a shared vision with communities of the residential environment and facilities they wish to see" 6.2 In accordance with Paragraph 70 of the NPPF, local authorities, when drafting planning policies, should: "plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues (our emphasis), cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss (our emphasis) of valued facilities and services, particularly where this would reduce the community's ability to meet its day---to---day needs; ensure that established... Facilities and services are able to develop and modernise in a way that is sustainable and retained (our emphasis) for the benefit of the community; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services." 6.3 In accordance with Paragraph 73 of the NPPF: "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well---being of communities. Planning policies should be based on robust and up---to---date assessments of the needs for open space, sports and recreation facilities and opportunities for new

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required". 6.4 In accordance with Paragraph 74 of the NPPF: "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss." 6.5 In accordance with Paragraph 76 of the NPPF: "Local Communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances". 6.6 With reference to the provisions of Planning Practice Guidance (PPG) Paragraph 001 Reference ID: 37---001---20140306 we note that by definition: "Open space.... includes all open space of public value, [it] can take many forms, from formal sports pitches to open areas within a development.....It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development". 6.7 We understand that the Local Authority (LPA) has undertaken an assessment of open space (including managed open space, informal recreation space, woodland, allotments, cemeteries and graveyards, PROWs), sport and recreation provision across the District2. The findings of this study are being used to inform emerging policy on open space and recreation within the District. 2 Epping Forest District Council Open Space, Sport and Recreation Assessment (Ploszajski Lynch Consulting Ltd 2012) with Appendices 6.8 Having examined the Open Space Assessment (OSA) we understand that whilst there is an appropriate amount of 'managed open space', 'woodland and semi---natural open space' and 'informal recreation grounds' per head of population within the District, there are existing deficiencies (coupled with an anticipated increase in demand into the future) against clearly defined indicators in terms of quality and quantity of: Formal children's play Allotments Junior Football Pitches Mini---soccer pitches Cricket Pitches 6.9 More importantly, taking into consideration emerging proposed land use allocations, which aside from the Site, would result in the loss of variety of other open space provision across the District, we must assume that an even greater level of deficiency will occur per head of population as growth in population and demand for open space increases over the lifetime of the emerging Plan. 6.10 By the LPA's own admission: "Local evidence in the form of Epping Forest District Council Open Space, Sport and Recreation Assessment indicates: that the location of the District in relation to large urban populations significantly increases the demand for space intensive recreational facilities and local space provision locally. The population growth expected over the Plan period will also add to that demand". Draft Local Plan, Page 87, paragraph 4.130 6.11 Referring to the contents of the Draft Local Plan we note: "The Council seeks to protect and improve open spaces, unless in exceptional circumstances development of part of an open space is considered to be appropriate. In such circumstances this would be set alongside improvements in quality to the remaining space, or to existing open space in the locality and should be clearly set out in any justification". Epping Forest District Council, Draft Local Plan, Page 87. Paragraph 4.128 6.12 Looking to the Background Paper on Green Belt and District Open Land3, the LPA makes it clear that it would only consider allocating open space within settlements for

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

housing provided an adequate amount of open space was thereafter maintained. 6.13
In short there is a deficit in the quantum of open space provision within the District,
which will worsen as the population and associated demand grows, and there is no clear
strategy for increased provision. We should assume then that the retention of existing
levels of open space is a high priority for the LPA, and a matter which must surely
weigh heavily in the assessment of the suitability of any site for development, 6.14
In relation to the Site under discussion, its recreational element serves a “beneficial use
of the Green Belt” (as per Paragraph 81 of the NPPF) and we can be in no doubt
that the open space/recreation function is of value to the District (by amount) the wider
settlement of Epping (for ‘providing health and recreation benefits’ in accordance with PPG)
and to the immediate community (for its recreational value and for ‘being an important
part of the landscape and setting of built development’), particularly those properties which
adjoin and overlook the space, and which may be described as visual receptors in close
proximity to the site and thus highly sensitive to change.

3 Epping Forest District Local Plan - Draft Consultation 2016--12--07 BGP4 - Green Belt and District Open Land

6.15 Regardless, having examined the Site Suitability Assessments the loss of open space
at the Site is apparently a proposition the LPA is willing to accept in this instance
despite the absence of a clear District wide strategy for additional provision/re--provision and
improvement of existing facilities and without a clear strategy for re--provision
elsewhere within the Site.

6.16 Having established that the recreation space contained within the Site is not
‘surplus to provision’ and we note that the development is not for ‘alternative sports and
recreational provision, the needs for which clearly outweigh the loss’, we turn next to the
matter of replacement.

6.17 We suppose that specifically in relation to the Site, the LPA is willing to accept
the loss of the existing recreation facility on the basis the Promoter has stated a
willingness to replace the space within the wider Site thus maintaining the status quo in
terms of open space provision within the settlement/district wide. We consider the LPA’s
position flawed for the reasons overleaf:

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

It fails to acknowledge the valuable contribution the existing space in its current location makes to the wider community - contrary to PPG and the objectives of the NPPF (Paragraph 73 and Paragraph 85)

There will remain, post development, a shortfall in the amount of open space provision within the Settlement and the wider District

We see no evidence on viability which supports the proposition that the existing facilities will be replaced - indeed the LPA accepts the potential is marginal

It fails to acknowledge the impact of relocating the facilities within the wider Green Belt - contrary to the provisions of the NPPF (Paragraph 89)

6.18 In relation to bullet point 1, we consider that the loss of the open space from its current location will have a significantly and demonstrably adverse, long term impact on nearby visual receptors and the wider community. The community clearly has a strong affinity for and affiliation with the sports facilities (particularly the cricket club and the bowls club) on this Site. The Site provides a setting for and an outlook from existing residential properties. It benefits from a high degree of natural surveillance it is sheltered and in addition to its formal use as sports pitches it is used as informal recreation space by local residents. Furthermore, it benefits from a range of ancillary facilities which might not otherwise be considered 'appropriate' for the purposes of outdoor sport and recreation on land within the Green Belt.

6.19 On the matter of viability, we are not at all convinced that a development of the quantum proposed for the Site (just 49 dwellings) could carry the cost of re-providing the existing recreation facilities, particularly when taking into consideration other potential costs such as Community Infrastructure Levy, Affordable Housing and wider infrastructure costs (in relation to surface water drainage management and highways improvements). Indeed, in its assessment of deliverability (Stages 3 and 4 of the Site Suitability Assessment) the LPA accepts that "based on information provided by the developer, site viability may be more marginal as a result of the costs associated with relocating the sports facilities".

6.20 We further note that delivery of the replacement sports facilities could be delayed by up to 10 years. This is unacceptable.

6.21 Noting that financial viability of any replacement strategy is marginal at best and that any programme for replacement is likely only to occur at the cost of another policy objective (i.e. the provision of affordable housing) and taking into consideration the fact that the LPA has no jurisdiction which would enable it to impose a responsibility on the developer to improve the quantum and quality of open space, as part of any

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

replacement programme, we conclude that that development of the site will deliver no tangible recreational benefit to the community, it will only result in significant and demonstrable harm.

6.22 Setting concerns about viability to one side we are not convinced that recreation facilities in the amount and of the quality expected could be re-provided within the remainder of the Site in accordance with Paragraph 89 of the NPPF, which, to clarify, states:

“A local planning authority should regard the construction of new buildings as

inappropriate in Green Belt. Exceptions to this are:

Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”

6.23 We conclude that the loss of the open space from its existing location within the Site is unjustified and in our opinion would prove contrary to the provisions of PPG as it relates to matters of open space provision and the Green Belt; the wider objectives of both the NPPF; and the emerging Epping Forest District Council Local Plan.

6.24 In fact, we consider that as “land in recreational, leisure or open space use [which is] vulnerable to inappropriate development proposals” the area of Site currently in recreation use should be afforded policy protection under the new “local land use designation” referred to as District Open Land.

7.0 JUSTIFYING AMENDMENTS TO THE GREEN BELT BOUNDARY IN THIS LOCATION

7.1 Paragraph 83 of the NPPF states that:

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

“Once established, Green Belt boundaries should only be altered in exceptional

circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they should be capable of enduring beyond the plan period”⁴

7.2 The LPA has determined that it is unable to deliver its housing targets on land outside of the Green Belt; and as such it claims there are exceptional circumstances which warrant the proposed amendments to the Green Belt boundary.

7.3 Paragraph 84 of the NPPF states:

“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”

7.4 In accordance with Paragraph 80 of the NPPF, land designated as Green Belt serves five purposes:

To check the unrestricted sprawl of large built up areas

To prevent neighbouring towns merging into one another

To assist in safeguarding the countryside from encroachment

To preserve the setting and special character of historic towns; and

To assist in urban regeneration by encouraging the recycling of derelict and other urban land “.

⁴ As per the stated objectives of Epping Forest District Local Plan - Draft Consultation 2016 ---

12---07 BGP4 -Green Belt and District Open Land.

7.5 With reference the text within the Draft Local Plan and specifically as it relates to SP5 Green Belt and District Open Land, we note that the LPA finds it necessary to alter the Green Belt boundary in order to accommodate future housing growth, releasing sites (but only where absolutely necessary) whilst “protecting the most high value Green Belt

[Response to the Draft Local Plan Consultation 2016 \(Regulation 18\)](#)

land where ever possible" (paragraph 3.92, page 48). According to the contents of the Epping Forest Settlement Overview we note that the LPA is committed to "maximising Epping's excellent surrounding landscape and Green Belt"

7.6 Having studied the contents of the LPA's evidence base and specifically the:

Background Paper on Green Belt and District Open Land

Background Paper on Housing

Site Suitability Assessments

Epping Forest's District Settlement Capacity Study

Green Belt Review

Strategic Land Availability Assessment

Landscape Character Assessment

Heritage Assessment

7.7 We consider the LPA has failed to:

properly assess the potential of more sustainable patterns of development ahead of releasing land (specifically the Site) from the Green Belt for housing.

Properly assess the contribution Site Reference: SR--0132Ci makes to the five purpose of including land within the Green Belt

Assessment of Site Suitability - Sustainable Development

7.8 When undertaking site suitability assessments, we note that the LPA discounted (otherwise suitable and achievable) potential housing sites (classing them as being unavailable

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

and therefore not deliverable (as per footnote 2 to Paragraph 49 of the NPPF)) if the ownership was not known at the time of the assessment.

7.9 Contrary to PPG, Paragraph 03--020--20140306 which states that legal searches can provide the "best information" on ownership, it transpires that when preparing its Strategic Land Availability Assessment (SLAA) the LPA determined not to undertake legal searches (in order to establish ownership) on the basis that the information contained within the searches could only be relied upon for a short period and that the process would require extensive consultation with landowners in order to establish their intentions.

7.10 In further justifying its position, the LPA looked to other SLAAs, claiming that many assessments placed the onus on the relevant landowners or controlling interests to provide information on matters of availability.

7.11 Ultimately in arriving at a judgement on availability the LPA has primarily relied on the information provided on the call for sites forms, which have been submitted between the period 2008 and 31 March 2016.

7.12 Consequently, the LPA has discounted a wide variety of sites including Previously Developed Land (PDL) located within its urban areas, which by its own admission⁵ are more sustainable and have the capacity to deliver 1,928 dwellings. We therefore consider the LPA has failed to properly demonstrate that it is 'absolutely necessary' to remove land from the Green Belt in the manner currently proposed in order to accommodate the District's objectively assessed housing need.

7.13 Taking the provisions of Paragraph 84 of the NPPF together with the PPG, we consider that the LPA has failed in its duty to properly establish the availability of these discounted sites well ahead of considering the Site and others like it for release from the Green Belt. As such we consider the LPA has thus far failed to plan positively for its development needs in line with national planning policy objectives.

7.14 Specifically in relation to our Clients' Site, we further find that the LPA has entirely failed to justify why the release of some 8.92ha land, which makes a strong contribution to the purpose of the Green Belt on the edge of Epping (see Paragraph

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

7.15 onwards), in order to deliver a mere 49 houses is considered 'absolutely necessary' and sustainable.

The Site and its Contribution to the Green Belt

7.15 We consider the LPA has selectively (whether purposefully or otherwise) assessed the role of the Site and the contribution it makes to the purposes of including land within the Green Belt in this location with the effect that less weight than necessary has been given to the level of harm to the Green Belt development of the Site might cause.

7.16 As part of its work to produce the Draft Local Plan, the LPA has undertaken a Green Belt Review over two stages.

7.17 We notice that the Stage 1 review has apparently failed to assess any of the parcels against the fifth purpose of including land within the Green Belt i.e. to assist in urban regeneration by encouraging the recycling of derelict and other urban land despite the LPA having undertaken a Settlement Capacity Study. On this basis, we find the Stage 1 Review incomplete.

7.18 Regardless, for the purposes of the stage one assessment, the Site was identified as belonging to assessment parcel DSR 070, which when tested was found to make a strong contribution to the purposes of including land within the Green Belt, especially by:

Assisting in safeguarding the countryside from encroachment; and

In preserving the setting and special character of the historic town of Epping

7.19 The Stage 2 Review drilled down into the parcels assessed as part of the Stage 1 Review a little deeper, subdividing DSR070 into four smaller parcels, namely:

DSR070.1

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

DSR070.2

DSR070.3

DSR070.4

7.20 For the purposes of its assessment of the Site, the LPA determined that the land fell within a “very low sensitivity parcel of Green Belt land referred to as Parcel 070.1”.

7.21 However, the statement above appears to contradict another statement made by the LPA at Appendix 2 Page 22 of the Background Paper on Green Belt and District Open Land, which informs us that parcel 070.1 does contribute to the Green Belt and where the LPA advises that (around parcel DSR70.1) a position of no change to the Green Belt boundary should prevail. We note the production of the Background Paper post--dates the Stage 2 Green Belt Review.

7.22 Regardless, on a more detailed examination of Parcel 070.1 we find that it does not even include the entire Site. In fact, it only includes the area of land enclosed by Bury Lane and Lower Bury Lane i.e. that which is currently occupied by the recreational use.

7.23 It seems that land west of Bury Lane was not assessed as part of the Stage 2 Green Belt Review and we must therefore assume the contribution it makes to the purposes of including land within the Green Belt remains Strong as originally assessed.

7.24 That being so development of land west of Bury Lane in the amount required to deliver a replacement recreation space with associated facilities (which currently occupies a site of approximately 2ha) would, in our view, be contrary to the provisions of Paragraph 89 of the NPPF, conflicting with the contribution it makes to the purposes of the Green Belt in this location.

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

7.25 We consider the LPA has failed to properly weigh in the balance the contribution the Site makes to the purposes of including land within the Green Belt. In addition, we consider the LPA has underestimated the level of harm which would be caused to the Green Belt in the event the Site is released for development. We consider the Site allocation unjustified in this regard.

8.0 CAPACITY/ DENSITY AND IMPACT ON CHARACTER AND APPEARANCE

8.1 In terms of its overall capacity we note the LPA has determined that the Site (which encloses 8.92ha of land) can carry 49 dwellings. If, as the LPA suggests, development of the housing element is to be confined to the area (2ha) currently used as recreation space then development must occur at a higher density than that which prevails in the neighbourhood.

8.2 We consider that such a high-density development, in this location would be out of character. The effect of the development when coupled with the effect of new infrastructure and when taken together with the need to develop a replacement recreation facility on land to the west of Bury lane will have a major urbanising influence on this edge of settlement/countryside and a significant and demonstrable adverse impact on the wider landscape context, which is considered to be of medium to high sensitivity.

8.3 By our own assessment the Site poses a number of constraints to development. It is highly valued by the local community; it contains landscape features of note, which need to be protected and which require significant stand-off; it is located within proximity to a number of designated heritage assets and; by our own assessment, within the setting of one designated heritage asset. Furthermore, it is at risk of flooding from surface water and the highway infrastructure is entirely substandard.

Development will have a heavily urbanising influence on the edge of settlement

character area. We consider the Site unsuitable for development.

8.4 In addition, if housing is to be confined to the 2ha within the area currently used for recreation purposes and if development on land west of Bury Lane is to be

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

confined to the provision of replacement recreation facilities (amounting to 2ha in area), it begs

the question, why the need to release 8.92ha of land.

9.0 CONCLUSION

9.1 The Site serves a highly beneficial use within the Green Belt. It provides much needed recreation space and is of value (in quantitative and qualitative terms) to the community.

9.2 Furthermore, the Site makes a strong contribution to the purposes of including land within the Green Belt. It is not suitable for development.

9.3 Its allocation as a housing site is not justified, nor is it effective. We consider the Site should be removed from the Draft Local Plan.

9.4 If the Site is retained within the Local Plan going forward we consider that the LPA will

have:

failed to plan positively for its future development requirements

proposed a policy approach which is not consistent with the NPPF

failed to acknowledge the constraints of the Site in terms of its ability to meet current housing delivery targets

9.5 We are of the opinion therefore that if the Site is retained, the resulting Proposals Map when taken together with Housing, Green Belt and Open Space policy would deliver a Housing, Green Belt and Open Space Strategy which is not ultimately sound.

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

