

Stakeholder Reference:

Document Reference:

Part A

Making representation as Agent on behalf of Landowner or Land Promoter

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Part B

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Please refer to the document submitted for the full list of policies and paragraphs this refers to

Policy: None of the above

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: No

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Justified, Consistent with national policy

Complies with the duty to co-operate? Don't Know

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

The Green Belt does not provide a robust evidence base for decision taking with respect to the location of Green Belt release and the development choices reached as the Settlement Edge Landscape Strategy is out of date and does not conform with the identified methodology.

The Green Belt Stage 2 Assessment (EB705A) does not allow for consideration of how smaller, discrete parcels contribute to the Green Belt that may be suitable for further consideration for release. Instead, a combination of both small and extremely large parcels are assessed. This serves to skew the findings in favour of the smaller parcels and does not allow proper consideration of the contribution that the settlement edge of larger land parcels make or do not make to the Green Belt. The Green Belt Stage 2 Assessment (EB705A) does not take the next step and make recommendations as to how the release of parcels, or land within them, may be achieved. Whilst boundaries are identified, these are not considered alongside an assessment of suitability of land for release to identify robust, permanent and defensible green belt boundaries that will endure beyond the plan period, in line with the Local Plan spatial strategy and as required by the NPPF. The Green Belt Stage 2 Assessment (EB705A) is overly reliant on subjective assessment without measurable, transparent and replicable criteria and parameters and does not clearly define a set of measurable parameters for each of the purposes against which to assess the contribution of a parcel to the Green Belt.

It is not justified as it is not based on a robust evidence base and it is unclear how each parcel to be released is ranked in terms of Green Belt impact and how these compare between allocated sites, such that it is unclear whether the Submission Version is the most appropriate strategy in terms of Green Belt release.

It is not consistent with the NPPF with respect to Paragraph 85 which requires Local Planning Authorities to be satisfied that Green Belt boundaries will not need altering at the end of the development plan period. The Submission version has not given any consideration to this point and no consideration of the long term growth locations for the district. Accordingly, the Plan is not consistent with national planning policy, it has not been positively prepared and it is neither justified nor effective.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/ Consistent with National Policy) where this relates to soundness.

You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We suggest a total review of the Local Plan Strategy. The Local Plan approach needs to be reconsidered and The Green Belt decision taking needs to be reconsidered.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To discuss the fundamental flaws in the Green Belt Assessment and growth strategy in the Submission Version Local Plan.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Please refer to the document submitted for the full list of policies and paragraphs this refers to

Policy: None of the above

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: No

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Justified

Complies with the duty to co-operate? No

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Epping is one of the most sustainable locations in the District yet the Council disregards this and plans for development in less sustainable locations, for example to urban extensions on the edges of Harlow.

These growth locations around Harlow are suggested to be linked as a Garden Towns, however, the spatial relationship between these extensions needs to be examined, these extensions fail to deliver the sustainability benefits that would be achieved from a circa 4,000 homes developed in one location. It is considered that the needs of the area can be

better met through the sensitive development Epping.

There is an extremely weak level of synergy and spatial alignment between the key infrastructure/settlements and land being removed from the Green Belt to accommodate significant levels of growth. This reveals that sustainability and sound plan making was absent in key decision taking and spatial choices at the heart of the spatial strategy presented in the draft Plan.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We suggest a total review of the Local Plan Strategy to provide a more sustainable pattern of growth.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To identify and examine the potential growth strategy for Epping.

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: Please refer to the document submitted for the full list of policies and paragraphs this refers to

Policy: None of the above

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: No

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Justified, Consistent with national policy

Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

The housing distribution across the District within Policy SP2 has been modified, generally resulting in a reduction of dwellings across most settlements. Furthermore, the spatial strategy for each settlement has changed dramatically. The Submission Version is now heavily predicated on the release of large scale strategic masterplan areas which will have implications on the early delivery of housing in the District and the District's five year housing land supply (5YHLS).

At this point in time, our assessment of the Council's 5YHLS position in the Submission Plan shows that from April 2017 to March 2022, the Council can only demonstrate a 3.72 years supply.

The proposed spatial strategy within the Submission Version is therefore unsound for the following reasons it is not positively prepared as it does not meet the short-term housing requirement of the District, it is not justified or effective, as it is not the most appropriate spatial strategy to deliver housing in the short term, especially considering that the Council had a spatial strategy within the Regulation 18 Local Plan which was geared to improving housing delivery as quickly as possible, through a reliance on smaller more deliverable allocations and this is considered reasonable and superior necessary strategy in light of the shortfall, it does not conform with the delivery of sustainable development in accordance with the NPPF.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We recommend that the plan is amended to allocate additional smaller scale sites which are easily deliverable to support the 5YHLS position in the District. The Council's previous spatial strategy within the Regulation 18 Local Plan and the sites allocated through it, constitutes a spatial approach that could address 5YHLS quickly and should therefore be reconsidered.

Reinstate the Epping Sports Club allocation which would allow for housing to be provided on a site which was assessed as having a low impact if released from the Green Belt and supports benefits in the way of new and improved sports facilities in Epping.

If your representation is seeking a modification, do you consider it necessary

to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To discuss the spatial strategy in the Local Plan

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

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Complies with the duty to co-operate? Yes

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The spatial development strategy proposed for Epping in the Submission Version does nothing to address the inherent physical or structural problems within the town centre, does not support the community aspirations and does not alleviate the traffic or air quality problems in Epping.

It is apparent from the evidence base that congestion in Epping will significantly worsen as a result of the Submission Version of the Local Plan and that no solution has been identified to resolve this. This is likely to result in extensive queuing and delays, possible safety issues and a deterioration in air quality in the town centre and can therefore not be justified.

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Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As identified above, the Submission Version spatial strategy for Epping Town does not accord with the vision for Epping and does not align with the community aspirations to fix the problems in Epping with respect to highways or air quality impacts. It is uninspiring and does not make any attempt to improve the structural, physical or environmental problems with the town centre.

7.10 Among the reasonable alternatives that should have been examined is an air quality and highways solution for Epping, for example a relief road to the north of Epping. This solution would help relieve the High Street of HGV's and reduce traffic congestion and air pollution in the High Street, including positive impacts on the Air Quality Management Area. It is simply not sound to not have considered this obvious and logical solution within the Plan making process as a reasonable alternative.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To discuss the appropriate strategy for Epping town

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

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Policy: None of the above

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Complies with the duty to co-operate? Yes

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

Denton's have undertaken a legal review of the evidence base associated with the Submission Version. This identifies that there are serious legal issues with how the Sustainability Appraisal (EB204 and EB204) has been undertaken and that the local community and stakeholders, including Lands Improvement, have not appropriately been involved in the consultation process to date, nor are we in a position to engage properly even at this junction of the plan making process, given the amount of missing information within the evidence base documentation.

Denton's note highlights that the Sustainability Appraisal (EB204) provides a flawed assessment of reasonable alternatives and does not present the proper evidence base on which to conclude that the plan meets relevant EU law. The scoring in the Sustainability Appraisal (EB204 and EB204) is not transparent, nor able to be replicated. The Appraisal does not run all the Local Plan alternative options alongside each other using a single matrix and the options are not examined at the same level of detail. Therefore, the assessment of Option A, B and C is not a fair or complete comparison. Additionally, no appraisal has been undertaken of the HMA-level distribution of housing growth.

Option B is predicated on higher housing numbers than the other options and a 'Further Hybrid' option of delivering those same numbers spread more evenly towards the Central Line does not appear to have been tested. Although no combined scoring is stated for each option (because of the absence of a scoring matrix), Option B performs worst when scores are added (using the lowest overall score for best performance). Option A is best, followed by Option C. It is also clear from the Sustainability Appraisal that there are significant doubts about the environmental effects of the preferred option (and those alternatives that have been considered). There are many instances in the report where the effects are not fully known and scores the position in terms of "significant effects" as "?". Therefore, the impact is not known and the assessment of all reasonable alternatives has not been addressed at the same level of detail for the SEA and Habitats Regulation purposes. It is on this basis, that the Submission Version is unlawful as well as being unjustified, as it does not appropriately consider the reasonable alternatives or environmental effects.

The following information has not been provided with this public consultation:

- Updated transportation evidence base, identifying likely highways effects of Options A, B and C and the preferred hybrid option.
- Updated Air Quality and nitrogen deposition evidence base, based on updated transport analysis.
- Appendix B1 of the Site Selection Report (EB802B) outlining the decision taking made with respect to allocated sites.
- Any substantiated explanation as to how the Green Belt Assessment has been reconsidered for the southern expansion in Epping to support a change from a poor option to a good option in terms of green belt harm.

- No information in the Highways Assessment Report (EB502) and Infrastructure Delivery Plan (EB1101A and EB1101B) with respect to proposed highways works and social infrastructure delivery. Therefore, there are likely to be additional costs in the Infrastructure Delivery Plan that aren't identified yet. This demonstrates that the Council have not completed the work and therefore have not undertaken due process.

Therefore, there is currently inadequate published evidence on which to base conclusions that the preferred option is the most appropriate strategy in transportation, air quality and habitats terms. This is unlawful and procedurally wrong. The Local Plan process is required to be front loaded and supported by an evidence base that is publicly available. The lack of evidence base on decision taking by the District does not encourage participation in the planning process on an informed or engaged basis and is therefore unsound, and unlawful. In addition, the approach constitutes poor plan making which has not unsurprisingly led to the wrong outcomes, as identified in the following sections.

The Site Selection Report (EB802A) identifies that amendments have been made to the spatial strategy around Epping Town from the Regulation 18 Version of the Local Plan (2016) to the Submission Version of the Local Plan for the following reasons: "Focus on non-urban brownfield sites to the south of the settlement ensured greater alignment with the emerging Neighbourhood Plan and provided greater critical mass and potential for new and improved infrastructure."

This approach is unlawful and unsound, as it is not appropriate to have a Local Plan led by a Neighbourhood Plan, given the evidence base for a Neighbourhood Plan has not been derived by through evidence of environmental performance and sustainable development. This is also unlawful, as the Submission Version seeks conformity with a lower order plan that is legally required to be in general conformity with the Local Plan which has a significantly higher examination threshold. It is also noted that the Draft Epping Neighbourhood Plan has not yet been published. The only publicly available information is the resident questionnaire from 2016 and therefore the spatial strategy for the Neighbourhood Plan has not yet been defined, let alone assessed.

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Reassessment of the proposed spatial strategy and further evidence base is required to address these issues.

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To discuss the proposed spatial strategy for Epping

Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination

No

Signature: KInglis Date: 29/01/2018

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