



**Representation form for Submission Version of the Epping Forest District Local Plan 2011-2033 (Regulation 19 publication)**

This form should be used to make representations on the Submission Version of the Epping Forest District Local Plan which has been published. Please complete and return by 29 January 2018 at 5pm. An electronic version of the form is available at <http://www.efdclocalplan.org/>

**Please refer to the guidance notes available before completing this form.**

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**Please return any representations to:** Planning Policy, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ

Or email them to: [LDFconsult@eppingforestdc.gov.uk](mailto:LDFconsult@eppingforestdc.gov.uk)

**BY 5pm on 29 January 2018**

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This form has two parts –

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

***Please attach any documents you wish to submit with your representation***

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**Part A**

1. Are you making this representation as? (Please tick as appropriate )

a) Resident or Member of the General Public  or

b) Statutory Consultee, Local Authority of Town and Parish Council  or

c) Landowner  or

d) Agent

Other Organisation (please specify)

## 2. Personal Details

Title  
Mr and Mrs  
Mrs

First Name  
Derek and Susan  
Muriel

Last Name  
Scofield  
Marshall

Job Title  
(where relevant)

Organisation  
(where relevant)

Address Line 1  
c/o Agent

Line 2

Line 3

Line 4

Post Code

Telephone  
Number

E-mail Address

## 3. Agents Details (if applicable)

Mrs

Francesca

Hill

Sworders

The Gatehouse

Hadham Hall

Little Hadham

Ware

SG11 2EB

01279 771188

Francesca.hill@sworders.com

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**Part B – If necessary please complete a separate Part B form for each representation**

4. To which part of the Submission Version of the Local Plan does this representation relate?  
(Please specify where appropriate)

Paragraph  Policy  Policies Map

Site Reference  Settlement

5. Do you consider this part of the Submission Version of the Local Plan:  
\*Please refer to the Guidance notes for an explanation of terms

a) Is Legally compliant Yes  No

b) Sound Yes  No

If no, then which of the soundness test(s) does it fail\*

Positively prepared  | Effective

Justified  Consistent with national policy

c) Complies with the Duty to co-operate Yes  No

6. Please give details 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. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments

This representation is made on behalf of the landowners of Woodley, Water Lane, Tylers Cross and Old Forge Nursey, Water Lane Tylers Cross, as shown on the attached site plan (Ref: 218013 DWG002 Site Plan) which is included as part of the proposed Water Lane Area Garden Town Community allocation which is designated for approximately 2100 homes and 0.5 ha for up to 5 traveller pitches.

Whilst our clients support the allocation of the site and confirm that it is available immediately for residential development, this representation relates specifically to some of the details contained in policy SP4.

In order to support the delivery of the site, the intention is to provide more evidence, which can be provided at Hearing Statement stage.

These representations comprise our full case based on the evidence currently available. However, we request to reserve our right to comment further at the hearings stage, on any currently unpublished supporting documents in the event that they contain new information that we have not previously had the opportunity to comment.

### **Principle**

We support the removal of our clients land from the Green Belt and its allocation as part of the Water Lane Area for the residential development.

There is insufficient land outside the Green Belt to meet the future development needs of the District and we support the Council's view that exceptional circumstances exist as set out in para 2.136 to alter the Green Belt boundaries in this plan. We agree with the Strategy as set out in SP2 to focus development in the most sustainable locations through the creation of Garden Town Communities.

Harlow has been recognised within the Housing Market Area (HMA) as being the most sustainable location at which to focus development given its role as a sub- regional centre for employment; its Enterprise Zone status, the need to rejuvenate the town centre, the opportunity to capitalise on existing transport connections and deliver new sustainable transport links traversing the town, its location along the London- Stanstead- Cambridge corridor and the wider economic aspirations of the town.

It therefore follows that the Water Lane Masterplan Area is in a sustainable location for development, being on the settlement edge of Harlow. It is adjacent to the existing western boundary and its development would be a logical extension to the existing development boundaries, ensuring that it is well connected to existing development. Epping Road forms the western site boundary which itself would constitute a defensible and permanent Green Belt boundary which could be further enhanced with additional planting to create a new, strong Green Belt boundary and act as a landscape buffer.

It is noted that the middle section of the Masterplan Area which includes our clients land was not assessed in the Harlow Strategic Site Assessment (Aecom 2016) and did not form part of the Water Lane Area in the draft Local Plan.

The Site Selection Report (Arup December 2017) confirms in Paragraph 2.22 that "Following the consultation on the Draft Local Plan, the need to reassess some of the strategic sites around Harlow through the District level site selection process was identified. This was principally to address the following matters:

- it became apparent that for some of the strategic sites around Harlow, the District level assessment previously undertaken needed to be reviewed to reflect up-to-date information for various sites."

It is understood that technical site-specific appendices is being finalised and will be published once the detailed write-up has been completed. We therefore request to reserve our right to comment further at the hearings stage, once the technical site-specific appendices have been published as these could contain new information.

Our client's site is in a sustainable location and can be directly accessed off Water Lane. We are confident that it could be deliverable both alone and in conjunction with the neighbouring sites in the strategic Masterplan area and Water Lane. The site can be master planned and designed to minimise impact on the Green Belt and local landscape, to allow for any on-site constraints

identified through the Site Selection Report 2016 (such as flooding or drainage, heritage, ecology, trees, contamination, archaeology etc) can be appropriately mitigated. Detailed survey work addressing any constraints and a masterplan can be provided with the hearing statement if required to support the allocation.

With regards to amending the Green Belt boundary to accommodate new development and the Council's approach to assessing this; We agree with the Council's view that Green Belt parcels should not be assessed against purpose 5 (to assist in urban regeneration) and Purpose 3 (Assist in safeguarding the countryside from encroachment) as reasoned in the Green Belt Assessment: Stage 2 August 2016.

Whilst we acknowledge that in its current position the Green Belt boundary contributes towards the first purpose of the Green Belt (to check the unrestricted sprawl of large built-up area) which is the case for all the strategic sites around Harlow, which forms a key part in the Council's spatial strategy, the B181 Epping Road would make a strong new Green Belt boundary created through the allocation of this site, and would form a logical continuation of the Green Belt boundary on the western side of Harlow. This would use physical features to provide readily recognisable, permanent boundary, capable of enduring beyond the plan period, in accordance with paragraphs 83 and 85 of the NPPF and would ensure that the unrestricted sprawl of Harlow to the west would continue to be restricted.

It is our understanding that technical site-specific appendices of the Site Selection Report (Arup December 2017) will contain further analysis regarding the sites allocation, This is being finalised and will be published once the detailed write-up has been completed. We therefore request to reserve our right to comment further at the hearings stage, once the technical site-specific appendices have been published as these could contain new information.

#### **Part B**

We generally support Part B however we object to the requirement for the new Garden Town Communities to be phased and specifically to the wording in Part B that "Delivery of each new Garden Town Community will be phased". This wording is unjustified, is unduly restrictive and will result in the unnecessary delay in the delivery of housing.

NPPF Paragraph 47, bullet point 2 requires that Local Authorities must show a five year supply of deliverable housing land, with a buffer of 5%. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

Notwithstanding the fact that that delivery has been less than the full OAN since 2011 which could constitute 'persistent under-delivery' therefore requiring the application of a 20% buffer, the shortfall arising in the pre-Plan period against the full OAN amounts to 2099 dwellings and this shortfall is substantial. NPPG 3-035-20140306 states that the shortfall should be met in the first five years of the plan 'if possible'.

The Housing Implementation Strategy (HIS) provides (paragraph 2.11) three reasons why this is not considered possible, which includes:

1. Allocating more sites which are deliverable in the first five years would be at the expense of larger strategic site allocations.

The LPA's housing trajectory at Appendix 5 of the Submission assumes that the delivery of sites subject to Strategic Masterplan requirements will start in 2021/ 2022. This assumes as set out in Figure 2.1 of the Submission Plan that Strategic Masterplans and Design Codes will be in place prior to the adoption of the Plan and the subsequent outline applications will be determined in 2019.

This trajectory could be considered optimistic and the delivery of houses on these sites could be further delayed by the unnecessary requirement to phase development.

Looking specifically at the Water Lane Area, this is a somewhat unique in that it has three distinct areas which are physically separated, all of which have their own access requirements and are therefore capable of being delivered independently without the need to phase development across the whole Water Lane Area. The southern section is separated from the rest of the masterplan area by a tranche of land (shown white) which the landowners have confirmed is unavailable for development, whilst the middle triangular section is separated from the largest northern area by Water Lane.

Therefore whilst we support in principle the provision of a strategic masterplan to establish the approximate location of key infrastructure, services and facilities and to set the design principles for the whole area, each of the smaller areas described above could be delivered independently. This would enable housing to be delivered on parts of the Water Lane Area in tandem, at a faster rate than would be the case if the wider development was phased.

In the case of the smallest, middle segment, its size and characteristics would enable it to be brought forward in the earlier part of the plan whilst still following the design principles for the wider Water Lane Garden Town Community, providing the necessary infrastructure for the immediate site and making appropriate contributions to the necessary infrastructure for the wider strategic masterplan area. Our clients who own approximately of 48% of the land allocated for housing in this middle segment have confirmed they would be willing to work with other neighbouring landowners to deliver a cohesive and comprehensive scheme for this part of the Water Lane Area.

We object to the requirement to accord with the IDP, and specifically the wording “underpinned by a comprehensive package of infrastructure as set out within the Infrastructure Delivery Plan”

We are generally supportive of the principle of providing infrastructure contributions where they are linked to the development proposed, in accordance with paragraph 204 of the NPPF, which requires planning obligations to be “directly related” and “fairly and reasonably related in scale and kind” to the development.

As a matter of principle, non-statutory planning documents such as the IDP, which have not been tested through the Examination process, should not be used to set policies or determine development proposals that part B requires.

The status of the IDP is not clear, nor whether it is intended to be updated prior to the Examination.

The NPPF (paragraph 153) and the National Planning Practice Guidance sets out that the detail concerning planned infrastructure provision can be set out in a supporting document, however, the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself (Paragraph: 018 Reference ID: 12-018-20140306).

Moreover, the requirement to accord with it has not been justified or tested in terms of the tests of planning obligations as required by the NPPF (paragraphs 204-205) or the potential impact on the deliverability of development schemes as required by the NPPF (paragraphs 158, 173-174). This requirement could have a critical effect on the viability of housing development in the District, and the deliverability of sustainable development cannot be compromised by unnecessary and unduly onerous requirements.

Notwithstanding the above, in many cases the IDP is awaiting for further information from consultees regarding the form of provision required, eg financial contribution versus a facility. This results in a degree of uncertainty could have significant implications on the layout of each area the ability for a strategic masterplan to be produced and ultimately on the timely delivery of development. To provide the necessary certainty regarding what each area is expected to provide, the key infrastructure requirements any infrastructure requirements should be contained in the Local Plan itself.

**Part C (v)**

We agree in principle that each Garden Town Community should be holistically and comprehensively planned and Mr and Mrs Scofield and Mrs Marshall have confirmed they would be willing to work with other landowners to deliver this. They are committed to master planning and designing a development in line with the principles set out in Policy SP4 that can be brought forward promptly, if released from the Green Belt.

A joint strategic masterplan can be prepared, with input required from District level as required, to demonstrate how the whole Area could be delivered.

However, we have concerns regarding the specific wording of this part of the policy. (vii) does not set out what the position would be if agreement cannot be reached or if the Council does not endorse the strategic masterplan. Such provisions need to be included to ensure that the policy is flexible to respond to changing circumstances and deliverable in accordance with the NPPF (paragraphs 157 and 182).

Using the example of Warwick District Council, their submitted plan contained a Comprehensive Development of Strategic Sites policy which required either a development brief or a Masterplan to be approved by the Local Planning Authority, before applications for any of the strategic sites could be approved, and that strategic sites in multiple ownerships must come forward under a single planning application.

However, following concerns raised by participants regarding the deliverability of this approach, the Inspector removed the requirement for a Masterplan and amended the development brief policy. Whilst significant sites are still expected to comply with a development brief, a provision has been included to cover the eventuality where, for whatever reason, the development brief is absent. In this instance, a Layout and Design Statement, providing detailed information that would otherwise be included in a development brief, is required to support any planning application. The amended policy and supporting text recognises the fact that some sites are in multiple ownerships and may come forward for development separately.

**Part C (vi)**

We are generally supportive of the principle of using a Design Code endorsed by Epping Forest council and Harlow District Council to guide development of Garden Communities  
However, we object to the requirement to adhere to a Design Code and specifically the wording "Be consistent with and adhere to" as required by Part C (vi).

As a matter of principle, non-statutory planning documents such as Design Code, which has not yet been produce and is not been tested through the Examination process, should not be used to set policies or determine development proposals.

It is understood that from Figure 2.1 that the Design Codes are not expected to be produced until after the Local Plan Enquiry. However, if they are published before the hearings we request to reserve our right to comment further at the hearings stage, if necessary.

**Part C (vii)**

As set out in our comments regarding Part C (v) does not set out what the position would be if agreement cannot be reached or if the Council does not endorse the strategic masterplan. Such provisions need to be included to ensure that the policy is flexible to respond to changing circumstances and deliverable in accordance with the NPPF (paragraphs 157 and 182).

**Part C (viii)**

We are supportive of the principle of promoting and executing the highest quality of planning design and management of the built and public realm as required by Part C (viii). We are also generally supportive of the use of a Town Spatial Vision and Design Charter to guide the development of all the Garden Communities

However, we object to the requirement to adhere to the Harlow and Gilston Garden Town Spatial Vision and Design Charter and specifically the wording “Proposals should adhere to”

As a matter of principle, non-statutory planning documents such as the Harlow and Gilston Garden Town Spatial Vision and Design Charter, which has not yet been produced and is not being tested through the Examination process, should not be used to set policies or determine development proposals.

It is understood that the Harlow and Gilston Garden Town Spatial Vision and Design Charter has been commissioned and was expected to be completed in December 2017. To date it has not been published. We therefore request to reserve our right to comment further on the document at the hearings stage, if necessary.

**Part C (xiii)**

Our clients broadly support this approach, however the Sustainable Transport Study has not yet been published. We therefore request to reserve our right to comment further on this matter at the hearings stage, if necessary.

7. Please set out what changes(s) you consider necessary to make the Submission Version of the 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 Submission Version of 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.

**Part B:** Remove “will be phased and underpinned by”. Replace with “will have regard for the”

**Part C Introduction:** Remove word “phased”

Part C (v): Inclusion of the wording “Where a Strategic Masterplan is absent, development proposals in relation to the Garden Communities in the Harlow and Gilston Garden Town should comply with the requirements set out in Part L and should be accompanied by a Layout and Design Statement to address the place shaping principles as defined in Policy SP4, as appropriate to the scale of development proposed.”

**Part C (vi):** Remove wording “and adhere to”

Part C (vii): Inclusion of the wording “Where a Strategic Masterplan is absent, development proposals in relation to the Garden Communities in the Harlow and Gilston Garden Town should comply with the requirements set out in Part L and should be accompanied by a Layout and Design Statement to address the place shaping principles as defined in Policy SP4, as appropriate to the scale of development proposed.”

**Part C (viii):** Wording amended to read “ Proposals should have regard to the Harlow and Gilston Garden Town Spatial Strategy”

These modifications are required to ensure that Policy is effective, justified and consistent with national policy as required by paragraph 182 of the NPPF

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

**No**, I do not wish to participate at the hearings

**Yes**, I wish to participate at the hearings

December 2017

9. If you wish to participate at the hearings, please outline why you consider this to be necessary:

The objections raised relate to significant issues which would be most appropriately discussed at the oral hearing and cannot be dealt with satisfactorily through written representations alone.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Yes  No

11. Have you attached any documents with this representation?

Yes

No

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Signature:



Date:

January 2018