



**Epping Forest
District Council**

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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.

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

BY 5pm on 29 January 2018

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

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 or Town and Parish Council ☐ or

c) Landowner ☐ or

d) Agent ☒

Other organisation (please specify)

The Crown Estate

2. Personal Details

3. Agent's Details (if applicable)

Title		Mr
First Name		Stuart
Last Name		Williamson
Job Title (where relevant)		Principal Runner
Organisation (where relevant)	The Craon Estate	Amec Foster Wheeler
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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

See attached response.

(Continue on a separate sheet if necessary)

7. Please set out what change(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.

See attached response.

(Continue on a separate sheet if necessary)

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

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

It is essential to participate given the content of The Crown Estate's Leasing at Chipping Ongar.

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

Signature:

.....Redacted.....

Date:

29/1/2018

Epping Forest District Council

Submission Local Plan – Consultation January 2018

Response on behalf of The Crown Estate

Amec Foster Wheeler is retained by The Crown Estate to respond to the Local Plan Submission Version consultation on its behalf with regard to its land interest at Chipping Ongar. Overall, we feel there is a significant risk of the Plan being found unsound because it will not meet the Council's significant development needs over the Plan Period. It appears that the Plan is being submitted in haste to avoid the implications Government's proposed standard methodology for calculating housing needs. This suggests an almost doubling of the Council's housing target is required to meet the District's significant development needs. The Plan has gaps in its evidence base and the strategy is not the most appropriate when considered against reasonable alternatives.

The Submission Plan fails the tests of justified, effective and consistency with national policy. The Council is currently planning for a shortfall against its Objectively Assessed Need (OAN). Accordingly, in order to ensure the Plan's soundness and to better reflect the guidance in NPPF, particularly the need to significantly boost housing supply and approve sustainable development proposals without delay, the Council will need to increase the housing target in the Plan and make further allocations in addition to making additional amendments to the Green Belt boundary.

In our response to Policy P4 we demonstrate sustainable and deliverable options at Chipping Ongar (Site SR-0112) to assist the Council in maintaining a supply of housing land which could be developed without harm to the openness of the Green Belt. The Council has assessed this site through its site assessment report as having no significant constraints which would prevent development on the site and it could be delivered to meet some of the shortfall in housing need. It also provides the opportunity to safeguard land to meet additional development needs if other sites fail to deliver as anticipated without necessitating further revisions to the Green Belt boundary and can assist in the delivery of a sound Plan.

1. Draft Policy SP2: Spatial Development Strategy

Summary: The Crown Estate considers Policy SP2 to be unsound as the level of growth set out in the policy to 2033 will fail to meet the OAN for market and affordable housing. Policy SP2 plans for the delivery of 11,400 homes in the period 2011 to 2033 which is significantly short of the level of growth identified as being the OAN (12,573). Further evidence recently tested through the East Herts Local Plan (within the same HMA) suggests that a 14% uplift to the OAN is required to respond to outmigration trends from London. The bulk of this growth will be allocated to Harlow with the balance split between the main towns. Whilst The Crown Estate broadly supports the spatial strategy it is concerned that the level of growth currently set out in Policy SP2 is not deliverable and does not provide a sound basis to meet housing needs in the District over the Plan Period and also may not be deliverable within the Plan Period due to an over-reliance on largescale strategic sites at Harlow. To be found sound the Plan will need to adopt a higher housing target responding the latest

evidence on the OAN and allocate more sites including at sustainable locations such as south west Chipping Ongar.

Comments on Policy SP2:

► **Policy SP2 will fail to meet objectively assessed needs**

Paragraph 47 of NPPF states that to significantly boost supply, local planning authorities should “*use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing (emphasis added).*” The Council is currently planning for a shortfall against the objectively assessed need.

The Crown Estate is concerned that the level of growth set out in the Plan is not ambitious enough in the context of NPPF and will not adequately address housing needs over the Plan Period. The NPPF requires that local plans are positively prepared (paragraph 182). It is clear therefore, that the Council’s decision to pursue a lower figure than that required to meet the OAN does not meet the requirements of NPPF; the Plan is not justified or effective and should therefore be found unsound.

The emphasis of the NPPF is to ensure that all policies are underpinned by sufficient evidence to ensure their soundness (paragraph 182). The four tests of soundness include “*justified*”, the plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence. Policy SP2 as currently set out in the Plan does not meet the tests of soundness given that the policy pays no regard to the Council’s own evidence base and is therefore not justified. Evidence suggests that there is significant upward pressure on housing need which the Local Plan will need to address. The following evidence highlights that a more positive framework for the delivery of much needed homes should be included in the Plan to ensure its soundness:

- **West Essex and East Herts SMHA (2017):** The basis of the Council’s chosen housing target is set out in the Housing Background Paper¹. This outlines that the 2015 SHMA identifies an objectively assessed housing need of 46,100 across the HMA. For Epping Forest District, it identified a requirement of 11,300 new homes over the Local Plan period (2011-2033). However, a SHMA update² indicated that the actual level of housing need is much higher than previously anticipated based on the latest household projections. This stated that the OAN for the HMA was 54,000 rather than 46,100 as previously thought. This identified a 20% uplift based on market signals. Although a more recent SHMA update estimated the need to be lower than the 2016 update, it identifies a greater need than that identified in the Local Plan. The 2017 SHMA update³ states that across the HMA, the OAN is 51,700 dwellings in the period to 2033 which is slightly greater than the level being planned for across the HMA (51,100). The latest SHMA evidence also suggests that Epping Forest District’s overall requirement is substantially higher at 12,573 dwellings rather than 11,400 dwellings proposed in Policy SP2. The councils within the HMA have considered a higher target but feel that the level of infrastructure requirements along with the environmental constraints would prevent them from meeting the OAN. Instead the maximum amount of growth that they feel can be accommodated would be 51,100. As we demonstrate in our response to Policy P4 there are available and sustainable sites at south west Chipping Ongar which can assist in meeting housing needs.
- **East Herts District Council Local Plan Examination:** The East Herts Local Plan has recently undergone examination. The Council falls within the same HMA as Epping Forest and the same SHMA evidence has just undergone scrutiny throughout 2017. At the Inspector’s

¹ Epping Forest District Council (2016) BPG1 – Housing Background Paper

² OPS (2016) Updating the overall housing need: Based on the 2014-based projections for West Essex and East Herts

³ OPS (2017) Establishing the full objectively assessed need.

request after the hearings, further information was submitted by the Council to apply an uplift to the Council's proposed housing target. This was on the basis of evidence from the GLA which identified patterns of increased rates of outmigration from Greater London to the HMA. Evidence produced by the GLA suggests that there will be a net gain of over 2,000 people per annum to the HMA, from the GLA area. Subsequently, through a Main Modification, the Council must apply a 14% adjustment to the projection based estimate set out in figure 5 of the West Essex and East Hertfordshire Strategic Housing Market Assessment to reach the final OAN. If the same percentage uplift is applied to the OAN for Epping Forest outlined in the 2017 SHMA (12,573 dwellings) this would equate to a need of 14,333 dwellings in the period to 2033. This is significantly greater than the level proposed through the Submission Local Plan (11,400). Even if this uplift is not applied, the Council's evidence (see above) suggests that the OAN is still higher than the level of 11,400 being proposed through the Local Plan and that as a minimum 12,573 homes are required to meet the full OAN.

- ▶ Government's standard methodology for calculating housing needs: The Government's recent consultation on further measures set out in the housing white paper to boost housing supply in England⁴ suggests a standardised approach to calculating housing needs. The standard methodology for calculating housing needs '*Indicative assessment of housing need based on proposed formula, 2016 to 2026*' indicates that the projected need in Epping Forest District is significantly greater than is identified in the Local Plan and latest SHMA evidence. This indicates that rather than a need of at least 518 dwellings per annum proposed in the Local Plan, the annual needs is much greater and is in fact 923 dwellings per annum which would equate to 20,306 homes over the plan period. Whilst the Council is seeking to submit the Plan in the window before the implications of the standard methodology come into force (March 2018), the Government's latest evidence confirms that the figure in the Local Plan is the wrong figure in any event and therefore the Plan is unsound as it will not adequately address housing needs.

The NPPF requires that local plans are positively prepared (paragraph 182) and significantly boost housing supply (paragraph 47). It is clear therefore, that the Council's decision to adopt a lower figure than that required to meet objectively assessed needs does not meet the requirements of NPPF. Furthermore, since the publication of NPPF in March 2012, the presumption in favour of sustainable development is a key material consideration which is described in the NPPF as a "*golden thread running through both plan-making and decision-taking.*" Specifically, in relation to plan-making, paragraph 14 of the NPPF states that this means that:

- ▶ *"Local planning authorities should positively seek opportunities to meet the development needs of their area.*
- ▶ *Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid changes, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole..."*

In line with the NPPF local authorities will be expected to identify and manage the release of land to maintain the momentum of housing delivery. This should be achieved through adopting a flexible approach to delivery by not treating housing figures as ceilings whilst ensuring that sites and development are focussed on sustainable locations that can deliver the Plan's Spatial Strategy, such as at Chipping Ongar.

Although on face value it would appear from the Council's housing trajectory that there is sufficient supply to meet the Local Plan target of 518 dpa, there is a significant shortfall against the development target

⁴ www.gov.uk (September 2017) Planning for the right homes in the right places: consultation proposals

required to meet the objectively assessed need (14,333 if a further 14% uplift is required as in the case of East Herts). The Council also appears to have persistently under delivered against its proposed housing target. It has delivered on average around 222 dwellings over the last six years against an annual requirement of 518. This is largely due to an out of date plan (the current plan was adopted in 1998 with alterations adopted in 2006) and restrictive Green Belt boundaries. To meet the housing target set out in the Local Plan over the remainder of the Plan Period, the Council will need to deliver on average 671 dwellings per annum, therefore significantly greater than previous delivery rates. The Crown Estate is a willing land owner and is committed to bringing land forward for development to assist in the meeting the significant housing needs.

These points emphasise the need for a step change in housing delivery and to allocate more strategic sites in the Local Plan to maintain a rolling land supply to better respond to housing needs. The Council should prepare a housing trajectory which shows a positive position in significantly boosting housing supply in line with the emphasis of NPPF. In addition the housing distribution should take account of the higher requirement. This will ensure the Plan's soundness and compliance with NPPF, particularly the need to provide flexibility and significantly boost housing supply. To provide a more positive strategy which significantly boosts housing supply, the Council will need to give consideration to a higher rate of growth and allocate additional sites accordingly. Increasing the number of allocations would be consistent with the call to significantly boost housing delivery as required by paragraph 47 of NPPF. This should include additional land at Chipping Ongar on The Crown Estate's land which the Council's evidence base clearly sees as a sustainable location for growth (see response to question P4).

► **The Duty to Co-Operate (DTC) has not been met**

The authorities in the West Essex and East Herts HMA have a record of joint working including several memorandums of understanding but it appears that they may have agreed that the full OAN cannot be met due to environmental constraints rather than seeking to agree mechanisms to enable the full housing need to be met. There some similarities with the Castle Point Local Plan where the Inspector concluded that conspiring not to meet the full OAN did not constitute a DTC. The Inspector concluded that:

"...notwithstanding the lengthy and detailed engagement across south Essex there is no formal mechanism in place to distribute unmet housing need. In order to comply with the duty there is no requirement for this to be done by any particular means. Indeed, the outcome of joint working in this respect could take a variety of forms and it is not for me to say what they should be. Nevertheless, the position is that there is simply nothing in the New Local Plan to indicate how the unmet need for housing will be tackled."

Castle Point has now withdrawn its Plan following concerns raised about an unjustified reduction in planned growth for housing and shortcomings in the duty-to-cooperate. Given that the Epping Local Plan proposes a level of growth below its OAN, and the HMA is also not delivering its full OAN, the Submission Local Plan has also failed to demonstrate effective mechanisms for the delivery of unmet housing need. It could also be concluded that therefore that Epping Forest has failed in its Duty to Cooperate.

► **The Plan places an over-reliance on sites at Harlow to deliver**

Policy SP2 identifies that the main bulk of growth will be delivered through significant urban extensions at Harlow (16,100 dwellings within the HMA, 3,900 of which will be within Epping Forest District). There are significant concerns about the deliverability of sites in Harlow and whether the local market will be able to sustain this level of growth over the full Plan Period. Furthermore, these allocations are contingent on the delivery of significant infrastructure to support the proposed level of growth. The proposed level of growth at Harlow will result in some 35-40% more vehicular trips on the road network to 2033⁵. To support this level of growth significant infrastructure delivery is required including major improvement of junction 7 of the M11 and a wholly new junction (7a). This is on top of a substantial investment in sustainable travel, including

⁵ Aecom (2015) Sustainability Appraisal of Strategic Spatial Options for West Essex and East Hertfordshire HMA.

a new bridge over the River Stort, to provide a viable sustainable transport corridor. The level of investment required at Harlow will hinder the delivery of new homes in a timely manner and it poses a significant risk to the deliverability of the Plan within the time horizon to 2033. The Environment Agency has also raised concerns about the strategic housing allocation 'East of Harlow', which has the main river Pincey Brook dissecting the site with its associated flood plain surrounding it.

To save placing reliance on a few large options and to compliment allocations in Harlow, the Plan should allocate a mix of sites, including alternative smaller options in settlements such as Chipping Ongar. This will provide flexibility in supply and thereby allow the Council to more quickly respond to fluctuations in delivery than the approach set out in Policy SP2. Given the infrastructure requirements at Harlow, sites are also likely to deliver less affordable housing. Identifying a mix of sites, including more in the market towns such as Chipping Ongar will therefore also assist in the delivery of affordable homes.

Furthermore, it is unclear from the Spatial Strategy outlined in Policy SP2 how development on the edge of Harlow responds to development needs in other parts of the district. The weighting towards Harlow will not adequately address rural housing needs. NPPF and the Planning Practice Guidance state the importance of addressing issues facing rural areas in terms of housing supply and affordability, and recognise the role that housing can play in supporting the sustainability of villages and smaller settlements. The Plan should therefore provide an alternative distribution of housing which more effectively addresses housing needs elsewhere. As the main settlement in the eastern part of the district, further development at Chipping Ongar can assist in meeting development needs for the town as well as its rural hinterland.

► **Sites at Flood Risk have been allocated ahead of sites at less flood risk**

The Submission Plan allocates housing sites that fall partially within Flood Zone 2, 3a and 3b including East of Harlow. There is no evidence to demonstrate why flood risk considerations outweigh other sustainable development criteria and the presumption in favour of allocating sites wholly in flood zone 1. The Council's approach is not sound; it fails the tests of justified, effective and consistency with national policy.

The NPPF (paragraph 101) states that a sequential approach to site selection should be applied so that development is, as far as reasonably possible, located where the risk of flooding lowest. It states, 'development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'

Where a Local Planning Authorities is to consider sites within areas with a greater probability of flooding, the Exception Test must be passed and land should only be allocated if it is demonstrated that there are wider sustainability benefits to the community that outweigh the flood risk (NPPF paragraph 102). No such sustainability case exists to warrant development on land at greater flood risk.

Furthermore, the Council has provided no overriding evidence to justify allocating sites within Flood Zone 2 and 3 over sustainable options in locations in flood zone 1. As we demonstrate in our response to Policy P4, sustainable sites exist such as The Crown Estate's land at Chipping Ongar which are entirely in flood zone 1 and should be sequentially preferred over sites at greater flood risk.

In responding to the Draft Local Plan (2016) the Environment Agency commented that:

"You have already undertaken a Level 1 assessment. Where a plan cannot accommodate all development areas on land outside of areas at flood risk, it is necessary to increase the scope of the SFRA to a Level 2. A Level 2 SFRA should consider the detailed nature of the flood characteristics within the sites containing areas of flood risk. Alternatively, you could remove all of the allocated sites containing a flood zone from the plan, or amend the site boundaries to remove all areas within Flood Zone 2, 3a and 3b. Of particular concern is the strategic housing allocation 'East of Harlow', which has the main river Pincey Brook dissecting the site with its associated flood plain surrounding it. It is therefore very likely you will need to undertake a level 2 SFRA."

The Submission Plan has not addressed the Environment Agency's concerns. It has not removed sites of flood risk from the plan, it has not revised boundaries of allocations, and is not supported by an SFRA level 2 applying the Exception Test.

The findings of the SFRA are not fully reflected in the scoring for the SA of site options. The Local Planning Authority would need to demonstrate through its SA that other sustainability criteria outweigh flood risk issues in the decision-making process with reasoned justifications for any decision to allocate land in areas at high flood risk (planning Practice Guidance Paragraph: 022 Reference ID: 7-022-20140306). This has not adequately been demonstrated. Sites such as SR-0112 (South West chipping Ongar) are identified by the Council's Site Selection evidence as one of the least constrained sites in the District. It is entirely Flood Zone 1 and has no barriers to development. It has fewer constraints than sites currently proposed for allocation and can deliver sustainable development. However, it is not preferred over sites containing Flood Zones 2, 3a and 3b.

The Council's evidence base and approach to flood risk is fundamentally flawed. In order to be consistent with National Policy the approach should have followed the following steps in line with NPPF:

1. Undertaken a Sequential Test which ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding (paragraph 101). The preference should be to allocate land in Flood Zone 1.
2. If following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied (paragraph 102). The more detailed assessment should be provided in an SFRA level 2. This has not been produced contrary to Environment Agency advice on the draft Plan.

Furthermore, given that the Council's SFRA was produced in 2015 it has not applied the Government's advice on *"Flood risk assessments: climate change allowances."* The local planning authority's Strategic Flood Risk Assessment should have taken this into account, which clearly it has not given that the evidence pre-dates the Government's guidance on this issue. The flood risk mapping and evidence on which the Local Plan is based is therefore out of date but the Local Plan has been submitted in haste to avoid the implications of the Government's proposed standard methodology for calculating housing needs. The plan should therefore be found unsound.

► **The Plan has not safeguarded sufficient Green Belt land to meet longer term needs**

In order for the Local Plan to provide a sound and sustainable development strategy, the desire to protect the Green Belt will need to be balanced against the need to deliver homes. Given the extent of Green Belt in the district some Green Belt release will be necessary.

Given the risks to deliverability in placing an over-reliance on sites in Harlow to deliver, the Council should identify additional land for development to meet any shortfall should sites not deliver as expected in the Plan Period. Subsequently the Local Plan will also need to take a longer-term view in assessing Green Belt boundaries to ensure they do not require further revision before the end of the Plan Period and also endure beyond the Plan Period. The NPPF (paragraph 85) advises:

"where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period..." (our emphasis).

In our response to Policy P4 we demonstrate sustainable and deliverable options at South West Chipping Ongar to assist the Council in maintaining a supply of housing land which could be developed without harm to the openness of the Green Belt. It is considered that land at south west Chipping Ongar makes a limited contribution to Green Belt purposes owing to its close proximity to Chipping Ongar and strong sense of enclosure. The site would form a logical extension to the town with potential to safeguard land in the Green

Belt for future development needs. This approach would avoid the incremental and piecemeal erosion of the Green Belt as might be provided by the current strategy.

Suggested amendments to Policy SP2 to ensure the Plan's soundness:

In summary, it is considered that the Epping Forest Local Plan should be found unsound given that the District Council is planning for a level of growth which will fail to address the substantial housing need.

Accordingly, in order to ensure the Plan's soundness and to better reflect the guidance in NPPF, particularly the need to significantly boost housing supply and approve sustainable development proposals without delay, we recommend the following amendments to the Policy:

1. The Council's evidence suggests that level of housing proposed through the Submission Local Plan (11,400) will not meet its full OAN. The Council should increase the rate of housing growth from 11,400 (518 dpa) to at least 14,333 (651 dpa) in order to meet the level of growth required to meet objectively assessed needs (as identified by the Council's own evidence base and evidence tested through the East Herts Local Plan). Even if this level of uplift is not applied, the Council's evidence suggests that the OAN is still higher than then level of 11,400 being proposed through the Local Plan and that as a minimum 12,573 homes are required to meet the full OAN.
2. The Council should prepare a housing trajectory which shows a positive position in significantly boosting housing supply in line with the emphasis of NPPF.
3. The Plan should allocate more sustainable sites in order to provide a sound growth strategy which is sufficiently flexible in line with the emphasis of NPPF as outlined above. Land at south west Chipping Ongar provides a highly sustainable location to plan for immediate and longer term needs.
4. The Council will need to release more land from the Green Belt and also safeguard land to provide flexibility should sites not deliver as anticipated (this should also be reflected in Policy SP5).

The above amendments would support the emphasis of NPPF which seeks to ensure local plans are **positively prepared** (paragraph 182) and **significantly boost housing supply** (paragraph 47). In addition, local plans should be **sufficiently flexible to adapt to rapid changes**.

Suggested amendment to Policy SP 2: Spatial Development Strategy 2011-2033

Within the period 2011-2033 the Local Plan will provide for a minimum of ~~11,400~~ 12,573 new homes allocated in accordance with the following sequential approach:

2. Draft Policy P4: Chipping Ongar

The current strategy provided by Policy P4 plans for the provision approximately 600 homes spread across eight sites. The Crown Estate considers the approach set out in policy P4 to be **unsound** for the following reasons:

- ▶ **The Strategy will not address development needs and will result in a piecemeal erosion of the Green Belt.**

The Crown Estate considers Policy P4 to be unsound as the level of growth set out in Policy SP2 and subsequently the number of allocations made in Policy P4 will fail to meet objectively assessed needs. The

Council will need to significantly increase its housing target and allocate more sites to make the Plan sound. The Council's current strategy is also only able to accommodate a level of growth sufficient to meet the town's immediate growth needs. The allocation of eight sites around the settlement edge would result in an incremental and piecemeal erosion of the Green Belt which could be avoided through a longer-term approach and the allocation and safeguarding of land for future development on land owned by The Crown Estate at south west Chipping Ongar.

Furthermore, as noted in our response to Policy SP2 we are concerned that the Council has not made sufficient provision to ensure that the Green Belt boundaries endure beyond the Plan Period to meet the District's housing needs, particularly if other sites fail to deliver as anticipated. Subsequently in order to be found sound the plan will need to make sufficient provision to meet longer housing and economic development needs over the Plan Period and beyond.

Paragraph 83 of NPPF states that through a review of a Local Plan, regard should be given to Green Belt boundaries and 'their intended permanence in the long term so that they are capable of endurance beyond the plan period.' Paragraph 85 of NPPF also encourages local planning authorities to, where necessary safeguard land between the urban areas in order to '*meet long term development needs stretching well beyond the plan period (emphasis added)*'.

The Crown Estate owned site Site SR-0112 has strong landscape boundaries to all sides. There is also a large block of woodland on the eastern site boundary which conceals the site from Stanford Rivers Road. The strong landscape framework provides a strong and defensible boundary for the Green Belt. It also provides a strong sense of enclosure and although development would result in encroachment into the countryside (as would most options around the town), its visual impact would be modest. Therefore, the release of this land would not undermine the purposes of the Green Belt. The site represents an important opportunity to accommodate some of the town/District's immediate development needs, as well as planning for longer term growth needs. Further land could be safeguarded to meet future development needs and would avoid the incremental and piecemeal erosion of the Green Belt that would be provided by the Council's current approach.

► **The strategy for Chipping Ongar is not the most appropriate when considered against other reasonable alternatives.**

The Crown Estate's land at Chipping Ongar (site SR-0112) provides a sustainable location for new development and can make a significant contribution to increasing the supply housing to assist the Council in meeting its objectively assessed needs. There are particular advantages to allocating land at south west Chipping Ongar including:

1. The land provides a sensible rounding off of the settlement edge and is well enclosed by a strong tree belt. It enables the council to take a longer-term view to Green Belt release rather than persisting with the incremental and piecemeal erosion of the Green Belt provided by the current strategy.
2. The Council's evidence base identifies this as one of the least constrained sites in the town. It has fewer constraints than sites currently proposed for allocation and should be a priority for release particularly if further sites are allocated in order to meet the Council's OAN.
3. The site provides a highly sustainable location for development and in this section, we identify a range of options at site SR-0112 which can assist the Council in meeting its development needs. The Council has allocated other sites to the east of Stanford Rivers Road in the Submission Plan, thereby demonstrating that they consider this a sustainable location.

It should however, be noted that the Council is yet to publish its updated site selection evidence to justify the allocations in the Plan. Appendices B and C of the 'Report on Site Selection' produced by Arup in December

2017 were not available during the consultation period. These provide the detailed analysis and justification for the allocation of sites and therefore are critical to assessing the soundness of the Council's strategy. It is understood they will not be available until after the consultation has closed. There has been no opportunity to comment on this information during in the consultation period which appears unreasonable. The consultation period should be extended to allow sufficient time to consider this information which the Council has said will not be permitted. This provides further evidence that the Plan is being submitted in haste to avoid the implications Government's proposed standard methodology for calculating housing needs. Subsequently, the Plan has gaps in its evidence base and the strategy/site allocations are not the most appropriate when considered against reasonable alternatives. The Submission Plan fails the tests of justified, effective and consistency with national policy.

Evidence based work undertaken by the Council demonstrates the advantages of site SR-0112 over other development options around Chipping Ongar and therefore the strategy in Policy P4 is not justified. However, more sites are needed to meet the Council's OAN. In line with the Council's evidence base site SR-0112 should be a priority for release from the Green Belt for the reasons outlined below:

- ▶ **Landscape:** The Council's settlement edge landscape assessment⁶ divides the land around Chipping Ongar into six landscape setting areas. These are then graded as being either of low sensitivity or high sensitivity to change. The Crown Estate's land interest in Chipping Ongar is identified as being in Landscape Character Area 5. Therefore, the report concludes that in landscape terms as The Crown Estate's site is the lowest in sensitivity terms, it has the greatest capacity to accept change out of all the development options in the town.

Development would be visually well contained by the existing landscape framework. The Council's site selection report also concludes that site SR-0112 is within an area of low landscape sensitivity '*able to accommodate development without significant character change*'. Conversely, the Council's site selection evidence concludes that sites ONG.R1, ONG.R2, ONG.R4 and ONG.R5 as being within an area of high landscape sensitivity being '*vulnerable to change and unable to absorb development without significant character change*'.

The release of land at site SR-0112 being in the least sensitive location should be given priority. Allocating land of the least landscape value would be consistent with NPPF which requires new development to protect and enhance valued landscapes (paragraph 109) and allocate land of the least amenity value (paragraph 110).

- ▶ **Green Belt:** The Council's Green Belt evidence (prepared by Land Use Consultants) concludes that the release of The Crown Estate's land would be very harmful to Green Belt purpose 3 (safeguarding land from encroachment). This is despite the strong sense of enclosure around the land provided by the existing landscape framework. Contrary to this, the Council's landscape evidence which as noted above, concludes the land is less sensitive in landscape terms due to the sense of enclosure which is not reflected in the Green Belt assessment.

The Council's site selection report also contradicts the Green Belt assessment concluding that site SR-0112 would result in low harm to the Green Belt. Conversely, the Council's site selection evidence concludes that sites SR-0067i, SR-00120, SR-00184, SR-00185 and SR-0390 as being within an area of where the release of land would be harmful to the Green Belt.

- ▶ **Historic Environment:** The Council's settlement edge study identifies potential environmental constraints to development in the town. Most of these environmental assets

⁶ Chris Blandford Associates (2010) Epping Forest District Settlement Edge Landscape Sensitivity Study.

are located in the centre and the north of the town and might be impacted on by other development options. None of these is located near to The Crown Estate's site. However, there is a Grade II* listed building to the north-eastern site boundary (Marden Ash House). This is separated from the site by an existing tree belt and would not preclude development on SR-0112. A high-quality development, including the retention of boundary planting, would help protect the setting of this heritage asset. Most sites proposed for allocation are assessed as being near to heritage assets (listed buildings or the Conservation Area) but these issues are not considered as being insurmountable.

- ▶ **Flood Risk:** Site SR-0112 is located wholly within Flood Zone 1 and therefore has no flood risk issues. In line with comments made on policy SP2, Site SR-0112 should have been sequentially preferred over options at greater flood risk. The Council has failed to demonstrate through its site selection process or SA why other sustainable development considerations outweigh flood risk considerations. As also noted the Council has not produced an SFRA level 2 which is required to apply the Exception Test.
- ▶ **Access and Sustainability:** Site SR-0112 is located to the south of the town centre and forms the southwestern perimeter to a residential area that is located between the A113 Stanford Rivers Road/Coopers Hill and The Borough/Greensted Road. An existing footpath links the site to The Borough/Greensted Road. The site is immediately adjacent to Chipping Ongar Primary School and the existing footpath provides a direct link between the site and the school. Additional pedestrian connectivity exists between the site and the town centre, thereby enabling access to local shops and services. Connectivity is achieved via the footways along the A113 Stanford Rivers Road/Coopers Hill/High Street or through the residential area to the north of The Borough off Fairfield Road. Site SR-0112 is located in proximity to a number of bus services that operate along Coopers Hill/High Street. These bus services enable journeys to these key employment destinations to be undertaken.

The Council has already acknowledged that this is a sustainable location for development through the proposed allocation of sites ONG.R6, ONG.R7, ONG.R8 located just to the east of the site, on the opposite side of Stanford Rivers Road to Site SR-0112.

▶ **Sustainable development Options at Chipping Ongar**

As noted above, technical work undertaken by Amec Foster Wheeler in addition to the Council's evidence base to support the Local Plan preparation, points to significant advantages of The Crown Estate's landholding over other less sustainable development options at Chipping Ongar. It provides an alternative site to those already identified and can assist in significantly boosting housing supply to meet the Council's OAN. The site can play a significant role in delivering a sound plan and meeting future development needs at Chipping Ongar in a highly sustainable way.

A high level concept plan prepared for site SR-0112 (see **Appendix A**) identifies land which is considered as being suitable for release. Any of these three parcels could be brought forward to meet development needs with the additional areas not required to meet development needs at that time being safeguarded to meet future development needs beyond the current Plan Period. The SHLAA identified this as a suitable site.

Whilst the total site area is around 16 hectares, there are smaller development options available. The plan provided in Appendix A, demonstrates how the site could come forward in three main phases to meet a range of development needs. Each phase is in the order of 100 dwellings and can come forward independently to meet development needs at that time, thereby providing flexibility. In line with the requirements of NPPF, parcels not required at this time can be safeguarded from the Green Belt to meet future development needs. Identifying such land would avoid the incremental and piecemeal erosion of the Green Belt that might be provided by other less sustainable and smaller development options. It therefore provides an important

opportunity to plan for longer term needs and provide certainty. Land is also available for the future expansion of the primary school should this be required on land owned by The Crown Estate.

In summary, the site provides a highly deliverable and developable site in line with guidance in the NPPF. In particular, the site is available now, it offers a suitable location for development and is achievable with a realistic prospect that housing could be delivered within five years. The site is deliverable because:

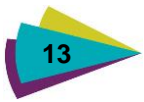
- ▶ It is not covered by any strategic constraints which would prevent development. The site is not at risk of flooding and the area proposed for development is entirely located in Flood Zone 1 (lowest probability of flooding). It is within a single ownership allowing long term comprehensive planning and deliverability with the land free of significant constraints.
- ▶ It presents a logical and sustainable location for new housing provision. The site can deliver a high quality development set within a mature landscape setting, to assist in meeting the significant development needs in the District. Although located within the Green Belt, the site makes a limited contribution to the openness of the Green Belt and should be considered for release. Areas suggested for development represent a natural rounding off of the existing settlement edge utilising the established landscape framework.
- ▶ The Crown Estate is willing to bring the site forward. The site is currently in agricultural use which does not hinder it being brought forward within five years. The site can deliver a high quality development to assist in meeting the Local Plan requirement, including a mix of dwellings as well as a proportion of affordable homes to meet local needs.

Suggested amendments to Policy P4 ensure the Plan's soundness:

In order to ensure the Plan's soundness and to better reflect the guidance in NPPF, particularly the need to significantly boost housing supply we recommend the following amendments to the Policy:

1. The Plan needs to set a higher housing target which addresses the objectively assessed need.
2. It should then increase allocations which address the shortfall in housing delivery. Allocations should be increased in sustainable locations including at south west Chipping Ongar, in order to provide a positive growth strategy which is sufficiently flexible in line with the emphasis of NPPF as outlined above. The Council's own evidence base has not identified any constraints to bringing this site forward.
3. Additional land at south west Chipping Ongar can be safeguarded from the Green Belt to meet longer term needs.
4. The settlement boundary will need to be revised to include land at South West Chipping Ongar (see—**Appendix A**).





Appendix A - Concept Plan for South West Chipping Ongar

