

## Epping Forest District Council

### Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	3392	Name	Michael	Gallimore on behalf of Peer Group and Bovis Homes	on behalf of Peer Group PLC and Bovis Homes PLC in relation to land at the Ongar Park Estate
Method	Letter				
Date	13/12/2016				

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Documents comprising this submission include the following sections: 1. Letter from Hogan Lovells 2. Regulation 18 Submission - Phase 2 Planning 3. Site Plans - Omega 4. Sustainability Appraisal - Hillbreak 5. Landscape Sensitivity and Capacity Study - Liz Lake Associates 6. Green Belt Assessment - Liz Lake Associates 7. Environmental Assessment - Liz lake Associates 8. Ecological Review - Liz Lake Associates 9. Heritage Assessment - Redoubt - Peter Stewart Consultancy 10. Site Master Plan (Large Scale) Executive Summary

This representation is prepared in respect of the Ongar Park Estate, North Weald, hereafter referred to as "OPE", on behalf of the landowners (Peer Group PLC) and their joint delivery partners (Bovis Homes PLC). The extent of the OPE site, being promoted for housing development through this Regulation 18 Local Plan consultation, is shown on the site specific Masterplan illustrating proposals for approximately 280 dwellings on 15 hectares of land, at Section 3 of this submission. The OPE is privately owned land, with public access limited to designated footpaths and bridleways which are shown at Figure 3 of the Environmental Assessment. In accordance with paragraph 75 of NPPF, Peer Group can through its site proposals and its wider land ownership protect and enhance public rights of way. The OPE is designated as non-agricultural land being partly the former site of the Marconi Radio Station and partly a golf course. Natural England's, Agricultural Land Classification Map (Appendix F of Liz Lakes Associates Environmental Issues Report), clearly shows the OPE is 'Non-Agricultural Land' and classified as being 'Other land primarily in non-agricultural use'. The OPE land cannot be said to be in productive or arable agricultural use, nor is it a viable

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agricultural unit. The land being promoted as part of the OPE comprises 15ha (38 acres) to the east of North Weald Bassett, immediately adjoining the existing village, which compliments the compact nature of the settlement pattern and contains the new development within the rectilinear character of the village. The proposal is to create new housing within a landscape setting such that approximately 9ha is developed for housing and approximately 6ha is reserved for public open space, planting and green infrastructure. The OPE is land within a single ownership and assessed as available, achievable and suitable for development within the Council's Strategic Housing Land Availability Assessment SLAA). Peer Group and Bovis Homes have provided considered evidence with this submission which confirms that the OPE is viable for delivery of approximately 280 dwellings and the proposal is therefore deliverable in the terms of footnote 11 to paragraph 47 of the National Planning Policy Framework i.e. within the next 5 years. The OPE has not been identified by the Council as an allocation for housing within this iteration of the draft Local Plan for Regulation 18 consultation. The draft Local Plan explains that the Local Plan evidence base, namely the North Weald Masterplanning Study (Allies and Morrison 2014) and the Site Selection Report (ARUP 2016), provide the foundation for the Council's decision. However, we believe that significant errors have been made in the Council's assessment of the OPE in respect of its evidence base resulting in unjustified adverse judgments. These are, in summary, as follows: 1. The extent/area of land being promoted for development; 2. The scale of development being proposed; 3. Misinterpretation of the consultation feedback received by the Council, to the North Weald Masterplanning Study (Allies and Morrison September 2014); 4. Failure by the Council to follow its own sequential strategy for site allocations as contained in the draft Local Plan (paragraph 3.54); As a result of the above, the Council has misdirected itself in respect of: • The Settlement Pattern; • The Green Belt; • Agricultural land; • Landscape; • BAP Priority Species or Habitats; • The setting of the Ongar Park Redoubt. These matters are explored fully in part 7 of this report, in response to the Council's question 7. Peer Group has provided evidence, supported by independent expert reports comprising Sections 3 to 10 of these representations which assesses the OPE and to assist the Council in its obligation, under Regulation 18, to properly take into account these representations. Furthermore, in order to assist the Council to advance a Local Plan which is sound, our submissions provide evidence that the draft Local Plan does not adequately identify what the Council believes to be its Objectively Assessed Housing Need (OAN). As such, the draft Local Plan fails to satisfy the first step, as required by NPPF paragraph 159, to assess the Objectively Assessed Need, based on an up- to-date and relevant evidence base. Further, following a review of the OAN for the District we provide evidence that the draft Local Plan falls short of its obligation to meet the OAN in full as required by paragraphs 14 and 47 of the NPPF. This is assessed further in full at paragraphs 3.1 to 3.28 of this report. We are concerned that there are uncertainties surrounding (i) the supply of land on the edge of Harlow and (ii) unsustainable site allocations within small villages. This justifies redistribution of housing towards North Weald and specifically to the OPE. This approach is supported by the Sustainability Report in Section 4 of these representations. Our assessment of the North Weald Masterplanning Study (Allies and Morrison 2014) concludes very clearly that this study did not receive wide public opinion, or support, for the Council's subsequent strategy for site allocations in North Weald Bassett, as set out within the draft Local Plan. The Council has misinterpreted and relied too heavily on the feedback received during the North Weald Masterplanning Study, leading to blanket decisions concerning site allocations, based on strategic objectives that are either unwarranted and/or not the most appropriate strategy. The responses from just 20 members of the public, who attended the Council's (Allies and Morrison) public exhibition on 28 June 2014 (11.00am to 3.00pm), are interpreted by the Council to prefer a direction of growth to the North of North Weald. However, there is no evidence in the A&M study to support that conclusion and, in any event, responses from such a small number of people cannot reliably inform the preparation of site allocations within a draft Local Plan. Furthermore, the A&M study confirms that some of the respondents to the public exhibition regarded development to the North (Scenario B) to be too concentrated and considered that development to the North and South (Scenario A) would provide a better distribution of housing. This matter is assessed further at paragraph 1.12 b) of this report. As previously stated above, our assessment of the Council's (Arup) Site Selection Report reveals flaws in the assessment of the OPE. The Site Selection Report has erroneously designated the OPE land as "agricultural" and assessed the potential of OPE on the basis of 190 hectares of land with capacity for 6,027 new dwellings and 30,000 sq. m of commercial floorspace when, in fact, the land is non-agricultural and only 15 hectares of land is being promoted for development for approximately 280 dwellings (See site plans at Section 3 of these representations). This is less than 8% of the site assessed by ARUP and we can now understand how and why Arup and, consequently the Council, have fallen into error. In view of the apparent misunderstanding between the landowner and the Council as to the extent of land and the scale of development being promoted for site allocation on the OPE, it is now clear that the Council's evidence base and its site allocations in

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North Weald Bassett will need to be reconsidered, in the light of these representations. Indeed, Regulation 18 consultation requires the Council to take into consideration any representation made to them in response to this consultation and, in this case, our representations demonstrate that the underlying premise for the Council's strategy in North Weald Bassett, and the site allocations flowing from that strategy, will need to be reviewed. Expert reports are attached at Sections 3 to 10 of these representation, which assess the proposed OPE development site (15.26ha) all of which conclude that the land being advanced on the OPE for development is suitable and sustainable, and performs more sustainably than many of the alternative sites which the Council has selected for allocation within the draft Local Plan. The evidence hereby submitted demonstrates that the ARUP Site Selection study is based on a misunderstanding of the facts and therefore requires to be re-assessed in respect of the OPE.

1. Introduction

1.1 This representation is prepared in respect of the Ongar Park Estate, North Weald, hereafter referred to as "OPE", on behalf of the landowners (Peer Group PLC) and their joint delivery partners (Bovis Homes PLC).

1.2 The representations respond to the District Council's Regulation 18 consultation into its draft Local Plan. The Council has set 9 questions as part of this consultation, which we respond to in the following chapters within this report as follows:

- Q1. Do you agree with the overall vision that the Draft Local Plan sets out for Epping Forest District? (See paragraph 3.26, Chapter 3).
- Q2. Do you agree with our approach to the distribution of new housing across Epping Forest District? (See Draft Policy SP 2, Chapter 3).
- Q3. Do you agree with the proposals for development around Harlow? (See Draft Policy SP 3, Chapter 3).
- Q4. For the two town centres and four district centres in the District the Draft Local Plan sets out a proposed primary shopping area which is intended to protect and encourage retail uses (See Draft Policy E 2 and Section 5 - Places). Do you agree with the proposed shopping areas?
- Q5. Do you agree with the proposals for new employment development? (See Draft Policy E 1, Chapter 4).
- Q6. Do you agree with the proposed sites in your area? (See Chapter 5) Do not feel that you have to comment on all of the areas.
- Q7. Do you agree with the approach to infrastructure provision being proposed in the plan? (See Chapter 6).
- Q8. An Interim Sustainability Appraisal has been commissioned to support the Draft Local Plan. We would welcome any comments you may have on this. (See Technical Document page).
- Q9. Do you wish to comment on any other policies in the Draft Local Plan?

1.3 The OPE is privately owned land, with public access limited to designated footpaths and bridleways which are shown on Figure 3 of the Environmental Assessment. In accordance with paragraph 75 of NPPF, Peer Group PLC can through its site proposals and its wider land ownership protect and enhance public rights of way, access and green space.

1.4 The OPE has been actively promoted as suitable for residential development through all stages of the Council's Local Plan preparation and evidence base.

1.5 The Council has assessed the OPE based on 190ha (470 acres) for 6,027 new dwellings when, in fact, only 15.26ha (38 acres) is being advanced for approximately 280 new homes. This misunderstanding is obviously significant and material to the Council's proposed site allocations in North Weald Bassett. Accordingly, we hereby provide evidence, supported by expert reports, that justifies the site allocation of the OPE promotion site, as shown on the site plans at Section 3 of these representation.

1.6 The OPE proposal comprises 15.26ha (38 acres) to the southeast of North Weald Bassett, immediately adjoining the existing village edge, which compliments the compact and rectilinear nature of the settlement pattern.

1.7 The proposal is to create new housing within a landscape setting such that 9ha is developed for housing and 6ha is reserved for public open space, planting and green infrastructure. The development would provide approximately 280 new dwellings.

1.8 The proposed site is designated by Natural England as "Non-agricultural" land, being partly the former site of the Marconi Radio Station and part of a golf course.

1.9 Paragraph 17 of NPPF sets out 12 core principles, which require sustainable development, which includes the allocation of land for development which has "lesser environmental value", the latter being repeated at paragraph 110 of NPPF. This places land to the southeast of the village and, in particular the site being promoted by Peer Group, as being significantly more suitable for development than the land to the northwest of the village.

1.10 The Epping Forest District Draft Local Plan 2016 has not allocated the proposed land within the OPE for residential development. Instead, the Council has allocated areas of high quality agricultural land to the northwest of the village. The draft Local Plan justifies this approach with the following reasons:

- a) The content of the North Weald Bassett Master Plan (prepared by Allies and Morrison in September 2014) has informed the site selections.
- b) Scenario B from the A&M Master Plan was identified as the preferred approach for new development in the village.
- c) The area to the south of the settlement is highly sensitive to landscape change and views across the Ongar Redoubt Hill are an asset to the character of the local area.
- d) Development to the north of the village promotes a more compact settlement pattern.
- e) The choice of sites to the east of the village would represent an unsustainable pattern of settlement growth beyond its existing rectilinear edge, constituting sprawl.

1.11 The reasons stated by the Council in a) to e) above, for site allocations in North Weald, are not supported by robust evidence or by objective assessment.

1.12 Taking each of the

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reasons stated by the Council in a) to e) above, we respond: a) The content of the North Weald Bassett Master Plan (prepared by Allies and Morrison in September 2014) has informed the site selections. Response: 1. The Allies and Morrison study (September 2014) identifies the best sites to the southeast and northwest of the village to provide 458 new dwellings (Scenario A Option 1). This includes the site (1C - as designated by A&M) which is being promoted by Peer Group on the OPE. 2. As a second step, the A&M study identifies the best sites to the southeast and northwest of the village to provide 1,012 new dwellings (Scenario A Option 2). This includes both sites (1C and 2D - as designated by A&M) which are being promoted by Peer Group on the OPE.

3. As a final step, the A&M study identifies a third tier of sites, all to the northwest of the village, which would be necessary to provide 1,540 new dwellings (Scenario A Option 3) in North Weald Bassett. This again included both sites (1C and 2D) to the southeast of the village. However, in order to increase the housing provision from

1,012 new dwellings to 1,540 new dwellings, A&M introduce sites (all to the northwest of the village) which are on high quality agricultural land, in open countryside.

4. The sequential approach to site suitability adopted by the A&M study is consistent with the Council's own stated policy for sequential site selection in paragraph 3.54 of the draft Local Plan.

b) Scenario B from the A&M Master Plan was identified as the preferred approach for new development in the village.

Response

1. For reasons that are not explained and which sail in the face of the Council's own site selection policy, A&M consider an alternative site selection scenario, Scenario B, where only land to the northwest of the village is considered. This scenario is without logic, without any evidential support and results in the irrational allocation of additional high quality agricultural land, in open countryside, on the most valuable green belt land. Scenario B is therefore (i) not compliant with the NPPF and (ii) not compliant with the Council's own stated strategy (paragraph 3.54) for site selection.

2. In order to justify its decision to adopt Scenario B Option 3, in preference to the more suitable and sustainable Scenario A Option 3, the Council relies entirely on its own interpretation of the public the response to an "exhibition" on 28 June 2014 (11.00am until 3.00pm) where 160 people attended. There is no demographic information on the Council's evidence base about those 160 people. The A&M study informs (page 139) that 35 people who attended the exhibition completed "feedback forms" and 9 people made written representations. None of the feedback forms or the written representations are available on the Council's evidence base.

3. At page 142 of the A&M study, it states that of the 35 respondents, 20 showed a preference for Scenario B and 8 showed a preference for Scenario A. It states that 7 respondents showed no preference for Scenario A or Scenario B. However, when the "Questions" that were asked of the respondents in respect of Scenario A and Scenario B are examined, it is clear that the Council has misinterpreted the responses it received. Question 2 (page 141 of the A&M study) simply asks: "How do you feel about scenario B (no growth to the south-east of the settlement) and associated options?" The responses state that (i) The distribution of housing is uneven, (ii) Insufficient distribution of development, being too concentrated to one side (the northwest) of the village, (iii) Too much concentration in one area, (iv) Noise could be an issue. In contrast, Question 3 (page 141 of the A&M study) asks: How do you feel about scenario A (growth to the south of the settlement) and associated options?". Firstly, the question is factually wrong. Scenario A proposes growth to the northwest and southeast of the settlement, of which only a small proportion (sites 1C and 2D) would be to the southeast. Secondly, the public responses to the question which are ascribed to Scenario A are, in fact, equally (or more) applicable to Scenario B, for instance, an answer ascribed only to Scenario A states: "The scale of development is too large for the village". That answer is clearly relevant to both Scenario A and Scenario B. Furthermore, given that only 250 homes were being proposed to the southeast of the village and over 1250 new homes to the northwest of the village, this response is more relevant to land on the northwest of the village. The exception to this is the answer provided by some of the respondents to Scenario A, where they state that Scenario A provides a "Better distribution of housing".

4. From the above, it is clear that the questions asked by A&M were not relevant to specific site allocations but, nevertheless, those responses which did address specific and relevant planning considerations, favoured Scenario A. However, the Council's interpretation of the A&M study is further undermined where the Council fails to consider the

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more detailed analysis of the public responses at page 142 of the A&M study which reveals that 7 people preferred Scenario B Option 1 (463 new dwellings) and 2 preferred Scenario B Option 2 (1,202 new dwellings) but none preferred Scenario B Option 3 (1,616 new dwellings). Given the fact that the Council is now advancing the Local Plan based on site allocations which closely resemble Scenario B Option 3, it is safe to assume that none of the 35 respondents who attended the public exhibition on 28 June 2014 supported the strategy that the Council is now claiming to be the bedrock of its site allocations. The Council has been requested to make the 35 "feedback forms" and the 9 written representations, from the public exhibition, available for inspection.

c) The area to the south of the settlement is highly sensitive to landscape change and views across the Ongar Redoubt Hill are an asset to the character of the local area.

#### Response

1. The Council has not undertaken or published on its evidence base a comprehensive Landscape Sensitivity and Capacity Study for any of the sites in its district. As such, the Council is not in a position to examine the sensitivity of the landscape to the south of the North Weald settlement or to compare it to the sensitivity of land to the north of the settlement. Peer Group has commissioned an expert report from Liz Lake Associates, which assess the land being advanced by Peer Group for development to the southeast of the settlement (section 5 of this representation). That report concludes that land to the southeast of the settlement has a "Low Sensitivity" and "Low Landscape Value".

2. The Council has not undertaken or published on its evidence base any assessment of the setting of the Redoubt, other than the assessment within the A&M study. That study (page 118) provides a buffer zone around the Redoubt stating: "Preserve Ongar Redoubt Landscape Setting". The proposed site for housing development (site 1C) is entirely outside of the A&M prescribed buffer zone.

3. Peer Group has commissioned an expert report (section 9 of this representation) from Peter Stewart Consultancy, which has carefully considered the setting of the Redoubt and has concluded at (paragraph 5.5 of that expert report): "We see no reason why development coming forward on the proposed allocation site, incorporating a clear landscape strategy, would not enhance the setting of the Redoubt".

d) Development to the north of the village promotes a more compact settlement pattern.

#### Response

1. The A&M study considers the settlement pattern at page 118 of its report and demonstrates that the expansion of the village to the southeast is entirely consistent with the existing rectilinear edge of the settlement. What is also clear from the A&M study is that development to the northwest of the existing village, particularly Scenario B Option 3, would be substantially into open countryside and would fundamentally change the rectilinear form of the village and would cause significant sprawl.

e) The choice of sites to the east of the village would represent an unsustainable pattern of settlement growth beyond its existing rectilinear edge, constituting sprawl.

#### Response

1. As made clear by the A&M study, development to the northwest of the existing village, particularly Scenario B Option 3, would be into open countryside and would fundamentally change the rectilinear form of the village and would cause significant sprawl. Development to the southeast of the village would be entirely consistent with the rectilinear form of the settlement and would be contained by the topography of the land and other mature boundaries.

1.13 The principal conclusions from the Council's own evidence base and our detailed assessment of the OPE land are:

1. The proposal is a highly sustainable development, which is connected to and will be fully integrated into the existing village, within walking distance of all local services, amenities and facilities.

2. The Council's SLAA finds the OPE site to be "suitable, available and achievable".

3. The proposed site (being to the southeast of the village) has been assessed by the Council to have a lesser impact on the purposes of the Green Belt, particularly when compared to land to the northwest of the village.

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4. The proposed site is non-agricultural land, which should be developed before causing loss and harm to the high quality agricultural land to the northwest of the village.
5. The proposed OPE site, to the southeast of the village, has a Low Sensitivity to change, a Low Landscape Value and a Medium to High Capacity to accommodate change.
6. Due to the topography of the land, there are no significant views to or from the proposed site, from any major receptors.
7. The site maintains and enhances the rectilinear edge of the settlement and does not contribute to sprawl, which is in significant contrast to the proposed development to the northwest of the village, which would fundamentally change the shape and character of the settlement, with significant encroachment and sprawl into open countryside.
8. Road access to the proposed OPE site is excellent.
9. During construction, all HGV traffic would use the existing site access directly from the A414 (to the north of the site) such that no construction traffic would pass through the existing village.
10. The A&M Master Planning Study contains no evidence to support Scenario B in preference to Scenario A. The assessment of public responses, on page 141 of that study ("how do you feel about Scenario A or Scenario B), favours Scenario A, not Scenario B including the clear public opinion that Scenario A provides a "Better distribution of housing".
11. Comments which are claimed by the Council to be negative towards Scenario A, in the A&M study, are not specific to the proposed OPE site. These comments are generally related to overall growth, not site specific issues and are equally valid as comments relating to Scenario B. For example, "The scale of development would be too large for the village", where the scale of proposed development is the same in both Scenario A and Scenario B.
12. Other negative comments which are ascribed to Scenario A in the A&M study are without foundation.
13. The A&M study identifies those parcels of land which it considers to be the most appropriate sites for development (coloured red) in Scenario A Option 1, followed by the next most appropriate sites (coloured orange) in Scenario A Option 2. This includes all the land to the southeast of the village advanced on the OPE. Finally, the A&M study identifies the next tier of sites which might be considered for development (coloured yellow) in Scenario A Option 3 and Scenario B Option 3. All of the third tier sites, coloured yellow, are to the northwest of the village, not to the southeast.
14. The Council's own policy towards sequential site selection (paragraph 3.54 in the draft Local Plan), favours land to the southeast of North Weald Bassett in preference to the majority of land to the northwest of the village.
- 1.14 It is our submissions that the Local Plan as drafted is not founded on a robust or credible evidence base.
- 1.15 These submissions are supported by a number of evidence based documents in Sections 3 to 10 of the document file submitted herewith which contain robust assessment, rational analysis and expert conclusions, as follows:
  - Section 3 includes the site location and ownership plan of the Ongar Park Estate illustrating the land that is the subject of this Regulation 18 representation. All of the land at the Ongar Park Estate (OPE) is within the ownership and control of Peer Group plc and will be made available for development within the first five years of this Local Plan period.
  - Section 3 includes the Ongar Park Estate Masterplan, which illustrates land parcels capable of accommodating up to 280 new homes within the OPE on land identified as suitable for residential development by the Allies and Morrison North Weald Masterplanning study 2014 (land parcels 1C and 2D in Scenario A) - a key part of the Council's evidence base.

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- Section 4 includes a Sustainability Appraisal prepared by Hillbreak providing a review of the Council's Interim SA and Site Selection Report Methodology, prepared by an expert, Hillbreak, who are sustainability consultants.

- Section 5 provides a Landscape Sensitivity and Capacity Study prepared by Liz Lake

Associates

- Section 6 provides an assessment of the Green Belt by Liz Lake Associate

- Section 7 Environmental Issues study prepared by Liz Lake Associates

- Section 8 provides an Ecological Review prepared by Liz Lake Associates

- Section 9 provides an assessment of the setting of the Redoubt prepared by Peter

Stewart Consultancy

- Section 10 provides a large scale illustrative site layout plan

1.16 As set out above we respond to the Council's key questions in the following sections of this report.

2. Q1. Do you agree with the overall vision that the Draft Local Plan sets out for Epping Forest District? See Paragraph 3.26, Chapter 3).

2.1. We broadly support the overall vision for the District in the draft Local Plan, subject to the Council seeking to meet its full Objectively Assessed Housing Need, an evidenced based rationale for site allocations and a positive and justified approach to its strategy. We reserve the right to expand upon our submissions, at a later stage, when the Council's evidence base is completed to a standard which supports further analysis.

3. Q2. Do you agree with our approach to the distribution of new housing across Epping Forest District? (See Draft Policy SP 2, Chapter 3).

3.1 Our response to this question is split into two parts. The first part responds to the Council's assessment of its Housing Requirement and the second part responds to the spatial elements of the Spatial Strategy.

Housing Requirement

3.2 From the information contained in the draft Local Plan it is difficult to identify what the Council believes to be its Objectively Assessed Housing Need (OAN). As such, the draft Local Plan fails to satisfy the first step, as required by NPPF paragraph 159, to assess the Objectively Assessed Need, based on an up-to-date and relevant evidence base.

3.3 The draft Local Plan identifies the Housing Market Area for Epping Forest District Council (EFDC) to include the four local authority areas of East Hertfordshire District Council (EHDC), EFDC, Harlow District Council (Harlow) and Uttlesford District Council (UDC). The 2015 SHMA prepared by Opinion Research Services (ORS) indicated an OAN of 46,100 new dwellings of which 11,300 (24.51%) were attributed to EFDC for the period 2011 to 2033 (514 per annum). However, based on an updated OAN, provided by ORS to take account of DCLG 2014 household projections, the OAN for the HMA is considered to be 54,608, of which ORS assigned 13,278 (24.32%) to EFDC (604 per annum).

3.4 In setting the EFDC housing requirement paragraph 3.45 of the draft Local Plan explains that various options for housing delivery and distribution were considered by the Co-op Member Board in a range from 48,300 to 57,400 new dwellings (the latter we presume to be the 2016

SHMA OAN of 54,608 plus 5% buffer as required by paragraph 47 of NPPF) as set out in the Strategic OAHN Spatial Options Study for the West Essex and East Herts authorities (AECOM, August 2016). Under the higher range of OAN tested, AECOM attributed 14,152 new dwellings (24.66% of 57,400) to EFDC for the plan period (643 per annum).

3.5 In paragraph 3.47 of the draft Local Plan, the Council states:

"In light of this investigation, the Co-op Member Board identified a Preferred Spatial Option to deliver 51,100 new homes across the HMA to 2033 broken down as follows:

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EHDC 18,000 (35.23%) EFDC 11,400 (22.31%) Harlow 9,200 (18.00%) UDC 12,500 (24.46%)

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51,100 (100%)

3.6 The adoption of a Housing Target at 51,100 is not justified. Firstly, it is not based on a rational appraisal of the full OAN for the HMA and secondly it falls short of meeting in full the ORS (and AECOM) assessment of the OAN.

3.7 The explanation at paragraph 3.35 of the draft Local Plan states blanket reasons of infrastructure, environment and policy considerations for not meeting the full HMA OAN but, as will be explained below in these representations that is not a sound basis for adopting a Housing target below the OAN. At paragraph 3.46, the Council sets out four strategic reasons for not meeting its OAN:

- Transport
- Sustainability Assessment
- Habitat Regulations Assessment
- Strategic Site Assessment

3.8 The Council's approach to adopting its OAN and the subsequent selection of a Housing Target, which is below its OAN, for strategic, blanket or broad policy reasons is not compliant with the NPPF. This has been made clear by the Planning Inspectorate, the High Court and the Court of Appeal.

3.9 In the case of Solihull Metropolitan Borough Council and (1) Gallagher Estates Limited and (2) Lioncourt Homes, heard on 25 November 2014 [Case No. C1/2014/1702], the Court of Appeal gave judgment that a local planning authority should follow a two-step approach in setting a Housing Target.

3.10 In his judgment, at paragraph 5, Laws LJ sets out the relevant paragraphs 14 and 47 from the NPPF. He then examines the judgment of Hickinbottom J in the High Court (from which this appeal stemmed) where at paragraph 8 of his judgment Laws LJ recounts paragraph 31 from the High Court:

"...The NPPF put considerable new emphasis on the policy imperative of increasing the supply of housing. As reflected in the first words of the Ministerial Forward..., in relation to dwellings, there was a policy objective to achieve a significant increase in supply. Therefore the NPPF imposes the policy goal on a local authority of meeting its full, objectively assessed needs for market and affordable housing, unless and only to the extent that other policies were inconsistent with that goal. Thus, paragraph 47 makes full objectively assessed housing needs, not just a material consideration, but a consideration of particular standing".

3.11 Laws LJ then considers the proper interpretation of NPPF paragraph 47 in the context of Hunston Properties Ltd [EWCA] Civ 1610, where Sir David Keene gave judgment. Laws LJ refers to paragraph 25 of the Hunston judgment which he quotes;

"The words in paragraph 47(1), 'as far as consistent with policies set out in the Framework' remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be relating to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:

'to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.'

That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs

assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure."

3.12 Laws LJ then explains at paragraph 10 of his judgment;

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"The passage I have cited is binding authority for the proposition that the making of the OAN is an exercise which is prior to, and separate from, the application to that assessment of the impact of other relevant NPPF policies: the phrase 'as far as is consistent with the policy set out in this Framework' is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs".

3.13 Laws LJ then returns to the judgment of Hickinbottom J and recites paragraph 94 from that judgment;

"It is clear that paragraph 47 of the NPPF requires full housing needs to be assessed in some way. It is insufficient, for NPPF purposes, for all material considerations (including need, demand and other relevant policies) simply to be weighed together. Nor is it sufficient simply to determine the maximum housing supply available, and constrain housing provision targets to that figure. Paragraph 47 requires full housing needs to be objectively assessed, and then a distinct assessment made as to whether (and, if so, to what extent) other policies dictate or justify constraint".

3.14 Resultant from his findings, Laws LJ states at paragraph 16 of his judgment;

"The NPPF indeed effected a radical change. It consisted in the two-step approach which paragraph 47 enjoined. The previous policy's methodology [PPS1, PPS 3, PPS12 and RSS] was essentially the striking of a balance. By contrast, paragraph 47 required the OAN to be made first, and to be given effect in the Local Plan save only to the extent that that would be inconsistent with other NPPF policies".

3.15 Finally, at paragraph 40 of his judgment, Laws LJ considers where the errors were made, in the advancement of the Solihull Local Plan, and he concludes:

"The Council failed to proceed upon the correct understanding of NPPF paragraph 47. They did not undertake or propose the two-step approach which NPPF required".

3.16 The approach adopted by the Co-op Member Board (and subsequently by EFDC) follows the same path as the Solihull Local Plan and is, therefore, flawed. It is not compliant with paragraph 159 the NPPF which requires a local planning authority to have a clear understanding of housing needs in its area and paragraphs 14 and 47 of the NPPF which require the full OAN to be met, as far as consistent with the policies in the Framework and, where it is not possible to meet the OAN in full, the Council must identify the significant and demonstrable adverse impacts that would outweigh the benefits [of meeting the OAN in full], when assessed against the policies in the NPPF taken as a whole.

3.17 The opacity of the EFDC OAN is further compromised by the date for commencement of the proposed Local Plan, in 2011. This is five years prior to the present Regulation 18 consultation and likely to be at least seven years prior to the adoption of the Local Plan. Throughout that period, EFDC has failed (and will continue to fail) to deliver the necessary housing (being at least 508 new dwellings per annum), such that the housing trajectory for the plan period beyond adoption in 2018 will barely leave 15 years to make good the deficit.

3.18 From Draft Policy SP 2 of the draft Local Plan, it appears that the Council is seeking adopt a Housing Target of 11,400 new dwellings through the plan period (which is below its OAN), of which it claims 1,173 new dwellings have already been delivered in the period 2011 to 2016 (235 per annum). This would, on the face of it, leave a balance of 10,227 new dwellings to be delivered in the period 2017 to 2033 (602 per annum). However, if the rate of housing delivery remains at approximately 235 per annum for 2017 and 2018 (and probably longer having regard to the lag in supply, caused by the start up time for construction, after the adoption of the Local Plan), this would equate to 1,643 new homes [1,173 + 470] for the period 2011 to 2018, leaving a balance of 9,757 (650 new dwellings per annum) for the period

2018 to 2033 (15 years).

3.19 However, evidence from the SHMA does not support this position. The updated SHMA identifies an OAN for the HMA of 54,608 new dwellings, of which 13,278 were attributed to EFDC. This is 2000 more than the Housing Target stated in the draft Local Plan, for which there is no strategy for delivery. Furthermore, the draft Local Plan assumes that 3,900 new homes will be delivered adjacent to Harlow, relying entirely on Harlow to provide all necessary infrastructure. That strategy is not supported by Harlow, so these sites are not necessarily deliverable as required by Footnote 11 of NPPF paragraph 47 (See table below).

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Supply Draft Local

Plan Assessment

based on draft Local Plan Housing

Target Assessment

based on ORS

2016 SHMA OAN Requirement Assessment

Based on AECOM Option F

Local Plan Requirement

a) Local Plan (2011-2033) 11,400 11,400 13,278 14,152

b) Completions 2011-2016 1,173 1,173 1, 173 1,173

c) Shortfall/Surplus -10,227 -10,227 -12,105 -12,979

d) Planning Permissions up

to 31 March 2016 1,194 1,194 1,194 1,194

e) Windfalls 595 (35

dwellings x 17 years) 595 (35

dwellings x 17 years) 595 (35

dwellings x 17 years) 595 (35

dwellings x 17 years)

f) Draft Local Plan Policy

SP2 Allocations 7,390 7,390 7,390 7,390

g) Sites on edge of Harlow 3,900 800 800 800

h) Total Supply 14,252 11, 152 11,152 11, 152

i) Surplus/Shortfall +2,582

dwellings - 248

dwellings -2,126 dwellings 3,000

dwellings

Table 1

3.20 There is now also a substantial body of advice from the Planning Inspectorate on this matter through examination of Local Plans, namely: (i) Brighton and Hove City Council, (ii) Derbyshire Dales District Council and (iii) East Staffordshire Borough Council. The advice in respect of each of the above Local Plans (all of which were initially identified as unsound) relates directly and significantly to the circumstances that now exist in EFDC.

1 ORS 2016 SHMA Update assessment of OAN

2 Reflecting decision of Harlow Special Council Meeting on the 31st August 2016 to exclude development to the south and west, including Latton Priory, Sumners West and Katherines East, it has reduced the potential housing supply by 3,100 homes.

3.21 We would draw your specific attention to the advice from Ms Laura Graham, Planning Inspector, in respect of the Brighton & Hove City Plan where, in December 2013, she received evidence from the Council that its OAN was in a range of 16,000 to 20,000 new dwellings. She informed the Council that its obligation to meet the "full" (which she wrote in bold) housing need would be "at the higher end of that range, at 20,000". Further, when considering any

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constraints in terms of suitable land to meet the OAN, she stated, “I would need to be satisfied that the Council had left no stone unturned in seeking to meet as much of this need as possible”. [My emphasis]

3.22 We would also draw your attention to the hearing on 22 and 23 July 2014 by Mr Keith Holland, Planning Inspector, into the Derbyshire Dales Local Plan. The Council had itself identified an OAN of approximately 6,500 new dwellings and, through its SHLAA, had identified sufficient land within the district to provide 6,419 new dwellings. However, it then decided to set a housing target of only 4,400 new homes. Needless-to-say, the Inspector made it clear to Derbyshire Dales District Council that its submission Local Plan would not be found sound.

3.23 On 28 to 31 October 2014 Mr Brian Sims, Planning Inspector, issued his Interim Findings into the East Staffordshire Borough Local Plan. He found that the Council’s assessment of OAN at

11,648 was insufficient and should be “at the very least 12,000 new dwellings in the Plan Period. Furthermore, he found that, “Legislation and case law governing the preparation of a Sustainability Appraisal, incorporating Strategic Environmental Assessment, is clear that it must be conducted at each stage of the plan evolution at the earliest possible opportunity. That is to provide a clear audit trail of the consideration and assessment of strategic options, and of the selection of sites for development in particular”. [My emphasis]

3.24 Mr Sims also found that the Council was reliant upon “a relatively small number of large strategic sites” which would be “comparatively slow to deliver the requisite amount of housing land to restore the five year housing supply to the necessary level”.

3.25 We would also draw your attention to the Inspector’s Preliminary Conclusions in the EIP for Waverley Borough Council (WBC) in June 2013. The Inspector, Mr Hetherington, advised the Council to withdraw from its proposed “Strategy” due to fundamental errors and omissions. At paragraph 17 of his Conclusions he informed WBC;

“I do not underestimate the significance of the Borough’s environmental assets and designations. However, any failure to meet the full, objectively assessed housing needs as a result of constraints arising from those designations would have to be clearly and specifically justified in the terms of the Framework’s policies. As discussed at the hearing, and contrary to the views of some representors, those policies do not set out ‘blanket bans’ on housing development: they should however be read carefully and within the context of the Framework as a whole”.

3.26 Then, at paragraph 21 Mr Hetherington said;

“A number of developers have put forward specific housing sites for consideration. I make no comment on the merits of these sites: detailed site allocation is a matter for the DMSALP. Nevertheless, if your Council were to maintain a position of providing less housing than required by a revised needs assessment, it would – in line with paragraph 47 of the Framework – need to demonstrate why the development of such sites would be inconsistent with the policies of the Framework”.

3.27 And, finally, at paragraph 24 Mr Hetherington stated;

“It is necessary that any housing target should contain sufficient flexibility to ensure that the target will actually be delivered. As discussed at the hearing, the approach of allocating only enough housing land to meet that target exactly risks creating a shortfall if any of the underlying assumptions fall short or if sites do not come forward as expected”.

3.28 In conclusion, the Council’s assessment of its OAN is not clear. The Council’s selection of a Housing Target (below its OAN) for blanket, strategic or broad policy reasons is not compliant with the NPPF, or recent case law. The Council is significantly reliant on and exposed to sites which might not be delivered. The Local Plan does not provide flexibility for non-delivery or beyond the plan period and risks a shortfall in housing delivery to meet the Local Plan Housing Target. For all of these reasons, the EFDC draft Local plan is flawed and will not be found sound.

#### Spatial Strategy

3.29 Epping Forest District Council has acknowledged that “exceptional circumstances” do exist to justify the release of land from the Green Belt in order to meet its OAN (paragraph 3.87 of the draft Local Plan). The next step is to select the most suitable and sustainable sites in the most suitable locations.

3.30 We support the identification of North Weald as a “Large Village” within the settlement

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hierarchy set out in Figure 5.1.

3.31 We are concerned that Draft Policy SP2 proposes allocations for up to 230 dwellings in “small villages” which are locations that conflict with the “Core Principles” of the NPPF3. These villages include: Coopersale (50), Fyfield (90), High Ongar (10), Lower Sheering (30), Roydon (40) and Stabbleford Abbots (10). These locations are not sustainable locations for development of this scale and their identification is inconsistent with the Interim SA as set out within our Sustainability Appraisal (page 7) and amplified at Question 8.

3.32 It is our submission that these 230 dwellings should be redistributed to the towns and larger villages in accordance with the hierarchy set out in Figure 5.1 and in particular North Weald, reflecting the settlements high level of sustainability.

3.33 North Weald is a suitable location for additional growth given its existing service provision and its accessibility to higher order settlements, such as Epping. Epping is just over 2km from North Weald4 and is therefore highly accessible on foot, cycle and public transport and provides a “top up” of services for North Weald.

3.34 Additional housing in North Weald would also support the vitality and viability of North Weald as a village and a community and would support a new shopping and services, which is a much needed community benefit.

3.35 The Spatial Strategy is also absent of any flexibility and contingency to address non-delivery or delay of larger allocations within the Local Plan. For example the Local Plan is centered around delivering 3,900 dwellings on the edge of Harlow under the duty to co-operate. However, the implications of Harlow’s recent decision at the Special Council Meeting on the 31st August

2016 to reject sites to the south and west of the town at Latton Priory, West Sumners, and

West Katherines puts at risk 3,100 dwellings in the supply (almost 28 per cent of the total

3 “17 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant

development in locations which are or can be made sustainable.”

4 The Essex County Council Accessibility Assessment identifies 2km as a maximum walking distance.

housing requirement in EFDC) and highlights the uncertainty of achieving the Districts housing target at 11,400 dwellings as part of this plan. If these homes are not delivered the District Council will have a shortfall of 248 dwellings against its current housing target and which is potentially 2,000 (ORS assessment) to 3,000 (Aecom assessment) below its full OAN (see table in paragraph 3.19).

3.36 The Spatial Strategy does not therefore provide confidence that the full Objectively Assessed Housing Need will be delivered in this Plan period when the full risk of delay or non-delivery of the land identified around Harlow, or other key sites is taken properly into account. The Local Plan should therefore allocate additional land to provide greater certainty and flexibility against the potential for non-delivery and/or delay to land, particularly around Harlow. This will provide a strategy (being the most appropriate strategy as required by paragraph 182 of NPPF) which seeks to meet the District’s OAN in full.

3.37 Based on our assessment this would require the identification of a minimum of 250 additional dwellings elsewhere in the District to ensure achievement of a minimum housing target of

11,400 dwellings and providing contingency for non-delivery of 3,100 dwellings on the edge of Harlow. This would also provide a degree of additional confidence for the delivery of the housing requirement during the five year period after adoption of the Local plan, as required by paragraph 47 of the NPPF. However, we repeat that Table 1 (paragraph 3.19) above demonstrates that the Council might require additional site allocations to provide land for a further 2,126 dwellings to meet the Districts OAN in full as set out within the ORS 2016 SHMA update, or as much as 3,000 dwellings based on the AECOM Sustainability Appraisal of the Strategic Options (Option F).

3.38 We have therefore identified a need for additional allocations in Policy SP2 to deliver a minimum of 480 additional dwellings (230 dwellings from less sustainable small villages and

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250 dwellings as contingency against under delivery on Harlow fringe) to ensure the delivery of at least 11,400 dwellings as required by the Local Plan housing Target, which is significantly below the District's full OAN.

3.39 We have provided evidence in this response that the additional 480 dwellings should be redistributed to the towns and larger villages set out in Figure 5.1 of the draft Local Plan. We submit that there is compelling evidence to support an additional allocation to North Weald Bassett and specifically the OPE, which can accommodate at least 280 additional dwellings on land identified as suitable for housing within the North Weald Masterplan study 2015 as Scenario A options 1, 2 and 3.

3.40 Therefore, whilst we fully support the recognition of North Weald as a "Large Village" (Figure 5.1), which is second tier in the settlement hierarchy, we submit that there is a need for refocusing growth to the most sustainable settlements within the District, and provide flexibility in the housing supply to ensure delivery of at least 11,400 dwellings to meet the Local Plan housing target.

3.41 Our assessment of the evidence base supports North Weald as the most sustainable and suitable Large Village to accommodate significant development and ensure the District's housing requirements are met in full.

3.42 Policy SP2 as drafted will fail to deliver the full OAN.

4. Q3. Do you agree with the proposals for development around Harlow? (See Draft Policy SP 3, Chapter 3).

4.1 We refer to our comments set out in response to Question 3 (which seriously questions the delivery of new dwellings around Harlow for the benefit of the EFDC housing target) and make no further comment at this stage but reserve the right to expand upon our submissions at a later stage.

5. Q4. For the two town centres and four district centres in the

District the Draft Local Plan sets out a proposed primary shopping area which is intended to protect and encourage retail uses (See Draft Policy E 2 and Section 5 - Places). Do you agree with the proposed shopping areas?

5.1 There are significant opportunities to improve and increase retail provision, in North Weald Bassett, which are not being fully considered or delivered in the draft Local Plan. We refer to our comments set out in these representations and make no further comment at this stage but reserve the right to expand upon our submissions at a later stage.

6. Q5. Do you agree with the proposals for new employment development? (See Draft Policy E 1, Chapter 4).

6.1 There are opportunities to improve and expand employment in North Weald Bassett, particularly related to the future use and potential expansion of the airfield and the adjacent employment area. We refer to our comments set out in these representations and make no further comment at this stage but reserve the right to expand upon our submissions at a later stage.

7. Q6. Do you agree with the proposed sites in your area? (See Chapter 5).

7.1 Chapter 5 (Paragraphs 5.103 to 5.123 and Draft Policy P6) of the draft Local Plan sets out the Council's preferred approach to site allocations in North Weald Bassett and confirms that no site allocations are proposed for development to the southeast of the village.

7.2 A review of Chapter 5 and the evidence base identifies the following key matters have influenced the Council's decision to omit the proposed sites on the OPE at this stage of the draft Local Plan consultation:

a) "Feedback" in the Allies and Morrison North Weald Masterplanning Study 2014;  
and

b) Arup Site Selection Report 2016 - relating to a much broader site area than is promoted for development at OPE.

7.3 We consider that significant errors of both fact and judgment have been made with regard to these matters during the Council's assessment of OPE. Accordingly, we have critically examined the Council's evidence base, which we find to be lacking in detail, objectivity and consistency.

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7.4 It is also relevant that the draft Local Plan has introduced an additional 250 new homes on a site (located between SR-0119 and SR-0003) adjoining the airport. This site was not included in the Allies and Morrison Master Plan Study for residential development, nor has it been subject to any prior scrutiny or public consultation. Having regard to the potential nuisance from noise and public safety issues (the airfield has more than 20,000 aircraft movements per annum), it is unacceptable for the Council to include this site for housing development in preference to other more suitable and sustainable sites to the southeast of the village on the OPE site. Furthermore, land in close proximity to the active North Weald airfield should not be used for residential or other sensitive uses that might compromise the future growth of aviation activities for environmental or safety reasons.

a) North Weald Masterplanning Study (Allies and Morrison September 2014)

7.5 Chapter 5 makes clear that the Allies and Morrison North Weald Master Planning Study (September 2014) is the bedrock of the Council's decision making process, which led to the adoption of Scenario B Option 3 from that study.

7.6 Paragraph 5.103 states:

"The proposals presented within the North Weald Bassett Masterplanning Study ('the Study') were subject to public consultation and reported to Cabinet in October 2014".

7.7 This statement fails to properly inform the present Regulation 18 consultation that only 35 people responded to the North Weald Bassett Masterplanning Study "public consultation" (which was in fact promoted by the Council as a "community exhibition" from 11.00am to

3.00pm on Saturday 28 June 2014 and attended by 160 residents). The responses from the

public are not available for inspection but, by the Council's own admission, only 20 of the 35 people who gave feedback showed a preference for Scenario B, of which 7 people preferred Option 1 (463 new dwellings), 2 people preferred Option 2 (1,202 new dwellings) and nobody is stated to have specifically preferred Scenario B Option 3, which is the option now promoted by the Council in its draft Local Plan (with additional housing, adjacent to the airfield, subsequently added). A&M state that 8 people favoured Scenario A, which included development on the OPE in all options supported by the Study. This means that there is a difference of 12 people between Scenario A and Scenario B. Therefore, the Council's statement that this was a "public consultation" has no credible standing and the outcome of the "community exhibition" is not a sound basis for the purposes of site allocations.

7.8 The population of North Weald Bassett is circa 6,000 and therefore only 2.5% of the village population attended the public exhibition with less than 1% of the local population providing a response. The consultation response, received by Allies and Morrison, does not therefore represent a sound basis to inform judgments concerning the future of North Weald Bassett or site allocations. Conversely this Regulation 18 consultation is much wider reaching in terms of its audience and presents a more robust forum to receive public opinion but, for reasons which have no planning foundation, the Council has not presented any options for the public to comment in respect of land to the southeast of North Weald Bassett or, more particularly, the OPE proposals. It is premature for the Council to narrow the consultation options or suitable site allocations at this Regulation 18 stage of consultation, which has caused prejudice to the consultation.

7.9 Paragraph 5.105 of the Local Plan states:

"Scenario B (with no growth to the south of the settlement) was identified as the preferred approach for new development in the village."

7.10 The Council presents no evidence to explain or support who preferred that approach or why.

In fact, the Allies and Morrison Study states that the public found Scenario B to provide an "uneven distribution of housing", an "insufficient distribution of housing" and "too much concentration in the proposed area". Conversely, the public stated that Option A, which included development to the southeast of the village, provided a "better distribution of housing" (reference page 141 of the Study). Our comments in paragraph 7.8 apply to the standing and the robustness of that Study.

7.11 At paragraph 5.106, the Council states:

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“the area to the south of the settlement is highly sensitive to landscape change and views across the Ongar Redoubt Hill are an asset to the character of the local area.”

7.12 This is not a fair or accurate statement.

7.13 Peer Group has supported these representations with expert evidence from a suitably qualified and highly experienced landscape expert at Liz Lakes Associates. Section 5 of the representations contains a detailed Landscape Sensitivity and Capacity Assessment which demonstrates that the 15 hectares of land being advanced for development on the OPE has

a Low Sensitivity to change, a Low Landscape Value and a Medium/High Capacity to accommodate change. The small areas of OPE which are immediately adjacent to the south eastern edge of the settlement (as illustrated within the OPE Masterplan at section 3) will not result in any significant adverse impacts to the landscape or views across OPE.

7.14 Paragraph 5.110 states:

“.....The Study concluded that the most suitable option was Scenario B, which promotes development to the north of the settlement, which is a less sensitive location in landscape terms and promotes a more compact settlement pattern.”

7.15 Again, this is not a fair or accurate statement.

7.16 Allies and Morrison did not make recommendations for what is considered to be “the most suitable option”. At page 143 of the Study the document advises that:

“Feedback from the options exhibition suggests that Scenario B (with no growth to the south of the settlement) is the preferred approach for any new development of the area.”

7.17 The Study does not present any evidence to support the “preferred approach” and, in any event, the very small sample of people (with no information at all about the demographic mix of those people) who attended the exhibition cannot possibly inform the Council to any material degree in respect of site allocations.

7.18 A detailed response to the Study is provided within Chapter 5 of the Liz Lake Associates Environmental Issues Report.

7.19 We therefore submit that, in order to meet the District’s OAN and growth in accordance with the A&M study, Scenario A Option 3 presents the most appropriate strategy and the best distribution for the delivery of much needed housing in the village, in the most sustainable and suitable locations, with additional housing on sites to the northwest of the village after careful assessment through the sequential approach advanced by the Council at paragraph 3.54 of the draft Local Plan. We therefore advocate a combined approach of Scenario A and B, not an “either or” case which is simply weighted against the southeast area of the village, without objective consideration. Site allocations from the third tier sites, identified by Allies and Morrison (the sites coloured yellow on high quality agricultural land), should only be released in the latter stages of the plan period, in accordance with the Council’s sequential approach to site allocations.

Site Selection Report (ARUP 2016)

7.20 The draft Local Plan makes clear that the ARUP Site Selection Report (SSR) has informed key decisions in respect of site allocations, specifically in this case the decision not to allocate land at the OPE.

7.21 The SSR contains fundamental errors in its assessment of the OPE. The assessment relates to

120 ha (300 acres) of land on site reference SR-0269A and 70ha (175 acres) on site reference

SR-0310 (total 190ha/470 acres). The housing capacity estimated by ARUP on SR-0269A is

3,950 new dwellings and for SR-0310 it is 2077 new dwellings (total of 6,027 new dwellings). This assessment of the land being advanced for development, by the Council, is wrong and has led to a flawed process in the way the Council and its advisors have assessed the OPE.

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7.22 Furthermore, the incorrect site areas and the quantum of development assessed by the Council, on the OPE, has led to an assessment of sustainability effects that are not related to the actual area of development opportunity, making the Arup Site Selection Report unsound. Further analysis is below and contained in the Liz Lake Associates' Reports submitted herewith.

#### SSR Stage 2 Assessment

7.23 Turning now to the SSR Stage 2 assessment, the Arup report includes a Site Selection Methodology, which identifies that a three stage process has taken place. The first stage of the assessment carries forward wider area of the OPE for assessment into Stage 2. In the Stage 2 'Site Suitability Assessment' (which itself does not provide robust evidence to support its findings), the OPE site receives adverse scores (double negatives) as part of the "Quantitative and Qualitative Assessment" in respect of ecological impact, agricultural land, open space and landscape impact. These assessments relate to 190ha (475 acres) when, in fact, only 15ha (38 acres) is being advanced for development. To take just one example of the Arup assessment, it classifies the OPE as "the best and most versatile agricultural land" when, as a matter of fact, the whole of the proposed development site is classified as "non- agricultural" land (Natural England - Agricultural Land Classification Map).

7.24 It is important to recognise that, whilst the SSR Stage 2 Report provides a "Site Suitability Assessment", this is not a Landscape Sensitivity and Capacity Study and there is no substance to the information prepared by Arup to explain how or why many of the outcomes in the Stage 2 Report have been reached. However, Arup do confirm that its Stage 2 Report has assessed SR-0269A as 119.39ha (for 3,950 dwellings) and SR-0310 as 70.65ha (for 2,077 dwellings). As such, the Site Suitability Assessments are not relevant to the land being promoted (15.26ha) for development.

7.25 Expert reports are attached at Sections 4 to 9 which assess the proposed development site for Landscape Sensitivity and Capacity, Green Belt, Environmental Issues, and Ecology, all of which conclude that the land being advanced on the OPE for development is suitable and sustainable, and would cause less harm to the landscape, the Green Belt, the environment and to ecology than has been assessed by Arup and the sites which are being proposed for allocation, to the northwest of the village, which would also cause the loss of high quality agricultural land.

#### Impact on Agricultural Land

7.26 The SSR scores part of OPE referenced as SR-0269a and SR-0310 as a double negative (--) in respect of agricultural land. It states:

"Development would involve the loss of the best and most versatile agricultural land (grades 1-3)."

7.27 The proposed development site is all on "non-agricultural land", it is partly in use as a golf course which has been subject to previous landfill and part was previously used as a radio station in the period 1900-1990 where numerous and substantial concrete blocks remain embedded in the ground (foundations and anchors for the aerials). This contrasts with the high quality agricultural land (Grade 2), in open countryside, to the northwest of the village which is being promoted for site allocation within the draft Local Plan.

#### Capacity to Improve Access to Public Open Space

7.28 The SSR scores part of the OPE referenced as SR-0269a as a double negative (--) in respect of capacity to improve access to open space. It states:

"Development may involve the loss of public open space with no opportunities for on-site off- setting or mitigation..... 38% of open land is within the development site. Given the extent of the public open space and the quantum of development proposed, there may be few opportunities to reconfigure the development and re-provide the public open space elsewhere."

7.29 This statement is once again the result of the SSR failing to identify the correct site areas for the proposed development on the OPE and has consequently produced an inaccurate assessment.

7.30 The OPE is privately owned land, with public access limited to designated footpaths and bridleways which are shown on Figure 3 of the Environmental Assessment. However, in accordance with paragraph 75 of NPPF, Peer Group plc can through its wider land ownership protect and enhance public rights of way and green space.

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7.31 The OPE Master Plan [Section 3] demonstrates that the existing allocated open space known as “Weald Common” to the south of SR-0269a is retained.

#### Heritage Impacts

7.32 In the assessment of the larger SR-0269A site, in the Arup Site Selection Report, a minor negative effect is recorded with the Site deemed to be located within a Conservation Area or adjacent to a Listed Building or other heritage asset. The site is not within a Conservation Area but it is in close proximity to the North Weald Redoubt, a Scheduled Ancient Monument. Peter Stewart Consultancy has prepared an expert report which assesses the setting of the Redoubt “North Weald Redoubt: Heritage Assessment” at Section 9 of these representations. The Peter Stewart Report confirms that development on the OPE sites would not cause any harm to the setting of the Redoubt or the surrounding landscape. This is consistent with the outcome in Allies and Morrison Masterplanning Study 2014, which identified a suitable buffer zone to protect the setting of the Redoubt.

#### SSR Stage 3 Assessment

7.33 The SSR Stage 3 Review indicates that parcels SR-0269A and SR-0310 (as well as other sites) are less suitable strategic options, for residential development. The report states that: “The site should not proceed for further testing”. The justification for removing both the parcels (SR-0269A and SR-0310) from the Report on Site Selection is; “This option would represent an unsustainable pattern of settlement growth beyond the existing rectilinear edge, constituting sprawl. Growth in this direction was not supported as part of the preparation of the North Weald Bassett Masterplanning Study.” That report was assessing 470ha of land on the OPE and its findings are therefore undermined.

7.34 The North Weald Masterplan Study illustrates that North Weald has grown in a rectilinear pattern, which is the character of the settlement. The promoted site within the OPE would, as a matter of fact, integrate with the existing rectilinear pattern and maintain settlement character. This is confirmed by the A&M Masterplanning study. Conversely, it is the sites to the northwest of the village (A&M Scenario B Option 3) which cause the greatest harm to the rectilinear pattern of the settlement.

#### Green Belt Stage 2 Review (LUC 2016)

7.35 Notwithstanding the adverse comments in respect of OPE in the SSR, the findings of the Green Belt Review Stage 2 is positive towards the inclusion of the OPE for development. A detailed Green Belt assessment has been prepared by Liz Lakes Associates and is provided at Section 6.

7.36 We endorse the findings of the Green Belt Review Stage 2 assessment, which identifies that the OPE has a “very low” and “low” potential for harm to the Green Belt in accordance with Figure 4.6. The existing containment of the land will provide a long-term defensible boundary using the physical features around it, such as the topography, and existing housing along the settlement edge. A boundary revision to remove the OPE land being promoted from the Green Belt will result in sustainable development close to the heart of the village.

7.37 Paragraph 5.11 of the LUC Green Belt review recommends that Masterplans are prepared for each site, stating:

“Should the District decide to release land from the Green Belt, we recommend that outline masterplans are prepared as part of the Local Plan process. These would indicate development areas, new defensible Green Belt boundaries (existing or new features). Such an approach, together with specific policies for the development of the land, would help to engender public confidence and support, as well as mitigate harm to the remaining Green Belt.”

7.38 Peer Group has prepared a Masterplan, which demonstrates a well-considered evidence based approach to Green Belt boundaries and mitigation. The OPE is within a single ownership and the master planned approach to development of the site can therefore be delivered. Conversely the land to the northwest of the settlement is within multiple ownerships and will have less potential for a co-ordinated master plan approach.

#### The Council’s Sequential Approach to Site Allocations

7.39 Paragraph 3.54 of the Local Plan states that the Council will follow a sequential approach in

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respect of site allocations and housing delivery, in accordance with the following order of priority stated in the draft Local Plan:

1. A sequential flood risk assessment – proposing land in Flood Zone 2 and 3 only where need cannot be met in Flood Zone 1.

7.40 The sites being advanced for development on the OPE are entirely located within Flood Zone

1.

2. Sites located on previously developed land within settlements

7.41 The sites being advanced for development on the OPE are on land which was previously developed and used as the Marconi and subsequently BT radio station and is presently used, in part, as a golf course.

7.42 Paragraph 17 of NPPF sets out 12 core principles of sustainable development, including the use of previously developed land and the allocation of land for development which has “lesser environmental value”, the latter being repeated at paragraph 110 of NPPF. This supports development to the southeast of the village on the OPE sites being promoted by Peer Group, which are significantly more suitable and sustainable for development than the land to the northwest of the village, all of which is high quality agricultural land.

3. Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement.

7.43 The OPE is privately owned land, with public access limited to designated footpaths and bridleways. In accordance with paragraph 75 of NPPF, Peer Group PLC can through its site proposals and its wider land ownership protect and enhance public rights of way, access and green space.

4. Previously developed land within the Green Belt (in anticipation of the NPPF being updated to take account of the proposed changes published in December 2015).

7.44 The history of the site as the Marconi and subsequently British Telecom radio station and transmitter site was previously in commercial use and was developed for that purpose. The land still has some substantial concrete foundations and anchors from the numerous radio aerials dotted around the site. It should therefore be a preferred location for new residential development rather than the high quality agricultural land, in open countryside and on higher quality green belt land to the northwest of the village.

5. Greenfield/Green Belt land on the edge of settlements: Of least value to the Green Belt if the land meets other suitable criteria for development.

7.45 The OPE land being advanced for development is on the immediate edge of the existing settlement and, as confirmed in the Council’s SSR and Green Belt Stage 2 Review, together with the expert evidence submitted by Liz Lake Associates, has a low or medium value in terms of Green Belt quality. This satisfies the Council’s Strategic OAHN Spatial Options Study paragraph 3.54 sub-paragraph 5 (a) where the land being proposed for release on the OPE (to assist in meeting the OAN) would be of the “least value to the Green Belt”.

6. Agricultural land

7.46 The sequential approach to the release of potential sites for housing development at paragraph 3.54 is quite clear that agricultural land, particularly high quality agricultural land, is the most significant test to be applied. The OPE is non-agricultural land with no prospect of reinstating any agricultural use for practical and economic reasons. As such, land to the southeast of the village, on the OPE site, should be allocated before any high quality agricultural land to the northwest of the village is allocated.

7. Enable small scale sites in smaller rural communities to come forward where there is a clear local need which supports the social and economic well-being of that community.

7.47 As set out within the submitted sustainability appraisal at Document 4 this is not considered a sustainable and suitable approach and would conflict with the findings of the Council’s interim SA.

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7.48 Therefore, in accordance with paragraph 3.54 of the draft Local Plan the OPE land should be allocated for housing above the draft allocations in smaller rural communities, in accordance with the Council's own policy in the draft Local Plan.

8. Q7. Do you agree with the approach to infrastructure provision being proposed in the plan? (See Chapter 6).

8.1 No, there is no evidence to support the allocation or the delivery of sites close to Harlow which require the provision of infrastructure by Harlow District Council. We refer to our further comments set out in these representations.

9. Q8. An Interim Sustainability Appraisal has been commissioned to support the Draft Local Plan. We would welcome any comments you may have on this. (See Technical Document page).

9.1 Peer Group has provided a detailed Sustainability Report at Section 4 of these representations, in respect of North Weald Bassett.

10. Q9. Do you wish to comment on any other policies in the Draft Local Plan?

10.1 Policy SP1 (page 32): Policy SP1 should state that the Council will seek to meet its OAN in full. Policy SP1 should confirm that the Council will take an objective and justified (as well as a positive) approach to the consideration of development proposals.

10.2 Policy SP2 (page 40): Policy SP2 is on page 40, not 39 as stated in the draft Local Plan Index.

Policy SP2 should state the OAN for the District. Policy SP2 should be amended to set a housing target to meet the OAN in full. Policy SP2 should state that housing sites will be delivered through the sequential approach (which should be listed in Policy SP2) as stated in paragraph 3.54 of the draft Local Plan. Policy SPs should remove housing targets from the small villages (230 dwellings). Policy SP2 should increase the housing target for North Weald Bassett to accommodate a greater proportion of the shortfall in the OAN, which will require sites to be allocated to the southeast of the village. Policy SP2 should state that the Council will refuse residential development on sites that would fetter the future use, viability or safety of the active airfield at North Weald or where the expansion of the airfield might cause nuisance to new housing in close proximity.

10.3 Policy SP3 (page 43): Sites identified as SP3.1, SP3.2, SP3.3 and SP3.4 should be removed from site allocations in the draft Local Plan until the Council can clearly demonstrate that these sites are deliverable, in whole or in part.

10.4 Policy SP4 (page 45): Policy SP4 (ix) should positively seek to provide and improve the quality and provision of local shopping and services to support the viability and vitality of settlements and to support housing growth.

10.5 Policy E1 (page 64): Policy E1 should encourage the growth of the North Weald airfield as a valuable economic asset within the District and to protect the operation and potential expansion of North Weald airfield by refusing planning permission for any development in the near vicinity of the airport which might reduce, fetter or limit the growth of the airfield, including the safety zones around the airfield.

## 11. Conclusions

11.1 Our evidence illustrates that the Council's assessment of the OPE for the development of 190ha for 6,027 new dwellings has led to the fundamental misunderstanding of the OPE's potential to provide approximately 280 new homes on just 15.26ha, immediately adjacent to the existing settlement edge and entirely in keeping with the existing rectilinear settlement pattern.

11.2 Consequent to the material misunderstanding of the potential of the OPE to deliver new homes on the sites identified as 1C and 2D in the Allies and Morrison masterplanning study (2014), the Council should work proactively with the landowner, in accordance with draft Policy SP1, to find solutions for the development proposals which are being advanced.

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11.3 The Council should allocate sites 1C and 2D (as identified in the A&M masterplanning study) for 280 new homes (or more as may be needed to meet the District's OAN), in accordance with its sequential approach to site allocation (paragraph 3.54 of the draft Local Plan) and include these sites in draft Policy SP2.

11.4 The Council should not allocate alternative sites which are on Grade 2 agricultural land, in productive use, where non-agricultural sites of equal or better suitability and sustainability are available, as demonstrated for the OPE site through the expert evidence herewith submitted. The Council should follow its preferred sequential approach in paragraph 3.54 of the draft Local Plan.

11.5 The Council should not take into consideration its erroneous misunderstanding of the extent of public access to the OPE, which is in private ownership. Public access to the OPE is restricted to existing footpaths and bridleways. Peer Group, as landowner of the wider OPE is willing to consider greater public access to the OPE as discussions advance with the Council in respect of sites 1C and 2D.

11.6 The Council should seek to meet its OAN in full, in accordance with paragraphs 14 and 47 of the NPPF and should advance its draft Local Plan in accordance with paragraph 182, being positive, justified, effective and consistent with national policy.