

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 of Town and Parish Council ☐ or
- c) Landowner ☐ or
- d) Agent ☒

Other Organisation (please specify)

2. Personal Details

Title	Mrs
First Name	Bridget
Last Name	Uncle
Job Title (where relevant)	
Organisation (where relevant)	
Address Line 1	c/o Sworders
Line 2	
Line 3	
Line 4	
Post Code	
Telephone Number	
E-mail Address	

3. Agents Details (if applicable)

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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	5.153-5.161	Policy	P12 and Appendix 6 SHR.R1 and SHR.R3	Policies Map	Map 5.23
Site Reference	SHR.R1 and SHR.R3	Settlement	Sheering		

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

a) Is Legally compliant Yes ☒ No ☐

b) Sound Yes ☐ No ☒

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

Positively prepared ☒

Effective ☐

Justified ☒

Consistent with national policy

☒

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

6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments

This representation is made in response to:-

- Policy P12
- Paragraphs 5.153-5.161
- Appendix 6 - SHR.R1 and SHR.R3
- Policies Map 5.23

1. Introduction

This representation is made on behalf of the Landowner of site SHR.R1, proposed for allocation for residential development of approximately 10 dwellings and site SHR.R3, proposed for allocation for approximately 12 dwellings. The same Landowner owns both sites.

We support the allocation of these sites and confirm they are both deliverable residential development sites. Sheering is a sustainable location for growth of the quantum proposed and both sites respect the existing form of the village.

This representation seeks amendments to policy P12 and the accompanying Appendix 6 'site specific requirements' to ensure soundness.

These representations comprise our full case based on the evidence currently available. However, the appendices to the 2017 Site Selection Report have not been made available for this consultation. We therefore request to reserve our right to make further submissions once these have been published.

This part of our representation has the following structure:-

1. Introduction
2. Growth at Sheering – this section establishes why allocating housing development at Sheering is a sound approach
3. Site Allocations at Sheering
4. Suitability of SHR.R1 – This section establishes the suitability of SHR.R1 and why its allocation represents the most appropriate strategy for the village. This section sets out changes which are sought to policy P12 and accompanying appendix 6 to ensure the Plan is sound
5. Suitability of SHR.R3 – This section mirrors section 4.
6. Availability and Deliverability of SHR.R1 and SHR.R3

The following technical reports are attached to this representation and form an integral part of it:-

- Site Access Appraisal concerning SHR.R1 – Bancroft Consulting
- Preliminary Ecological Assessment concerning SHR.R1 – ELMAW
- Heritage Impact Assessment concerning SHR.R1 – Nicolaas Joubert

- Site Plan showing proposed inclusion of additional land within SHR.R1

2. Growth at Sheering

Sheering is a demonstrably sustainable location to accommodate additional housing, given the village has a comprehensive core of services including primary school, shop, a number of local businesses, a butcher, hairdresser, village hall and pub. GP services are provided in Hatfield Heath, however the village enjoys excellent public transport links with Hatfield Heath (travel time 3 minutes) with buses being at least hourly and more frequent in peak periods. There are frequent busses to Chelmsford and Harlow, which provide a full range of higher order services. Sheering is therefore well placed to make a meaningful contribution to meeting housing need in the district.

In addition, paragraph 55 of the NPPF provides that Local Plans must take account of the need to ensure adequate levels of development in well serviced villages: *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.”* The NPPG (paragraph 001 reference ID: 50-001-2016519) outlines rural housing as ‘essential’ to ensure the viable use of local services and community facilities and ensure thriving communities.

The submission Plan’s sequential approach to allocating sites is outlined within policy SP2, which requires that the Plan will *“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.”* This ensures that the Plan is sound in regard to the requirements at NPPF paragraph 55, which supports the allocation of sites in Sheering for housing development.

2. Site Allocations in Sheering

We support the allocation of SHR.R1 and SHR.R3. Both sites are deliverable and represent the most appropriate strategy to meet the needs of Sheering in the context of ensuring the vitality of the village having regard to paragraph 55 of the NPPF to and the guidance within the NPPG, which is reflected in policy SP2 A(viii) of the submission Plan. Whilst it is of significant concern that the full 2017 Site Selection Report has not been published the 2016 Site Selection Report fully justifies the allocation of both SHR.R1 and SHR.R3. The characteristics of each site are considered in more detail in the following sections.

3. Suitability of SHR.R1

SHR.R1 is available for development now, offers a suitable location for development and is achievable, with development able to be delivered within five years.

SHR.R1 is in an accessible location close to the centre of the village. Facilities and services, including bus stops, are within a short walking distance. The site comprises an undeveloped gap in the built form that stretches along The Street, with the current development boundary for the village encircling the site on three sides and the built form of Daubneys Farm to the north. Site SHR.R1 currently reads as part of the built up area of the village. It would represent an obvious evolution in the development of the settlement and be appropriate in the context of the existing built form.

Extent of SHR.R1

Both the 2016 draft Plan and the 2016 Site Selection Report proposed the allocation of a larger site than is currently comprised by SHR.R1, with the inclusion within the allocation boundaries of a linked parcel of land to the north-west of that land allocated within the submission Plan. This land is outlined red on the plan attached to this submission. At the draft Plan stage this land formed part of the allocation SHR.R1 (which at that stage had the reference number SR-0033), which had a capacity of approximately 16 dwellings.

We are unclear whether the reduction in the size of SHR.R1 is as a result of a revised assessment for the site as set out in the 2017 Site Selection Report (2017 SSR) as the appendices to this report have not been published. However, this would not seem to be the case as paragraph 2.136 of the 2017 SSR states, *"The site allocations proposed for inclusion in the Submission Local Plan are broadly consistent with those contained in the Draft Local Plan. Amendments to the Draft Local Plan site allocations were made in the following settlements for the reasons set out below. If a settlement is not listed below the site allocations remain as proposed in the Draft Local Plan."*

Sheering is not included within the list at paragraph 2.136, despite the extent of SHR.R1 changing between the 2016 draft Plan and the 2017 submission draft Plan. As such, and in the absence of the appendices to the 2017 SSR, it is not possible to ascertain the reasons for the amendments to the boundaries of SHR.R1.

We support the strategy set out at paragraphs 2.60 and 2.61 of the submission Plan, to identify a number of small sites across the District in order to deliver much needed homes as early as possible.

These are less reliant on the provision of strategic infrastructure and provide choice in the market. This approach adds built-in flexibility to the Plan, enabling it to adapt to rapid change, as required by the NPPF (paragraphs 14 and 157).

However, as is clear from paragraph 2.60 of the Plan and the Housing Implementation Strategy (HIS) the Local Authority is not proposing to provide a five year housing land supply. In light of this, the need to enable the Plan to be flexible, the support for the allocation provided by the 2016 Site Selection report and the lack of justification provided to date by the 2017 Site Selection Report for the change to the extent of the allocation, we object to P12 B(v) on the basis that the boundaries of SHR.R1 should be as set out on the plan attached to these representations, with the site capacity revised to be approximately 16 dwellings in order for the Plan to be sound in regard to national policy.

The inclusion of the linked parcel to the north-west will enable the delivery of additional small scale housing in an accessible location. The additional land is encircled to the east by Daubneys Farm, to the west by the school and the south by existing residential development. As with the development of the southern portion of SHR.R1, its inclusion within the development boundaries for the village would represent a logical extension to the village and would be appropriate in the context of the current built form.

We also request to reserve our right to make further submissions on this matter, once the appendices to the 2017 Site Selection Report have been published, as these could contain new information.

Highways and Access

A Site Access Appraisal (see attached) has been undertaken for the site and establishes that safe and suitable access can be provided. As a consequence we are requesting an amendment to the Appendix 6 Site Specific Requirements for Site Allocations regarding SHR.R1 to remove the reference to access constraints.

Appendix 6 states, under the sub-heading 'on-site constraints', that, *"The site has potential site access constraints. Development proposals should consider the need to upgrade the existing unmade access to Daubneys Farm in order to ensure a safe access point which has sufficient capacity for the development it serves."*

Given the attached Site Access Appraisal we suggest for the purposes of clarity that the sentence quoted above is amended to read, *"The site will be accessed from The Street via an upgrade of the existing unmade access...."*

In regard to public rights of way, both the Heritage Impact Assessment and the Access Appraisal establish that the site layout will preserve the form of the existing drive which serves Daubneys Farm. As such, the footpath will continue to follow its existing route.

Heritage Assets

Appendix 6 of the submission Plan outlines in relation to SHR.R1 that development that affects the setting of the grade II listed barn at Daubneys Farm and grade II* listed Daubneys Farm House should sustain and enhance their significance. The attached Heritage Impact Appraisal considers the setting and significance of the heritage assets that would be affected by the development of SHR.R1 and sets out that development can be delivered which respects and enhances the setting of the surrounding listed buildings and the wider setting of Sheering.

The Epping Forest Historic Environment Characterisation Project (2015) places Sheering and the area around the village within the Matching and Lavers Historic Environment Character Area. This is an extremely large area that covers a large part of the northern area of the district. As such, whilst the Project characterises the area as having a high sensitivity to change the study contributes relatively little to an understanding of Heritage issues at the site scale. And regard should instead be had to the attached Impact Assessment.

Ecology

A Preliminary Ecological Assessment has been undertaken for the site and is attached to this representation. It establishes that there is no ecological constraints that will affect development.

Infrastructure

Parts E and F of policy P12 state that development in all of the settlements covered by policy P12 will be required to contribute proportionately to highways, utilities and open space improvements/upgrades and that planning applications will only be permitted where they contribute towards the infrastructure items set out in paragraphs E (i) – (iii) and in the IDP unless discussions with providers determine these items are no longer required.

We raise no objection to the requirement to ensure appropriate infrastructure accompanies development and the infrastructure requirements as outlined within the Infrastructure Delivery Plan will not affect the deliverability of the site.

In the absence of a Community Infrastructure Levy, infrastructure contributions will be via planning obligations, as such must meet the tests set out in paragraph 204 of the NPPF and the Community Infrastructure Levy Regulations 2010.

We are concerned that the current wording of paragraphs E and F does not accommodate a circumstance where contributions to the items requested at E (i) – (iii) are not required. For example, the IDP does not outline that sites in Sheering are required to contribute to highways or junction upgrades on the wider highway network, as such seeking contributions on this basis would not satisfy the requisite tests. However, paragraph F of the policy states that planning applications will only be granted if contributions are made to these items.

Part E should be revised to clarify which sites in P12 are required to deliver the items listed at paragraph E and how any potential apportionment of costs will be calculated. These must be underpinned by robust and proportionate evidence and meet the tests at NPPF paragraph 204 and within the Community Infrastructure Regulations 2010.

Paragraph F also states that applications will only be permitted if applications contribute towards the delivery of infrastructure set out in the IDP, unless subsequent iterations of the IDP or discussions with providers determine that these items are no longer required. To be sound, we would suggest paragraph F is caveated so as only to require planning obligations that are capable of meeting the tests at NPPF paragraph 204 and within the Community Infrastructure Regulations 2010.

The IDP items are listed as “Critical”, “Essential” and “Desirable” but it is not stipulated which of these levels of priority must be met by Policy P12 and how this categorisation relates to the NPPF paragraph 204/Community Infrastructure Levy 2010 tests. This approach does not accord with paragraph 154 of the NPPF as it does not provide a clear policy for decision makers and requires amendment in order to be sound.

Green Belt and Landscape

SHR.R1 is appropriate for Green Belt release; it is in a sustainable location and will help to deliver the housing needs of the district. The evidence base underpinning this is contained in the Epping Forest Green Belt Assessment: Stage 2.

Within the Assessment site SHR.R1 is considered within parcel 005.1, which is assessed as having a 'relatively strong' contribution to safeguarding the countryside from encroachment, but makes no contribution to other green belt purposes. This gives the parcel an overall 'harm' rating of high.

Parcel 005.1 is a large area of land extending across the entirety of the northern side of Sheering. The commentary within the Stage 2 Green Belt Review concerning the contribution parcel 005.1 makes to safeguarding the countryside from encroachment characterises the landscape within the as one of arable farming, with the landscape being open and rural. The assessment acknowledges there is a playing field adjacent to the settlement edge which is well contained from the wider green belt and relates to the settlement rather than the countryside.

In fact, SHR.R1 is equally well contained, comprising an area of horse grazing land which certainly relates to the settlement rather than the 'arable farming landscape' that comprises the majority of parcel 005.1. As such, we would suggest that at a site scale SHR.R1 in fact makes a lower contribution to safeguarding the countryside from encroachment than the wider area of 005.1 and as a result the harm to the green belt from releasing the site is certainly less than 'high' at a site scale.

Notwithstanding the above however, we note that at footnote 9 to the 2017 Site Selection Methodology (page A33/34) the Council is using the outcome of the Green Belt Review excluding purpose 3 for site selection purposes. The Stage 2 Green Belt Review outlines at paragraph 5.4 that, *"The results of the assessment against purposes 1, 2 and 4 (i.e. excluding purpose 3), illustrated in Figure 4.6, provide a more nuanced picture of how Green Belt performs across the District. This may provide the Council with a better tool and evidence base upon which to make decisions about the performance of Green Belt across the District and those locations where Green Belt release may be more appropriate. However, if the council decides to use these findings, we recommend that separate evidence on landscape character and quality should be applied – in order to distinguish between areas that are more and less sensitive to development in landscape terms."*

The landscape evidence base comprises the Settlement Edge Landscape Sensitivity Study 2010 (SELSS). This report confirms that land to the north of the village, which is situated in landscape setting area 4 within the Study, has an overall sensitivity to change rating of moderate.

However, it should be noted that SHR.R1 is in fact situated outside the area assessed by the Study (landscape setting area 4), having clearly been judged in landscape terms by SELSS to be within the built up area of the village. As such, whilst SHR.R1 does not currently fall within the development limits for the village, in landscape character terms the SELSS considers that it should.

We have proposed an enlargement of site SHR.R1. The proposed northern boundary of the enlarged part of the site to the west of the farmstead will require a new green belt boundary.

The NPPF requires at paragraph 85 that when defining boundaries Local Authorities should, *"define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."* This does not preclude the establishment of new physical features to form permanent boundaries. In light of the change we seek to the boundary of SHR.R1 the text in appendix 6 should be amended to read: *"New and existing features in the landscape should be used as the defensible boundary to the Green Belt. Existing features should be augmented if required"*.

Other Physical Characteristics

The site does not present any other physical characteristics that would represent a constraint on development.

Availability and Achievability

The availability and achievability in regard to both SHR.R1 and SHR.R3 is considered in a separate section below.

4. Suitability of SHR.R3

SHR.R3 is available for development now, offers a suitable location for development and is achievable, with development able to be delivered within five years.

SHR.R3 is in an accessible location within easy walking distance of the centre of the village. It comprises a triangle of land in arable cultivation inset into the village edge. It is bordered on two sides by urban development and gardens. On the third side is open agricultural land. Site SHR.R3

forms a logical location for small scale infill development, represents an obvious evolution in the development of the settlement and will be appropriate in the context of the existing built form of the settlement.

Physical Constraints

There are no physical constraints that would prevent delivery. Access is available directly from the end of Primley Lane. The site specific delivery requirements contained at Appendix 6 of the submission Plan notes the presence of a right of way within the allocation. This right of way skirts the eastern tip of the site, extending from Primley Lane directly northwards. As such, the layout of the development can easily incorporate the route of this footpath.

Green Belt and Landscape

As with site SHR.R1, SHR.R3 is situated within parcel 005.1, which is assessed as having a 'relatively strong' contribution to safeguarding the countryside from encroachment, but makes no contribution to other green belt purposes. This gives the parcel an overall 'harm' rating of high.

As outlined above in regard to SHR.R1, the 2017 Site Selection Methodology notes that the Council is using the outcome of the Green Belt Review excluding purpose 3 (countryside encroachment) for site selection purposes, because the majority of land in the district makes a contribution to this purpose. However, the Green Belt review recommends that on this basis landscape character and quality evidence should be considered, to distinguish between areas that are more and less sensitive in landscape terms.

Within the SELSS, SHR.R3 is situated within landscape setting area 4, which has an overall sensitivity to change rating of moderate. This is a lower category of sensitivity than the land to the south of the village, (landscape setting area 5) which is considered to have a high sensitivity to change. It should be noted that the landscape character area assessed covers a large area to the north of the village and the contribution individual sites make to landscape character is not considered. At a site scale, the establishment of a new permanent physical green belt boundary along the northern boundary of the site (see below) will reduce the indivisibility and visual prominence of the site.

The site specific delivery requirements contained at Appendix 6 of the submission Plan requires that a new defensible boundary must be established along the northern edge of the site. The NPPF requires at paragraph 85 that when defining boundaries Local Authorities should, *"define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."* This does

not preclude the establishment of new physical features to form permanent boundaries and in this instance given the landowner owns the land adjoining SHR.R3 to the north, it would be possible to establish a meaningful landscaped northern boundary, which it may be appropriate to situate in the green belt to ensure its long term protection.

Heritage

The site specific delivery requirements contained at Appendix 6 of the submission Plan set out that the development may have an impact on the grade II listed Chambers Farmhouse and a pump. Chambers Farmhouse is situated to the south of The Street, some 350 metres from SHR.R3, beyond the post war housing estate to the north of The Street. There is no intervisibility between SHR.R3 and Chambers Farmhouse. As such, the development of SHR.R3 will have no impact on the setting of this heritage asset and reference to this in Appendix 6 should be removed for the sake of clarity (as required by paragraph 154 of the NPPF). There are no other heritage assets visible from SHR.R3.

Infrastructure

As with site SHR.R1 we raise no objection to the requirement to ensure appropriate infrastructure accompanies development and the infrastructure requirements as outlined within the Infrastructure Delivery Plan will not affect the deliverability of the site.

However, the same concerns regarding the operation and wording of the policy apply and as such we seek changes to parts E and F of the policy to ensure policy P12 is sound.

4. Availability and Achievability of SHR.R1 and SHR.R3

Both sites are in the ownership of a Landowner who has expressed the intention to sell once outline planning consent is secured. Given the relatively small scale of the sites the landowner has the resources to fund these applications and has appointed professional advisors to achieve this.

Technical work has been funded by the Landowner to consider any notable physical constraints that might have affected delivery. In the case of SHR.R1 to date this has comprised highways, heritage and ecology studies. Further studies may be required at the outline planning stage. In the case of SHR.R3 the lack of physical constraints means it is reasonable and proportionate for all technical work to be undertaken at the outline planning stage. In all cases the technical work undertaken has established there are no constraints on the development of SHR.R1 and SHR.R3. The Landowner has the resources to fully fund outline planning applications on both sites at the appropriate time and

the delivery rates for the sites are achievable. Both sites would contribute to the five year housing land supply.

In regard to achievability, Sworders have extensive experience in the marketing and sale of greenfield residential development sites throughout Essex and Hertfordshire, as well as further afield in the wider region and the Midlands. We have no doubt that the sites are viable in the current market and would attract high levels of interest from small and medium sized developers. The Housing White Paper outlines the Government's direction of travel in regard to diversifying the housing market to encourage small and medium sized builders through the allocation of smaller sites. The allocation of both SHR.R1 and SHR.R3 will contribute to this approach.

(continue on a separate sheet if necessary)

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

1. Amend the boundaries of SHR.R1 to include land to the north-west as shown on the attached plan and associated amendment of the approximate capacity of the site from 10 to 16 dwellings.
Reason: to ensure the plan is consistent with national policy, namely paragraphs 14 and 157 regarding flexibility and to ensure the plan is positively prepared, in terms of providing sufficient housing within the first five years of the plan period (as required by paragraph 47 of the NPPF).
2. Amend parts E (i), (ii) and (iii) of policy P12 to clearly state which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated.
Reason: To be consistent with national policy at NPPF paragraph 204 and 154
3. Amend part F of policy P12 to read *"Planning applications will be expected to contribute positively towards the delivery of the critical infrastructure items listed above and in the Infrastructure Delivery Plan, unless subsequent iterations of the Infrastructure Delivery Plan determine that these items are no longer required or those items do not meet the tests of planning obligations set out in the NPPF or legal tests in the CIL Regulations."*
Reason: To be consistent with national policy at NPPF paragraphs 204 and 154

4. We request that the IDP is re visited prior to the examination, so that it is explicit which development sites are being expected to contribute to which infrastructure and how any potential apportionment of costs will be calculated.

Reason: To be consistent with national policy at NPPF paragraphs 204 and 154

5. Amend the text of Appendix 6 regarding site SHR.R1, changing it to read *~~"The site has potential site access constraints. The site will be accessed from The Street via an upgrade of the existing unmade access to provide Development proposals should consider the need to upgrade the existing unmade access to Daubneys Farm in order to ensure a safe access point which as sufficient capacity for the development it serves."~~*

Reason: To be justified by the evidence available and to be consistent with national policy, which requires at paragraph 154 of the NPPF that policies should be clear.

6. Amend the text of Appendix 6 regarding site SHR.R1 in light of the change we seek to the boundary of SHR.R1 (see 1 above). The text should read: *~~"An New and existing features in the landscape should be used as the new defensible boundary to the Green Belt. As part of the development proposals the existing feature along the northern edge of the site will need to be strengthened. Existing features should be augmented if required."~~*

Reason: to be consistent with national policy, which requires at paragraph 154 of the NPPF that policies should be clear.

7. Amend the text of Appendix 6 regarding site SHR.R3 to delete the section concerning Heritage.

Reason: To be justified by the evidence available and to be consistent with national policy, which requires at paragraph 154 of the NPPF that policies should be clear.

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:

This representation raises issues which would be most appropriately discussed at the oral hearing and cannot be dealt with satisfactorily through written representations alone.

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

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

☒

Yes

☐

No

11. Have you attached any documents with this representation?

☒

Yes

☐

No

Signature:



Date:

24/01/2017