



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

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

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

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

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

**BY 5pm on 29 January 2018**

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This form has two parts –

Part A – Personal Details

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

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

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### **Part A**

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

a) Resident or Member of the General Public  or

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

c) Landowner  or

d) Agent

Other organisation (please specify)

**2. Personal Details****3. Agent's Details (if applicable)**

Title	<input type="text"/>	<input type="text" value="Mr"/>
First Name	<input type="text"/>	<input type="text" value="Richard"/>
Last Name	<input type="text"/>	<input type="text" value="Seamark"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Partner"/>
Organisation (where relevant)	<input type="text" value="Pigeon Investment&lt;br/&gt;Management Ltd"/>	<input type="text" value="Carter Jonas LLP"/>
Address Line 1	<input type="text" value="c/o Agent"/>	<input type="text" value="One Station Square"/>
Line 2	<input type="text"/>	<input type="text" value="Cambridge"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="CB1 2GA"/>
Telephone Number	<input type="text"/>	<input type="text" value="01223 346634"/>
E-mail Address	<input type="text"/>	<input type="text" value="richard.seamark@carterjonas.co.&lt;br/&gt;uk"/>

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

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

Paragraph  Policy  Policies Map

Site Reference  Settlement

5. Do you consider this part of the Submission Version of the Local Plan:

\*Please refer to the Guidance notes for an explanation of terms

- a) Is Legally compliant      Yes       No
- b) Sound      Yes       No

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

Positively prepared       Effective

Justified       Consistent with national policy

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

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

**SUPPLEMENTARY RESPONSE TO REPRESENTATION ID.10LAD0121-2**

In our original representations to Paragraphs 1.5 and 1.6 of the Submission Version EFDLP we objected to the fact that the full evidence base, and the Site Selection Report in particular, had not been published as part of the EFDLP consultation. As a result, we concluded that EFDLP had not been prepared in accordance with the requirements of the Planning & Compulsory Purchase Act 2004 (2004 Act) or the Town and Country Planning (Local Planning) (England) Regulations 2012 (2012 Regulations), in that firstly consultation on the document does not comply with Epping Forest District Council's Statement of Community Involvement and secondly a supporting document that seeks to justify the site selection policies is not available during the consultation period.

Appendix B [Doc Refs. EB805 and Appendix B EB805 A to P] has now been published within the Site Selection Report 2018. We were notified by letter (via e-mail sent on 26<sup>th</sup> March 2018) that Appendix B was available and subject to consultation until 23<sup>rd</sup> April 2018. We have commented on the updated site assessments which are relevant to our client's site at land East of Epping in our supplementary

representations to Policy P1/Paragraph 5.13.

While we were notified of the additional consultation stage and had the opportunity to submit further comments, it is not clear who else has been consulted about the new evidence documents. It appears that the updates to Appendix B have been subject to limited consultation, in that only those who previously submitted representations about the non-availability of site selection documents were notified and invited to submit comments. There is no mention of the additional consultation stage on the Council's website. If, as expected, the consultation on the updated Appendix B has been limited, then this process does not comply with the Council's Statement of Community which means that the requirements of Section 19(3) of the 2004 Act have not been met and that EFDLP is not legally compliant. Statutory consultees, local residents, and all those with an interest in development matters within the area should have been notified of the consultation on updated Appendix B. The update to the Consultation Report [Doc Ref. EB122] will confirm who has been consulted and when in order to confirm whether the consultation requirements have been complied with or not.

Furthermore, the consultation period on the updated Appendix B only lasted 4 weeks and not in accordance with legislation, and did not invite any comments on other documents and appendices to the Site Selection Report that were previously unavailable during the Regulation 19 consultation period. The Council has made clear that no additional matters shall be considered. It is for this reason these representations are focused on Appendix B. However, Appendix B is substantial document and accordingly a 4-week period does not give sufficient time to make proper representations or consider fully in detail. Therefore, as referenced within our Regulation 19 representations, Pigeon are prejudiced by the failure to make the Appendix B information available for a 6 week consultation period and are unable to make fully informed representations to the Submission Version EFDLP.

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

The non-availability of a key evidence base document represents a legal compliance failure, which should be rectified before EFDLP is submitted to the Secretary of State. This is a matter that should be discussed at the pre-examination meeting as to whether it is appropriate for the plan to proceed to examination. We request that Appendix B of the Site Selection Report is published and made available for comment in accordance with Epping Forest District Council's Statement of Community Involvement and the requirements of the 2004 Act and 2012 Regulations. The updated Site Selection Report and all appendices now available should be made available for consultation for at least 6 weeks.

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:

The failure to make a proposed submission document – the updated Appendix B to the Site Selection Report 2018 - available for consultation at Regulation 19 stage raises significant concerns with the legal compliance of the consultation and whether the plan should be allowed to proceed to examination. It should be discussed at the pre-examination meeting as to whether it is appropriate for the plan to proceed to examination and Pigeon wish to take part in those discussions.

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

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

Yes  No

11. Have you attached any documents with this representation?

Yes  No

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Signature:

Carter Jonas LLP

Date:

23/04/18

**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)

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5. Do you consider this part of the Submission Version of the Local Plan:

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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

**SUPPLEMENTARY RESPONSE TO REPRESENTATION ID. 10LAD0121-2**

Paragraphs 1.10 and 1.11 refers to the consultation that has been undertaken for the plan-making process of EFDLP, including on-going consultation with Parish and Town Councils. A Draft Local Plan Consultation Report 2017 [Doc Ref. EB122] has been published. Paragraph 1.11 states in part that *“all of the comments received have been considered during the production of this Local Plan”*.

We comment on the content of Paragraphs 1.10 and 1.11 at this stage because the updated Site Selection 2018 evidence for our client’s site at land north of Stewards Green Road in Epping/land East of Epping (Site Ref. SR-0153) refers to the content of the emerging Epping Neighbourhood Plan as one of the reasons for the decision to not allocate the site; it was identified as a draft allocation in the Draft EFDLP. Furthermore, the emerging Epping Neighbourhood Plan is identified as a reason to support the proposed allocations at land South of Epping (Site Ref. EPP.R1 and EPP.R2), in that these sites would support the ‘aspirations’ of the Neighbourhood Plan.

We have specific comments on the consultation undertaken for EFDLP with Epping Town Council, in respect of the proposed allocation at land South of Epping and the content of the emerging Epping Neighbourhood Plan.

Epping Town Council submitted objections to Policy P1 of the Submission Version EFDLP [Rep ID. 19STAT0005-1] – see attached – which raise some concerns about the form and content of the proposed development at land South of Epping, and specifically the density and quantum of development. The representations from the Town Council appear to indicate that consultation with them was limited, and that their comments on land South of Epping have not been properly considered during the preparation of EFDLP. It is clear from the representations by Epping Town Council that the findings of the updated Appendix B in respect the proposed allocation at land South of Epping and the emerging Epping Neighbourhood Plan are not aligned as claimed in the site assessment. Epping Town Council do not support the additional level of growth directed to land South of Epping. The Draft EFDLP previously divided strategic growth at Epping between land to the south and land to the east, and not in a single area to the south as now proposed in Submission Version EFDLP.

Alignment of the Submission Version EFDLP with the draft Neighbourhood Plan is important with regard to our client's site at land East of Epping, which was deleted as a draft allocation because apparently alternative sites e.g. land South of Epping better support the emerging Neighbourhood Plan document (Appendix B1.6.6). As we understand it, the Neighbourhood Plan Advisory Committee has only recently provided the Town Council with draft text for the emerging Neighbourhood Plan document; an initial draft document was published for the Full Town Council Meeting on 10<sup>th</sup> April 2018. The emerging Epping Neighbourhood Plan is currently only in draft form. We understand that the document will be subject to public consultation in Summer/Autumn 2018, followed by submission, examination and referendum at a later date. It is clear that the Town Council itself has not yet approved a draft Epping Neighbourhood Plan for consultation and local residents have had limited input to the process so far and have not been consulted on the content of the document. Fundamentally we would contend that limited weight should be applied to the Neighbourhood Plan at this stage and certainly it should be not be steering the allocations within the Local Plan, which is at a more advanced stage of development.

The regulation 19 response from Epping Town Council is also clear that *'adequate infrastructure MUST be delivered BEFORE development'* and that new roads including crossing the railway line are critical to development at South Epping. Whilst only limited weight can be applied to the emerging Neighbourhood Plan at this stage, the views of the Town Council are inextricably linked to that document. The potential developers of South Epping are therefore already challenging part of the allocation that is seen as fundamental to its delivery by the Town Council.

Therefore, it cannot be claimed, as it is in the Site Selection 2018 evidence, that land South of Epping better supports the emerging Epping Neighbourhood Plan compared with alternative sites e.g. land East of Epping, when the document should be given extremely limited weight as it is still at an early stage in the process, has not been discussed with or provided to Epping Forest District Council during the preparation of Submission Version EFDLP, and has not been subject to public consultation or examination to confirm the strategy, policies or site allocations. It should also be for the Neighbourhood Plan to be in general conformity with the over-arching Local Plan, not for the Neighbourhood Plan to steer the Local Plan.

This also moves away from the evidence-based approach to the Local Plan and the publication of Appendix B confirms the sequential approach to Site Selection as defined by Policy SP2 has not been followed, confirming the concerns raised in our original Regulation 19 consultation response with regard to that Policy

and the allocation for Epping under Policy P1. These are considered in more detail in the supplementary response to these policies elsewhere in this response. We conclude that the findings of the Site Selection 2018 evidence are not justified and as such are unsound, in respect of the assessment of land East of Epping (Site Ref. SR-0153).

From the above, it would appear that consultation with Epping Town Council has been limited in respect of Policy P1, the proposed development at land South of Epping, and in terms of the policy content of the emerging Epping Neighbourhood Plan. As such the consultation arrangements implied in Paragraphs 1.10 and 1.11 were not as effective as claimed.

We comment on the relationship between the Site Selection 2018 evidence and the emerging Neighbourhood Plan in our representations to Policy P1

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

We do not request changes to Paragraphs 1.10 and 1.11, but it would appear that consultation with Epping Town Council has been limited. In our original representations to the Submission Version EFDLP we requested changes to Policies SP2 and P1 which follow more logical conclusions from previous consultation stages and the assessment of evidence.

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:

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

**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

**Epping Town Council Reps to Submission Version EFDLP 2018**

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Signature:

Carter Jonas LLP

Date:

23/04/18

**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)

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- 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

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**SUPPLEMENTARY RESPONSE TO REPRESENTATION ID. 10LAD0121-6**

Within the original response concerns were raised in terms of Policy SP2 insofar as there is no mention of sustainable development in the policy, the suggested sequential approach is not informed by national guidance, and some matters which are related to the delivery of sustainable development such as accessibility by non-car modes of transport are not identified in the policy, inconsistent with their reference elsewhere within the Local Plan.

Based on the information available at that time with Appendix B missing, concerns were raised that, the proposed sequential approach in Policy SP2 has not actually informed the selection of sites in EFDLP, which was focused on the strategic site allocation at South Epping in contrast to East Epping, based on the Green Belt Assessment. Policy SP2 states that where Green Belt land is released on the edge of settlements, the sequential approach should see Green Belt land of least value released first. However, the 2016 Green Belt Assessment confirms within its 'nuanced approach' that removal of the parcels of land comprising East Epping would have a moderate and very low level of harm. By contrast the parcels at South Epping would see a high level of harm if removed from the Green Belt.

The publication of Appendix B has reinforced that the sequential and evidence-based approach to site selection has not been consistently applied across the town of Epping. Focussing on the sites that were proposed for allocation in the Draft Local Plan 2016 but removed for the Submission Version EFDLP, the following grounds are given for their removal from the process:-

SR-0071 – Site less preferred by community; South Epping preferred and better supports the emerging Epping Neighbourhood Plan; South less constrained noting BAP habitats, landscape sensitivity and TPOs;

SR-0132Ci – Site less preferred by community, question around deliverability and viability;

SR-0153 – South preferable in terms of landscape sensitivity and Green Belt harm;

SR-0208 – BAP habitats and TPOS. Other sites in Epping preferable and can meet the need;

SR-0228 – BAP habitats and TPOs. Other sites in Epping preferable and can meet the need;

SR-0555 – Uncertainty about hospital future and delivery.

It is acknowledged that the uncertainty about delivery of Epping Sports Club and St Margaret's Hospital should preclude the allocation of SR-0132Ci and SR-0555 respectively. However, for the remaining sites, an evidence-based approach against SP2 has not been considered. Sites being less preferred by the community is not a criterion within SP2 and should not preclude an appropriate site for development. References to BAP habitats are also not grounds to remove the sites from the plan and favour South Epping, when South Epping also includes a BAP habitat and TPO trees within the site, as referenced in Policy P1. With the exception of Site SR-0208, the sites perform better than the strategic allocations at South in Green Belt terms, and it is noticeable that the Green Belt is not referenced as a reason for rejecting SR-0208, again showing an inconsistency of approach within the Site Selection in Appendix B1.6.6 and reference the Sequential approach of SP2. As considered in detail elsewhere within these supplementary representations, consistency with the emerging Neighbourhood Plan again does not meet the sequential or evidence-based approach and is an unsound approach. The flawed approach to not allocating Site SR-0153 Epping East has also been considered in detail elsewhere within these representations and again is unsound.

It should also be noted that site SR-0113A that now makes up part of the South Epping strategic masterplan was not proposed for allocation in the Draft Local Plan 2016 with the justification that the landowner was promoting an overlapping site for development and that it was unlikely that this area will come forward for development as a standalone site. Pigeon raise concerns with a process whereby a site is not considered suitable for allocation at Regulation 18 stage but is then considered suitable at Regulation 19 stage with no apparent change in evidence. Similarly the above sites have all now been considered unsuitable at Regulation 19, when they were previously considered suitable for allocation at Regulation 18, despite this not appearing to be supported by the evidence within Appendix B as set out above.

Finally, Appendix B, contains information that is factually inaccurate or sites are missing in part. Pigeon's representations at Regulation 18 and repeated at Regulation 19 set out the potential for a wider strategic allocation at East beyond the initial draft, incorporating site SR-0343, which Pigeon were consented to promote. However, the Appendix B response suggests there was a lack of ownership information regarding SR-0343 and lack of confirmation about its availability despite its promotion by Pigeon. No other constraints were identified within Appendix B. There is also no reference throughout Appendix B to the wider land promoted as part of SR-0153.

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We request that the concerns raised within our original response to the sequential approach are considered and the sequential approach is broadened to better reflect sustainable development including factors such as proximity to stations and local services to ensure sustainable transport options. If it is to be retained, it should be consistently applied in the site selection approach, with strategic growth allocated at East Epping as it performs better than South against the Green Belt tests, as well as generally comprising a more sustainable location.

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:

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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

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

Yes

No

11. Have you attached any documents with this representation?

Yes

No

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Signature:

Carter Jonas LLP

Date:

23/04/18

**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)

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Justified  Consistent with national policy

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

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**SUPPLEMENTARY RESPONSE TO REPRESENTATION ID. 10LAD0121-23**

We have undertaken a review of the recently published Site Selection 2018 evidence [Doc Refs. EB805 and Appendix B EB805 A to P] and consider that this does not appease the concerns raised within our previous representations to the Vision for Epping section. We maintain our concern that parts of the Vision for Epping will not be delivered because land South of Epping has been selected as the strategic location for growth, in preference to land East of Epping and the publication of Appendix B allows us to supplement our arguments as follows.

The land East of Epping has a much better relationship with Epping Station and the services and facilities located on the High Street/High Road compared to land South of Epping, because it has an existing access from the north west of the site.

A mixed use residential development at land East of Epping would have less impact on Green Belt purposes

when compared with a similar development at land South of Epping, as set out in the Green Belt Assessment , and therefore, would be in accordance with the sequential approach to Site Selection set out within policy SP2, which the current selection of South Epping is inconsistent with. It is incorrect for Appendix B1.6.6. to state that land south of Epping is preferable in terms of Green Belt harm when this is not supported by the Green Belt Assessment, as summarised within Appendix B.1.4.2. This confirms that SR-0153 will see a low, low or medium level of harm on the Green Belt if released for development with limited harm. By contrast the parcels making up the South Epping strategic site would see a high or very high impact if released.

There are differences between the sites in terms of landscape impact as set out in the Site Selection 2018 evidence, with land South of Epping in an area of medium landscape sensitivity and land East of Epping in an area of high landscape sensitivity. However, Appendix B1.6.6. confirms that the site has no identified constraints or restrictions which would prevent it coming forward and the East of Epping Delivery Statement (submitted with the original representations to the Submission Version EFDLP) identifies that the proposed development will include strategic landscaping at the site boundary to address landscape and visual impacts and ensure that any landscape impact is appropriately mitigated. A further Green Infrastructure Strategy drawing (prepared by Liz Lake Associates) has been provided to supplement these representations and further demonstrate the potential for a high-quality landscape led scheme.

In addition, landscape impact is only one matter to be considered when undertaking the balancing exercise of site selection and it is unclear within the published Appendix B why landscape impact has been afforded particular weight when East Epping outperforms South in all other regards. This includes a lesser Green Belt impact, in accordance with the sequential approach to Site Selection under Policy SP2 and that East is far more sustainable in terms of proximity to both the train station and Epping High Street.

We consider that a mixed use residential-led development at land East of Epping would deliver these parts of the Vision much better than land South of Epping and would be the justified approach.

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

We request that the Vision is amended as follows: A new vibrant community will be delivered at the east of the town.

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

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Yes       No

11. Have you attached any documents with this representation?

Yes       No

**Green Infrastructure Strategy (prepared by Liz Lake Associates)**

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Signature:

Carter Jonas LLP

Date:

23/04/18

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

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**SUPPLEMENTARY RESPONSE TO REPRESENTATION ID. 10LAD0121-24**

We have undertaken a review of the recently published Site Selection 2018 evidence [Doc Refs. EB805 and Appendix B EB805 A to P]. The Site Selection 2018 evidence has been used to inform decisions about which sites to allocate in the Submission Version EFDLP. As set out below, we consider that the assessment of our client's site at land East of Epping (Site Ref. SR-0153) and the allocated sites at land South of Epping (Allocation Refs. EPP.R1 and EPP.R2 and Site Selection Refs. SR-0069/33, 0113A, and 0113B) is not robust, and therefore Policy P1 is not justified and is unsound.

We have three concerns with the site selection process and the assessment contained in the recently published Site Selection 2018 evidence, as follows:

1. There is no robust evidence provided in Site Selection 2018 to justify the decision to delete the draft allocation at land East of Epping at Submission Version EFDLP stage. The impacts from development at the site on landscape were accepted at Draft EFDLP stage, can be appropriately mitigated and

there has been no change in circumstances or new landscape evidence to support a decision to delete the draft allocation at the site.

2. The site assessments for land East of Epping and land South of Epping as set out in the Site Selection Reports 2018 highlight many similarities in the constraints and opportunities at the sites. However, the assessment process effectively ignores all of the potential constraints to development at land South of Epping e.g. transport infrastructure requirements, noise and air quality, and accessibility, when comparing potential site allocations. This includes TPO trees and BAP habitat at South Epping which have been used to justify the removal of other Epping sites from the plan. There are no such constraints at land East of Epping.
3. The emerging Epping Neighbourhood Plan document is still at an early stage in the process, and has not been subject to public consultation or examination to confirm the strategy, policies or site allocations within the document. In these circumstances, it cannot be claimed, as it is in the Site Selection 2018 evidence, that land South of Epping better supports the emerging Epping Neighbourhood Plan compared with alternative sites e.g. land East of Epping. Therefore, the findings of the Site Selection 2018 evidence related to the aspirations of the emerging Epping Neighbourhood Plan are not justified.

Fundamentally the publication of the Appendix B material does not justify the decision to remove East Epping from the Submission Version EFDLP and increase numbers at South when the evidence base and the correct application of the Sequential Approach of Policy SP2 define East as a more appropriate allocation. Pigeon are of the view that as a minimum, strategic growth should be split between East (circa 400 new homes) and South Epping in line with the Regulation 18 Draft EFDLP. However, land East of Epping including Site SR-0343 also has the ability to accommodate strategic growth of approximately 950 new homes as an alternative to South in a more sustainable location with less Green Belt impact and a wider range of community and infrastructure benefits.

The recently published Appendix B1.6.5 also needs consideration here. It tests 3 different scenarios for strategic growth under a technical assessment, previously seen as Appendix V1 of the Sustainability Appraisal 2017 and its Non-Technical Summary (NTS 2017), which Pigeon previously commented on at the Regulation 19 stage. Within these scenarios, Alternative A looks to minimise changes to the Draft EFDLP and strategic growth is retained at East Epping at Site SR-0153. Within Alternatives B & C of Appendix B1.6.5, Site SR-0153 is not listed as included for allocation, although this seems to be at odds with Figure 5 of the NTS2017, which suggests Site SR-0153 is included in Scenario C. In comparing the testing of the scenarios between the Sustainability Appraisal and Appendix B1.6.5, there are also differences in the way the scenarios are described which are not explained further.

For example, the NTS 2017, page 14 references *'More growth at Epping and Theydon Bois'* under Alternative A, whereas Appendix B1.6.5 makes reference (page B1060) to a *'different distribution of growth at Epping so that sites with higher landscape sensitivity were removed and sites, which more closely reflected the patterns of development in the draft Epping Neighbourhood Plan were included (this maximised growth the south of the town).'*' This is one of a number of inconsistencies between the Sustainability Appraisal/NTS and Appendix B1.6.5, which both purport to be doing the same thing, which raises questions as to the soundness of the approach. In addition, notwithstanding our concerns with growth at Epping being based around landscape sensitivity and the emerging Neighbourhood Plan, as set out elsewhere in these representations, it is unclear how this approach referenced in Alternative A in Appendix B1.6.5 can be seen to minimise changes to the Draft Local Plan.

Notwithstanding the above, the assessment of alternative scenarios in Appendix B1.6.5 confirms that Alternative A (including strategic growth at East Epping) was the most sustainable option. Page B1066 states

‘overall, Alternative A was rated as the most sustainable option – they were Climate Change and Transport with positive effects and Land and Waste with the least negative effects of the three scenarios’. In summary, Alternative A, with strategic growth at East Epping significantly outperforms Options B and C.

Fundamentally, the Council’s own evidence base demonstrates that following the publication of the Draft EDLP, 3 alternative scenarios were tested with the option that minimised changes to the plan being the most sustainable. However for reasons that are not clear, EFDC have not undertaken the most sustainable strategy and brought forward a Submission Version EFDLP that varies significantly from the Draft EFDLP.

Following a review of the relevant sections of the now available Appendix B, Tables 1 & 2 below highlight the distinctions between Epping East and South and why East is a more appropriate location for strategic allocation, either in part with South consistent with the Draft EFDLP or alternatively accommodating 950 new homes at East Epping.

**Table 1: Benefits of a combined or linked Masterplan between East and South Epping**

	Land Assembly	Sustainability of Location	Green Belt	Infrastructure Requirements	Site Constraints	Access and Highways	Development Benefits
<b>Benefits of a more sustainable scheme at East as part of a linked Masterplan with South</b>	Site in single ownership and actively promoted.	Site within 5 minutes of train station with footpath links and in closer proximity to High street. Has ability to deliver high density in proximity to transport hub including local services and car parking provision.	Removal from Green Belt would see a moderate level of harm.	No significant requirements. Independent access recommended off Stewards Green Road.	Development needs to pay regard to landscape sensitivity.	Independent access off Stewards Green is achievable. Permeable site with good access to station and Essex Way.	Mix of housing including bungalows, self-build plots and 40% affordable. Potential primary school. Site permeability with enhanced access to Epping Station with hub facilities including retail, health and parking.
<b>Current less sustainable option of single Masterplan at South</b>	Western parcel (EPP.R1) split across 6 landowners and does not appear to have been promoted comprehensively. Eastern parcel has not been promoted with West	At greater distance to train station and high street, uphill from this location. Development will be heavily car reliant and will not achieve the modal shift aspiration in planning policy.	Removal from Green Belt would see a high level of harm.	Poor local highway network. Requires crossing of Central rail line with significant cost and time implications.	BAP habitat, proximity to wildlife site, noise and air quality in proximity to M25. Ancient woodland, TPOs & listed buildings. High Voltage cables and pipeline constraints.	Constrained local network. No obvious access to Western parcel. Challenges connecting both sites across rail line.	Policy requirement for Primary school (with potential relocation), neighbourhood centre and health hub.

**Table 2: Benefits of strategic development at East Epping**

	Land Assembly	Sustainability of Location	Green Belt	Infrastructure Requirements	Site Constraints	Access and Highways	Development Benefits
<b>Benefits of a more sustainable scheme at East as a comprehensive Masterplan</b>	Site is in dual ownership with agreement for Pigeon to promote.	Site within 5 minutes of train station with footpath links and in closer proximity to High street. Ability to deliver high density hub in proximity to rail station including local services and car parking provision.	Removal from Green Belt would see a moderate and very low level of harm.	No significant requirements. Independent access recommended off Stewards Green Road linking through to Stonards Hill to North to provide relief road easing pressure on Epping High Street (B1393).	Development to pay regard to landscape sensitivity. Stonards Farm is a listed building, to be incorporated into a Care Village scheme to meet the demands of an ageing demographic.	Link Road between Stonards Hill and Stewards Green Road providing benefit to local highway network, particularly Epping High Street (B1393).	Mix of housing including bungalows, self-build plots and 40% affordable. Primary school. Site permeability with enhanced access to Epping Station with hub facilities including retail, health and parking. Care Village and Country Park helping to meet significant local deficit.
<b>Current less sustainable option of single Masterplan at South</b>	Western parcel (EPP.R1) split across 6 landowners and does not appear to have been promoted comprehensively. Eastern parcel not promoted with West.	At greater distance to train station and high street, uphill from this location. Development will be heavily car reliant and will not achieve the modal shift policy aspiration.	Removal from Green Belt would see a high level of harm.	Poor local highway network. Requires crossing of Central rail line with significant cost and time implications.	BAP habitat, proximity to wildlife site, noise and air quality in proximity to M25. Ancient woodland, TPOs & listed buildings. High Voltage cables and pipeline constraints.	Constrained local network. No obvious access to Western parcel. Challenges connecting both sites across rail line.	Policy requirement for Primary school (with potential relocation), neighbourhood centre and health hub.

The overall assessment of land East of Epping is contained in Appendix B1.1 - Overview of Assessment of Residential Sites [Doc Ref EB805A] (and the text is consistent with Appendix B1.6.6) and states:  
*“This site was proposed for allocation in the Draft Local Plan (2016). The site was considered to be available within the first five years of the Plan period and has no identified constraints or restrictions which would prevent it coming forward for development. At the settlement level, growth to the south of Epping was considered to be more preferable in terms of landscape sensitivity and Green Belt harm compared with other strategic options around the settlement. If these alternative sites were allocated they would cumulatively provide the desired growth in the settlement and better support the emerging Epping Neighbourhood Plan. The site is not proposed for allocation.”*

The land north of Stewards Green Road in Epping (Ref. SR-0153) – land East of Epping) was allocated in Draft EFDLP for 305 dwellings. No evidence has been provided to justify the deletion of this previous allocation at Proposed Submission stage. The need to meet the objectively assessed housing needs in the updated 2017

SHMA indicate that additional sites should be allocated rather than deleted; as set out in our representations to Policy S2 the higher housing need figure of 12,573 dwelling should be met. Furthermore, the deletion of land East of Epping was not an alternative option identified at Draft Local Plan stage, and is identified in the Sustainability Appraisal as a more suitable strategic option.

As set out in our representations to Policy SP3, we confirm that the proposed development at land East of Epping would comply with the strategic masterplan requirements.

There are differences between the sites in terms of landscape impact as set out in the Site Selection 2018 evidence, with land South of Epping in an area of medium landscape sensitivity and land East of Epping in an area of high landscape sensitivity. However, Appendix B1.6.6. confirms that the site has no identified constraints or restrictions which would prevent it coming forward sets and the East of Epping Delivery Statement (submitted with the original representations to the Submission Version EFDLP) the proposed development will include strategic landscaping at the site boundary to address landscape and visual impacts and ensure that any landscape impact is appropriately mitigated. The Green Infrastructure Strategy (prepared by Liz Lake Associates) submitted with these representations demonstrates the ability for a high quality, landscape led scheme, minimising any landscape impact. In addition, landscape impact is only one matter to be considered when undertaking the balancing exercise of site selection and it is unclear within the published Appendix B why landscape impact has been afforded particular weight when East Epping outperforms South in all other regards.

The evidence, and the evidence in the Green Belt Assessment and Sustainability Appraisal in particular, demonstrates that land East of Epping should be allocated in preference to land South of Epping. A mixed use residential development at land East of Epping would have less impact on Green Belt purposes when compared with a similar development at land South of Epping, as set out in the Green Belt Assessment, and therefore, would be in accordance with the sequential approach to Site Selection set out within policy SP2, which the current selection of South Epping is inconsistent with. It is incorrect for Appendix B1.6.6. to state that land south of Epping is preferable in terms of Green Belt harm when this is not supported by the Green Belt Assessment, as summarised within Appendix B.1.4.2. This confirms that SR-0153 will see a low, low or medium level of harm on the Green Belt if released for development with limited harm. By contrast the parcels making up the South Epping strategic site would see a high or very high impact if released. The proposed development would make provision for a new primary school and new surgery, and would support the delivery of secondary school provision, most likely through developer contributions. Those commitments towards education and health facilities are set out in Section 5.4 and 5.5 of the East of Epping Promotion Document (submitted with the original representations to Policy P1). Please note if strategic growth was allocated to both south and east, these contributions would be apportioned between the 2 sites.

The land at East Epping (either in full or in combination with south, as set out above) has the ability to deliver all of the policy requirements under Policy P1 together with a range of additional benefits as set out within the Delivery Statement and supporting information (submitted with the original representations to Policy P1), and in a more sustainable location with less Green Belt harm.

As set out in our original representations to Policy P1, a range of considerations for development at land South of Epping were identified, which are effectively constraints. Those constraints are as follows: requirement to cross the railways line; minimise impact upon listed buildings; minimise impact upon the BAP habitat within the site and nearby Local Wildlife site; noise and air quality buffer from the M25; buffer from HV transmission cables and Local Wildlife site; careful design to reduce impact on Ancient Woodland; and continued protection of TPO trees. These matters are included in the site assessments for land South of

Epping. However, the assessment process effectively ignores all of these potential constraints to development at land South of Epping when comparing potential site allocations, notwithstanding that matters such as BAP Habitat and TPO trees have been used to justify not taking other sites forward for allocation within Appendix B1.6.6, as referenced within our supplementary response to Policy SP2. There are no such constraints to development at land East of Epping.

It should also be noted that the representations to the Regulation 19 consultation from the respective landowners that make up the South Epping allocation all raise concerns with the policy wording with regard to the South Epping Masterplan Area vi) that the Strategic Masterplan should make provision for *'a new vehicular, pedestrian and cycling bridge over the railway line'*

Their consultation responses state that *'there is some ambiguity in the wording around the status of the proposed bridge and the modes of transport supported. It is considered that the bridge, whilst desirable, is not essential in terms of vehicular access.'* This raises questions with regard to the delivery of the masterplan vision in accordance with Policy P1 and also highways supporting evidence undertaken by Essex County Council, which will presumably be based upon the vehicular crossing of the railway line, taking traffic off Ivy Chimneys Road and Brook Road given the poor quality of this infrastructure.

The regulation 19 response from Epping Town Council is also clear that *'adequate infrastructure MUST be delivered BEFORE development'* and that new roads including crossing the railway line are critical to development at South Epping. Whilst only limited weight can be applied to the emerging Neighbourhood Plan at this stage, the views of the Town Council are inextricably linked to that document. The potential developers of South Epping are therefore already challenging part of the allocation that is seen as fundamental to its delivery.

Alignment of the Submission Version EFDLP with the draft Neighbourhood Plan is important with regard to our client's site at land East of Epping, which was deleted as a draft allocation because apparently alternative sites e.g. land South of Epping better support the emerging Neighbourhood Plan document (Appendix B1.6.6). As we understand it, the Advisory Committee has only recently provided the Town Council with draft text for the emerging Neighbourhood Plan document; an initial draft document was published for the Full Town Council Meeting on 10<sup>th</sup> April 2018. The emerging Epping Neighbourhood Plan is currently only in draft form. We understand that the document will be subject to public consultation in Summer/Autumn 2018, followed by submission, examination and referendum at a later date. It is clear that the Town Council itself has not yet approved a draft Epping Neighbourhood Plan for consultation and local residents have had limited input to the process so far and have not been consulted on the content of the document. Fundamentally we would contend that limited weight should be applied to the Neighbourhood Plan at this stage and certainly it should not be steering the allocations within the Local Plan, which is at a more advanced stage of development.

Furthermore, Epping Town Council submitted objections to Policy P1 of the Submission Version EFDLP [Rep ID. 19STAT0005-1] – see attached – which raise some concerns about the form and content of the proposed development at land South of Epping, and specifically the density and quantum of development. The representations from the Town Council appear to indicate that consultation with them was limited, and that their comments on land South of Epping have not been properly considered during the preparation of EFDLP. It is clear from the representations by Epping Town Council that the findings of the updated Appendix B in respect the proposed allocation at land South of Epping and the emerging Epping Neighbourhood Plan are not aligned as claimed in the site assessment. Epping Town Council are inextricably linked to the emerging Neighbourhood Plan cited within Appendix B as a key justification for proposing additional growth at South Epping with the Submission Version EFDLP and yet do not support the additional

level of growth directed to land South of Epping.

We conclude that the findings of the Site Selection 2018 evidence are not justified and as such are unsound, in respect of the assessment of land East of Epping (Site Ref. SR-0153).

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

Our previously requested changes to Policy P1 remain valid

- Policy P1 should be updated to reflect a strategic allocation at East (approximately 400 homes) and South Epping consistent with the Regulation 18 Draft EFDLP; or alternatively allocate a minimum of 950 homes at East Epping and remove references to South Epping.

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:

To participate fully in the Examination in Public and to expand upon and respond to questions on the above comments.

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

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

Yes

No

11. Have you attached any documents with this representation?

Yes

No

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Green Infrastructure Strategy (prepared by Liz Lake Associates)

Signature:

Carter Jonas LLP

Date:

23/04/18