

29 January 2018



Planning Policy Team
Civic Offices
High Street
Epping
Essex
CM16 4BZ

Catherine Williams
E: cswilliams@savills.com
DL: +44 (0) 203 320 8236

33 Margaret Street
London W1G 0JD
T: +44 (0) 20 7499 8644
savills.com

Sent via email: LDFconsult@eppingforestdc.gov.uk

Dear Sirs

**EPPING FOREST DISTRICT DRAFT LOCAL PLAN SUBMISSION VERSION 2017
LAND NORTH OF ABRIDGE ROAD, THEYDON BOIS**

We write in response to the consultation currently being held by Epping Forest District Council (EFDC) in relation to the Draft Local Plan Submission Version (2017). The emerging Local Plan will establish strategic policies to guide development in the District, supported by themed district wide policies, development management policies and place specific policies and site allocations. We write on behalf of our client, Redrow Homes, and the landowner, Jean Jones, in relation to the above site.

As a general comment, we note that the National Planning Policy Framework (NPPF) requires all Local Plans to be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how this presumption should be applied at the local level.

The NPPF states that local planning authorities should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change. They should be consistent with the principles and policies of the NPPF and should be aspirational but realistic.

Paragraph 158 of the NPPF requires the use of a proportionate evidence base which provides adequate, up-to-date and relevant evidence about the economic, social, and environmental characteristics and prospects of the area. Paragraph 173 requires careful consideration of viability and costs. Plans should be deliverable and the scale of development identified in the Plan should not be subject to such obligations and policy burdens that their ability to be developed viably is threatened.

In responding to the Council's current Regulation 19 consultation, we have also made reference to the guidance set out in paragraph 182 of the NPPF, which requires Local Plans to be sound. To meet this requirement they should be:

- **Positively Prepared** – be based on objectively assessed development requirements, consistent with achieving sustainable development.
- **Justified** – be the most appropriate strategy based on proportionate evidence.
- **Effective** – be deliverable over its period and based on effective joint working.
- **Consistent with National Policy** – enable the delivery of sustainable development in accordance with the policies of the NPPF.

The following representations have been prepared with regard to these criteria and we set out below our comments on the soundness of the Draft Local Plan Submission Version (2017), taking into account its compliance with national planning policy.

The Site

The site is located within Theydon Bois, to the north of Abridge Road and to the east of the railway line. The site comprises low grade agricultural land, in the form of open fields with some hedgerow planting marking field boundaries.

To the west of the site, beyond the railway, is the settlement of Theydon Bois comprising residential dwellings, local centre and Theydon Bois London Underground Station. To the north, east and south of the site are predominantly open fields with some sporadic existing development. Adjacent to the site at the northeast is open land which has been subject to engineering operations.

The site is located within Flood Zone 1 and is designated as Green Belt. The site is not located within a Conservation Area. To the southeast of the site is a Grade II listed farmhouse and associated barn: 'Parsonage Farmhouse' and 'Barn 10 Metres North of Parsonage Farmhouse'.

Since the draft Local Plan (Reg 18) was consulted on, the site boundary has changed to include land to the east as a mitigation area as identified in the SES Ecology Representations enclosed with these representations.

Previous Representations – Draft Local Plan (2016)

EFDC previously identified Theydon Bois as a location for housing growth. The previous Regulation 18 consultation version of the Local Plan (Draft Local Plan, 2016) allocated the site for housing with an indicative development capacity of 121 residential dwellings (Site Allocation Ref. SR-026C).

We made representations to the Regulation 18 consultation on the Draft Local Plan (2016) which supported the proposed allocation of this site (Savills letter dated 12 December 2016). Our previous representations also noted that the wider site comprises an area of approximately 10 hectares and has the capacity to deliver approximately 400 residential dwellings, as identified in the Indicative Capacity Assessment in the Site Selection Report (2016). The Site Selection Report (2016) considered the site to be unconstrained being located within the settlement buffer zone; outside of Flood Zone 3; outside of a designated site of importance to biodiversity; not constrained by Epping Forest; and outside HSE Consultation Zones Inner Zone. Whilst the site scored poorly against some of the more detailed criteria, it was considered that it would be possible to overcome these constraints.

Background

Since the submission of these representations Savills has attended the Developer Forum conducted by Officers at the Council. At no point during these sessions, which were held over the past year, have officers indicated that the site would no longer form part of the allocated sites at Theydon Bois, or that the number of units to be allocated at Theydon Bois would be significantly less in the Regulation 19 version of the Local Plan.

Neither Redrow or the landowner have been approached by officers in respect of the perceived concerns over the allocation of the site, despite several requests for site specific meetings by Savills. This is very disappointing and goes against the spirit of the NPPF and recommended consultative nature of preparing Local Plans. If they had been approached, it would have been possible to address officers and Members concerns, which we understand from the Full Council meeting of 14th December 2017 relate to the impact of residential development on the Epping Forest Special Area of Conservation (SAC) and the comments received from the Conservators of Epping Forest in 2016. It should be noted that the Council received the Conservators response in December 2016 and as such, had a full year to engage with the landowner and representatives in order to determine whether the impact on Epping Forest (SAC) could be overcome.

Moreover, given the site has been deselected and removed from the submission version of the Local Plan, it would have been best practice to engage with the site representatives as to whether the issues relating to the site could be resolved in advance of the Submission Version being published. Conversely, the first time the site representatives, the landowner and Redrow were made aware that the site allocation has been removed was

when the committee papers for the Full Council meeting of 14th December 2017 were published. This is wholly unacceptable.

In addition, the consultation period has been opened without the full evidence base made available. The Council have undertaken site assessments for a significant number of new sites and reviewed the site assessments of existing sites. However, this information still isn't available and as such we are unable to fully understand and therefore counter the reasons why the site has been deselected. More generally, for those sites that have been introduced at Regulation 19 stage, stakeholders and residents do not know why the Council consider such sites to be appropriate for development. Again, the way in which the Council is engaging with the community and stakeholders is not transparent and not in line with the standard guidance or best practice. It is considered that on this basis, the Plan is not sound and the Council should consult specifically on the sites that have been selected and deselected as part of the site selection process.

In addition to the way in which the community and stakeholders have been consulted and engaged in the preparation of the Local Plan, it is considered that Member engagement has been inadequate. It is understood that Members have also not been briefed on the specifics of sites that have now been excluded. As the decision makers of the Council the current consultation cannot be legally compliant if Members have not been given the full background to the selected sites, it makes the decision made at Full Council on 14th December 2017 flawed.

Moreover, during the meeting of 14th December 2017, it was repeatedly said to Members that they couldn't make any changes to the consultation document because they would miss the 31st March 2018 deadline (for the adoption of the standardised methodology). This approach is entirely unsatisfactory, Members moved to make changes to the consultation document and were effectively threatened with increased housing numbers, leading to a decision to approve the Plan for consultation.

At no time during the meeting was it made clear to Members that even if the Plan is adopted on lower housing numbers, the standardised methodology will result in the need to review the Plan within a 2-5 year period. If this had been made clear, Members may have taken a different view on the Plan. Again, Members have been misled and the Plan cannot be found sound for this reason. In addition, the Government have now announced that the standardised methodology will not come into effect until after March 2018, with no firm date known. Given this extension, the Plan should not be submitted for examination and Members and the Community should be given a proper chance to review the detailed site assessments, with a consultation undertaken on the sites deselected/selected from the 2016 Draft Local Plan.

Notwithstanding the foregoing, it is understood that site SR-026C has been removed from the draft Local Plan as a result of the impact on the Epping Forest SAC and an objection from the Conservators of Epping Forest. Whilst this is not detailed in the evidence base currently being consulted on, it was referred to at the Full Council meeting of 14th December 2017.

Comments on the Draft Local Plan Submission Version (2017)

Turning specifically to the Draft Local Plan Submission Version (2017), having reviewed the Draft Local Plan Submission Version we have a number of comments to make on behalf of our client.

Theydon Bois

Theydon Bois is a sustainable settlement, which has its own centre, containing various facilities including shops, restaurants, a school and a doctors surgery. In addition Theydon Boise London Underground station provides excellent accessibility to London and there is also easy access to the M11 and M25 motorways.

The allocation of 57 residential units in such a sustainable settlement is not a sound approach and conflicts with national planning policy. Epping Forest District includes a number of highly constrained settlements that are not sustainably located, whereas Theydon Bois is an excellent location for residential allocations, as identified above, which will not undermine the overall spatial strategy identified in the Local Plan.

Apart from reference in the Vision to a desire to retain the character and local feel in Theydon Bois, there is no sound reason to reduce the number of residential units so significantly from the Regulation 18 version of the Local Plan.

The allocation of the site SR-026C for housing is considered to represent an excellent opportunity for the sustainable development of up to 121 residential dwellings. This would make best use of the site and optimise development in a sustainable location, adjacent to Theydon Bois Underground Station and adjacent to an existing settlement. In the first instance, this would result in a more natural boundary to the site and the settlement in line with the existing site boundary. It would also enable the delivery of the allocated development site to the north, resulting in good spatial planning from coherent development. There is no sound reason to remove this allocation.

We understand, from the comments made at the Full Council meeting of 14th December 2017 that the site has not been included in this version of the Plan for reasons relating to its impact of Epping Forest SAC. The Conservators of Epping Forest response (December 2016) identifies that:

The allocation (Regulation 18 Plan) at Theydon Bois is a very large block of housing which would represent over 20% increase in the population of this settlement. This would need a SANG in our view, despite the lower than 400 house threshold.

We have investigated this further (as set out in detail in the accompanying Ecology Representation prepared by SES) and it is demonstrated that the site will not lead to any adverse impact on the SAC, provided the site boundary is extended to provide onsite mitigation. This is wholly possible as the entire site is located within the same land ownership. As such, the fact that our clients site is no longer allocated for development is therefore not evidence based and the Plan is not sound.

Alternative Site Allocations

The Draft Local Plan (2016) allocated five sites for residential development in the Theydon Bois area. The indicative capacity of each of these sites would result in the total provision of 354 new dwellings. An assessment of these sites was provided in the Site Selection Report (2016) and each was recommended for a housing allocation.

However, the Draft Proposed Submission Version of the Local Plan (2017) now only allocates three sites for residential development within the Theydon Bois area. The indicative capacity of each of these sites would result in the total provision of 57 new dwellings only, resulting in a significant reduction in total housing numbers.

An updated Site Selection Report (2017) has been prepared as a supporting technical document to the current Draft Local Plan Submission Version (2017) and should provide both the methodologies and resulting assessments of the allocated residential sites. However, the Site Selection Report (2017) states “*the detailed write-up of the site selection work undertaken in 2017 will be documented in the appendices to this Report. With the exception of Appendices A and D, the remaining appendices were still being finalised at the time of publication. A final, updated version of the Report on Site Selection will be published once the detailed write-up has been completed*”.

Appendix B of the Site Selection Report (2017) should provide an ‘Assessment of the Residential Sites’ however, this has not been made available during the consultation period. This is not considered to result in a transparent consultation process, with a lack of available evidence for landowners and agents to understand why site allocations have been removed, retained or added within the current Local Plan consultation document.

Our client has been provided with no justification as to why the site (Ref. SR-026C), previously allocated for 121 dwellings in the Draft Local Plan (2016), has now been removed from the residential site allocations within the Draft Local Plan Proposed Submission Version (2017).

We provide below our assessment of the three proposed residential site allocations in Theydon Bois.

1. Land at Forest Drive - Ref.THYB.R1 (Formerly Site Ref. SR-0070)

The site was assessed as part of the previous Draft Local Plan (2016) consultation version with an indicative capacity of 52 homes. However, we note that the site as included in the Proposed Submission Version (2017) only has an indicative capacity for 39 dwellings. No justification has been provided to explain why this indicative capacity has been reduced.

Transport consultants, WSP, on behalf of Redrow and the landowner, previously prepared an Access Appraisal in relation to the emerging site allocations within and around Theydon Bois. Their consideration of this site concluded that at present there is only an informal access into the site provided at the northern end of Forest Drive. Based on a capacity of 39 dwellings, the access would need to be upgraded to a 'Minor Access' in accordance with the Essex Design Guide. WSP conclude that whilst it should be possible to achieve a 'Minor Access' arrangement via the northern end of Forest Row, the following design issues would need to be considered:

- Potential sub-station located on the eastern side of Forest Road which could obstruct access to the site and may need to be relocated.
- There is currently no footway provision on the northern section of Forest Row. Any development on this site would need to tie into the existing footway provision on Forest Row.

As such, the site is considered to be constrained.

2. Theydon Bois London Underground Station Car Park - Ref. THYB.R2 (Formerly Site Ref. SR-0228i and SR-0228ii)

The site was assessed as part of the previous Draft Local Plan (2016) consultation version with a combined indicative capacity of 45 dwellings. However, we note that the site as included in the Proposed Submission Version (2017) only has an indicative capacity for 12 dwellings. No justification has been provided to explain why this indicative capacity has been reduced.

The site currently provides existing car parking for Theydon Bois London Underground station. Our previous representations highlighted that no assessment of the demand for the existing use of the station car park has been presented. The WSP Access Appraisal for this allocated site found that the station car park is currently operating at full capacity, with many commuters currently parking along the length of Station Hill and along the B172 to the east of the railway line.

The proposed redevelopment of part of the station car park site to provide new residential dwellings would further reduce the further capacity of the car park and worsen the impact of commuter parking on the surrounding area. A long term solution to address the existing commuter parking in the vicinity of the site would be required. As there are alternative sites that are suitable for development, it is considered that there is no need to allocate this site and further compromise commuter car parking.

3. Land at Coppice Row - Ref. THYB.R3 (Note formerly assessed/allocated)

This site comprises a new housing allocation within Theydon Bois. The site was not formerly considered as part of the previous consultation version of the Draft Local Plan (2016) and associated Site Selection Report (2016). As such, there is no available assessment of the site for us to fully consider or understand the potential opportunities and limitations of the site.

Furthermore, we note that the site comprises a small parcel of land with an indicative capacity of only six dwellings. The site is bound by existing traditional residential dwellings to the north and west and existing highways to the east and south. As such, the development capacity of the site to extend beyond six dwellings and make a beneficial contribution to local housing need is limited.

We also note that the site is in existing use as private traditional residential dwellings. To our knowledge, there has been no assessment to date of the demand for the existing use and it is therefore not clear how available or deliverable this allocated site actually is.

Regulation 19 Stage Consultation

The Draft Local Plan Proposed Submission Version (2017) now only allocates three sites for housing within Theydon Bois, resulting in the total provision of 57 new dwellings only. This is compared to the previous Local Plan consultation version which allocated five sites with a total capacity of 354 new dwellings.

We note that two of these sites (THYB.R1 and THYB.R2) have been carried forward from the previous version of the Draft Local Plan, albeit the indicative capacity of each site has been reduced. The remaining site (THYB.R3) has been introduced as a new housing allocation and was not assessed as part of the Draft Local Plan (2016) or associated Site Selection Report (2016). As such, there is no publically available background evidence or assessment in relation to this site.

It is not considered appropriate to introduce new site allocations, that have not been previously assessed, at Regulation 19 stage of the consultation process. The Regulation 19 consultation should focus on determining whether a Local Plan is compliant with the soundness tests set out under NPPF Paragraph 182 and not seek to introduce new policies or site allocations.

For this reason, the plan is not considered to be sound, as amendments to the residential site allocations within Theydon Bois have not been justified and the resulting residential site allocations are not considered to be effective or deliverable.

Furthermore, the reduction in the housing numbers resulting from the loss of residential site allocations in Theydon Bois is a concern, given the need for housing and the sustainable nature of the settlement. Draft Policy SP2 states within the period 2011-2033 the Local Plan will allocate a minimum of 11,400 new homes. The new homes will be distributed among a number of locations, including 57 new dwellings in Theydon Bois. However, we note that all of the residential capacity of all of the allocated housing sites across the Borough only totals 9,816 new dwellings. It is not clear where the remaining 1,584 dwellings would then be provided.

The removal of a number of larger residential site allocations in Theydon Boise has significantly reduced the amount of new housing to be provided, which doesn't respond to local need and fails to provide a supply of housing required to meet the needs of present and future generations. As such, the plan is not considered to have been positively prepared, with a presumption in favour of sustainable development in line with national planning policy.

Ecology

Epping Forest Special Area of Conservation (SAC) is strictly protected under the Conservation of Habitats and Species Regulations (The Habitats Regulations, 2017). However, the woodland habitats suffer from a range of pressures that degrade the woodlands including dog walking, traffic and air pollution.

New residential housing within 4km has to be carefully designed to incorporate green space so that residents undertake recreation within these areas and do not add to the recreational pressures on the Forest. Natural England has provided guidance on the provision of these recreational areas and what is referred to as Suitable Alternative Natural Green Space (SANGS).

Within the Draft Proposed Submission Version Local Plan (2017) there are two areas of urban green space allocated as new residential housing, Jessel Green (Site Ref. LOU.R5) and Limes Farm (Site Ref. CHIG.R6). These areas are very popular with local residents and currently act as important SANGS relieving the pressure on the sensitive Epping Forest habitats. Evidence demonstrates that these sites should not be housing allocations as the loss of these SANGS would have a significant effect on the integrity of the Epping Forest SAC by increasing the recreational pressure on the sensitive woodlands. Rather than allocating the sites for

housing, these important green spaces should be enhanced so as to further relieve pressure from Epping Forest (SAC). This will result in a need for additional housing which can be accommodated at Theydon Bois.

There are also a number of housing allocations within 400m of the Forest boundary and these should not be considered where they provide accessible green space for residents and thus act as important buffer habitats and SANGS to the Forest.

EDFC needs a SANGS strategy that aligns with the delivery of new housing within land between 400m and 4km from the Epping Forest SAC boundary. We consider that the former allocation to the east of Theydon Bois station (SR-0026C) is the perfect location for this model of new residential plus new SANGS. There is the space to create a SANGS within the site as well as facilitate a wider SANGS for local residents to the north and east of the site. The area is large and well connected by Public Rights of Way and includes two local wildlife sites. This area is thus protected from development and a SANGS would provide a new space for high levels of recreation, together with management of the wildlife sites. The development of this site would therefore lead to enhancement for recreation and wildlife and an important biodiversity benefit for the Epping Forest SAC.

Summary

The consultation and engagement process for the Draft Local Plan Submission Version (2017) is flawed and it is considered that both Members of the Council and the public have not been provided with the information necessary to properly consider the Plan and in light of the missing evidence base, the Plan is not sound.

Our clients are extremely disappointed that site SR-026C is not identified in the Local Plan and as a result of the absence of a clear evidence base this approach is not sound. The development of our clients site would result in the appropriate release of Green Belt land, in order to provide much needed housing on an unconstrained site in a highly sustainable location. The site has the potential to accommodate a number of dwellings to make a much needed increased contribution to the District's housing supply, whilst providing on site mitigation of the impact on the Epping Forest SAC. The development of the site would accord with the principles of sustainable development as set out in national planning policy and we therefore see no reason why the site allocation has been removed.

It is considered that the Plan should not proceed to examination until the full evidence base has been consulted on and landowners/representatives have been engaged by Officers to resolve concerns over sites. Should the examination proceed, we reserve the right to appear at the Examination in Public should we wish to.

We look forward to confirmation of receipt of these representations. Please feel free to contact me if you have any queries or would like to discuss.

Yours sincerely

.....Redacted.....

Catherine Williams
Associate Director

Enclosure 1. SES Ecology Representations

Attached.