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Dear Sirs

**EPPING FOREST DISTRICT DRAFT LOCAL PLAN SUBMISSION VERSION 2017  
LAND NORTH OF ABRIDGE ROAD, THEYDON BOIS (Site Ref. SR-026C)**

We write in response to the correspondence received from the Planning Policy Team on 26 March 2018, advising of the opportunity to supplement previous representations made to take account of the Site Selection Report Appendices B and C. We write on behalf of our client, Redrow Homes, and the landowner, Jean Jones, in relation to the above site.

As set out in our previous representations dated 29 January 2018, we are deeply concerned at the removal of the proposed allocation of site SR-026C for residential development between the Regulation 18 consultation version of the Local Plan (Draft Local Plan 2016) and the Regulation 19 consultation version of the Local Plan (Draft Local Plan Submission Version 2017).

The Draft Local Plan 2016 identified Theydon Bois as a location for housing growth and sought to allocate the site at Abridge Road (Ref. SR-026C) for housing with an indicative development capacity of 121 residential dwellings. 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).

At the time of the Regulation 19 consultation it was not clear why the allocation of the site had been removed. Officers had not advised of this during the period between the Regulation 18 and Regulation 19 consultations, despite requests to discuss the site, and the Regulation 19 consultation was undertaken without the full supporting evidence base being made available.

We have now reviewed the Site Selection Report Appendices which have been made publically available and understand that the overall assessment of the site, as set out in Appendix B1.6.6, is as follows:

**Assessment of Insurmountable Constraints:**

*On-site restrictions were identified, but it was considered that these could be overcome, and it was considered that identified deficiencies in primary or secondary school places would not adversely affect the achievability of the site; consideration of infrastructure requirements has been dealt with through the Infrastructure Delivery Plan (2017).*

**Decision:**

*Not proposed for allocation*

#### Allocation Justification:

*Although the site was proposed for allocation in the Draft Local Plan (2016) and remains available within the first five years of the Plan period it is not proposed for allocation. Responses received through the Regulation 18 Draft Local Plan consultation indicated that the site is less preferred by the community as a result of the scale of growth proposed. Additionally the Conservators of Epping Forest raised concerns around the overall scale of growth proposed in Theydon Bois, which is located in close proximity to the Epping Forest SAC, and the potential effects arising from recreational pressure and air quality. The Conservators identified the need for a SANG to compensate for the scale of growth, which may adversely affect the deliverability of the site. It was considered that other sites in Theydon Bois were more preferable in terms of their overall suitability and if allocated they would provide the desired growth in the settlement. This site is not proposed for allocation.*

We wholly disagree with the decision regarding the allocation of the site and set out our comments within this letter.

#### **Sustainable Location**

Theydon Bois has its own centre, containing various facilities including shops, restaurants, a school and a doctors surgery. In addition Theydon Bois London Underground station provides excellent accessibility to London and there is also easy access to the M11 and M25 motorways. Theydon Bois is therefore a sustainable location for the delivery of new residential dwellings. In contrast, the district includes a number of highly constrained settlements that are not sustainably located and therefore Theydon Bois is considered a more suitable location for growth.

The site assessment process (at Appendix B1.5.2) identified the north-eastern expansion of Theydon Bois in particular, where the site is located, to be the most suitable strategic option for the expansion of the settlement since this location is least harmful to the Green Belt and surrounding environmental designations, including the Epping Forest Special Area of Conservation (SAC); well located in relation to Theydon Bois Underground station and existing local amenities and shops; primarily located within Flood Zone 1 and least sensitive to change in heritage terms. Whilst this location is considered to be sensitive to change in landscape terms, it was recognised that it will be possible to limit harm to the landscape through sensitive design. In addition, it was noted that other strategic options were also constrained by this sensitivity, therefore this should not be a reason for the north-eastern expansion to be discounted.

In light of the above, the allocation of the site SR-026C for housing is considered to represent an excellent opportunity for sustainable development, optimising its location adjacent to an existing settlement and adjacent to Theydon Bois Underground Station. This was demonstrated throughout the site assessment process in the lead up to the proposed allocation of the site within the Draft Local Plan 2016, in particular at Appendix B1.5.2 where the site was considered 'suitable', and therefore should not be disregarded. The claim within the conclusions of the most recently published assessment that "*other sites in Theydon Bois were more preferable in terms of their overall suitability*" is considered to be inaccurate and not evidence based.

#### **Overcoming Site Constraints**

Despite the site being a sustainable location for development, the site assessment process identified a number of constraints on the development of the site.

In the first instance, the Site Suitability Assessment at Appendix B1.4.2 states that development of the site would involve the loss of the best and most versatile agricultural land. As set out in our response to the Regulation 18 consultation, the site is not considered to comprise valuable and versatile agricultural land since it is currently used for grazing only and is not viable for intensive agriculture, particularly given its size. This has not been taken into account within the most recent and updated assessment of the site. Nonetheless, this has not been referenced as a significant constraint on development such that the site should not be allocated.

The Site Suitability Assessment also identifies that the site falls within an Impact Risk Zone in relation to Nationally Protected Sites. Whilst consultation with Natural England would be required, the Assessment notes that mitigation to reduce the risk would be possible.

In addition, the Site Suitability Assessment notes the five ancient trees on the site. Again, as set out in our response to the Regulation 18 consultation, these can be preserved and incorporated within the design of the development where appropriate, in line with an assessment of the condition of the trees and their contribution to the local landscape. The Council's Assessment recognises this and concludes that impacts could be mitigated through masterplanning or translocation.

The Capacity and Deliverability Assessment at Appendix B1.6.4 sets out that, due to the edge of settlement context, development should be limited to the western part of the site and the overall density of development should be reduced. This has been taken account of in establishing the indicative capacity of the site. Furthermore, any impacts will be mitigated through the careful design of the development. In the first instance, reduced densities would be created at the south of the site along Abridge Road and at the east of the site, creating a step down in density between the more built up centre of Theydon Bois to the west and the new edge of the settlement. In addition, the treatment of the eastern and northern boundaries of the site will be designed to reduce the impact on the landscape sensitivity in these locations.

We acknowledge that the site is located in a Primary School planning area with a current or forecast deficit and where schools have limited ability to expand. However, as set out in the conclusion on the assessment of the site, it is considered that this would not adversely affect the achievability of the site.

Overall, the site constraints set out above, which have been raised at different points during the site assessment process, would not preclude development of the site. This has been recognised throughout the site assessment process and it has been concluded on several occasions, including the overall assessment of the site, that constraints can be overcome and therefore they should not stop the site from being allocated.

### **Addressing Comments from the Local Community**

The most recent concluding assessment of the site, as set out in Appendix B1.6.6, refer to responses from the local community during the Regulation 18 consultation. However, these responses have not been made easily accessible by the local authority.

We note that the Draft Local Plan Feedback Consultation Report prepared by Remarkable provides a summary of the feedback received in relation to proposed allocations within Theydon Bois in general, but does not provide details of any comments on the site SR-026C specifically, or any of the other proposed site allocations for that matter.

It has therefore not been possible to validate the claim that "*the site is less preferred by the community*" compared to other sites. Such a lack of available evidence for landowners and agents to understand why site allocations have been removed is not considered to comprise a transparent consultation process.

We acknowledge that the Draft Local Plan Feedback Consultation Report identifies concerns raised that Theydon Bois does not have sufficient infrastructure to support the level of growth proposed in the Draft Local Plan 2016. In addition, it was queried why there was such a focus on locating growth within settlements along the Central Line. Furthermore, we note that the Council's summary of the key issues raised during the Regulation 18 consultation, presented to Cabinet on 11 July 2017, stated that there had been concerns raised that the sites proposed to the east of the railway line would feel separate to the existing settlement.

However, as set out above, Theydon Bois is considered, by our clients and as a result of the site assessment process, to be a highly sustainable location, even more so when compared with other highly constrained settlements in the district, and is therefore an ideal location for growth, in particular to provide new homes. In addition, the north-eastern expansion area specifically is considered to be the most suitable strategic option for the expansion of the settlement. Whilst both Redrow and the landowner are fully committed to the delivery of

the site, it is highly notable that it was in fact first identified through the Council's site assessment process, demonstrating that development was originally supported development in this location.

It is necessary for the Council to balance the views of the local community with the need for housing delivery in the most sustainable locations. However, as highlighted above, we have concerns that the objections of the local community within Theydon Bois have been placed above these needs which is not a sound approach to plan making.

### **Addressing Comments from the Conservators of Epping Forest**

The most recent concluding assessment of the site, as set out in Appendix B1.6.6, makes reference to concerns raised by the Conservators of Epping Forest around the overall scale of growth proposed in Theydon Bois and the impact this would have on the Epping Forest Special Area of Conservation (SAC). The Conservators identified the need for a SANG to compensate for the scale of growth and had concerns that this may in turn adversely affect the deliverability of the site allocations.

In the first instance, we note that the Conservators proposed mitigation to combat any issues arising from the growth of the settlement in the form of a SANG; it did not advocate the reduction of development in principle. In addition, it is important to note that the Conservators have not raised concerns with the development of site SR-026C specifically. As set out earlier in this letter, Theydon Bois is a sustainable settlement which should accommodate growth. We consider the reduction in the growth proposed for the settlement to be inappropriate and not justified by the comments from the Conservators.

The proposed mitigation in the form of a SANG is already facilitated by Draft Policy DM2 which requires all applications for new homes in Theydon Bois to provide a financial contribution to access management and monitoring of visitors to the SAC. In addition, strategic developments on the SAC, will be required to provide a meaningful proportion of Natural Green Space or access to Natural Green Space. Policy DM2 will provide the required mitigation to ensure there is no harm to the SAC from the development proposed in Theydon Bois. Therefore, this should not prevent the allocation of the site.

Our client has already had regard to the above requirements and the draft Landscape Strategy for the site demonstrates that it can provide 3.56ha of SANGS, mitigating the impact on the SAC in its entirety. As such the concerns of the Conservators can be overcome and the impact on the SAC should not be a reason as to why it hasn't been allocated.

It is notable that the site assessment process identified the north-eastern expansion of Theydon Bois, where the site is located, to be the least harmful to surrounding designations including the SAC, compared to other areas of expansion to the settlement. This further evidences that the site should not be deselected on this basis.

### **Alternative Site Allocations**

The most recent concluding assessment of the site, as set out in Appendix B1.6.6 sets out that *"other sites in Theydon Bois were more preferable in terms of their overall suitability and if allocated they would provide the desired growth in the settlement."* However, as set out in our response to the Regulation 19 (Savills letter dated 29 January 2018) and summarised below, it is not considered that the allocations proposed in the Local Plan Submission Version 2017 are suitable or sufficient to provide appropriate growth within Theydon Bois.

#### Ref.THYB.R1 – Land at Forest Drive

Transport consultants, WSP, on behalf of Redrow and the landowner, consider that the access to this site is constrained. In addition, we note that the Theydon Bois and District Rural Preservation Society has identified potential constraints relating to flooding, landscape impact, trees and light pollution, and Theydon Bois Parish Council has also identified constraints relating to a watercourse at the boundary of the site. Such considerable constraints could impact the deliverability of the site and therefore the ability to provide the identified housing in Theydon Bois.

### Ref. THYB.R2 – Theydon Bois London Underground Station Car Park

No assessment of the demand for the existing use of the station car park has been presented. The work undertaken by WSP has identified that the station car park is currently operating at full capacity. The proposed redevelopment of part of the station car park site to provide new residential dwellings would further reduce the capacity of the car park and worsen the impact of commuter parking on the surrounding area. There are alternative sites that are suitable for development and it is therefore considered that there is no need to allocate this site and further compromise commuter car parking.

In addition, we note that the Theydon Bois and District Rural Preservation Society has identified potential constraints relating to flooding, landscape and heritage impacts, trees and light pollution. Such constraints could impact the deliverability of the site and therefore the ability to provide the identified housing in Theydon Bois.

### Ref. THYB.R3 – Land at Coppice Row

This site comprises a small, highly constrained parcel of land which will make very limited contribution to meeting local housing need. In the first instance, the site is in existing use as private traditional residential dwellings and it is not clear if the site is in fact available or deliverable. In addition, we note that the Theydon Bois and District Rural Preservation Society and Theydon Bois Parish Council have identified potential constraints relating to flooding, landscape and heritage impacts, trees and light pollution. Such constraints could impact the deliverability of the site.

We note that there has been objection to the allocation of this site from local residents as part of the Regulation 19 consultation. These objections should be reviewed alongside others relating to other sites in Theydon Bois in order to establish the preferred site(s) for the local community. Notwithstanding this, as set out earlier, the preference(s) of the local community must then be balanced with the need to provide housing to meet local needs and to deliver development in evidenced sustainable locations.

### **Summary**

As demonstrated within this letter, site SR-026C has been considered to be a sustainable and appropriate location for residential development throughout the site assessment process, supporting its allocation within the Draft Local Plan 2016. The most recent concluding assessment of the site is not reflective of or consistent with the rest of the assessment process undertaken to date. The removal of the site allocation is therefore not considered to be evidence based or a sound approach.

The site is situated within a highly accessible and sustainable settlement which is more suitable than other less sustainable, highly constrained settlements. The level of growth now proposed for Theydon Bois is not reflective of its sustainable location and will not enable the Council to meet local housing needs in the most sustainable manner.

The site is situated within the most suitable strategic option for the expansion of Theydon Bois and is therefore more preferable to other areas surrounding the settlement. In addition, the development of this site would be far more suitable than other proposed locations across the district which include station car parks which are currently in use and open green spaces which provide significant environmental benefits.

Whilst there has been local objection to the allocation of the site, albeit this has not been evidenced, objections from local residents need to be balanced with the needs of the district as a whole, as well as with independent technical evidence that demonstrates that the site is located in a sustainable location for growth.

The site is available for development and the delivery of new homes in such a sustainable location will make a significant contribution to the district's housing supply, in line with the requirements of the NPPF. It is particularly notable that the site is available within the first five years of the Plan period and will therefore be able to contribute to the Council's five year supply of land for housing, as required by the NPPF.

The development of site SR-026C would accord with the principles of sustainable development as set out in national planning policy. We therefore see no reason why the site allocation has been removed.

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. The removal of the allocation of site SR-026C jeopardises the Council's ability to meet its objectively assessed need and is therefore contrary to the requirements of the NPPF.

Overall, the Plan is not considered to be sound; it has not been prepared based on objectively assessed development requirements; is not the most appropriate strategy based on proportionate evidence; will not be deliverable over its period; and does not enable the delivery of sustainable development in accordance with the policies of the NPPF.

It is considered that the Plan should not proceed to examination. 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

A solid black rectangular box used to redact the signature of Catherine Williams.

**Catherine Williams**  
Associate Director