

Name:

THEYDON BOIS PARISH COUNCIL

## Representation form: Consultation on the Main Modifications to the emerging Local Plan

### Part B – Your representation on the Main Modifications and/or supporting documents

If you wish to make more than one representation, please complete a separate [Part B form](#) for each representation and clearly print your name at the top of this form.

4. Which **Main Modification number and/or supporting document** does your representation relate to? (Each Main Modification within the Schedule has a reference number. This can be found in the first column i.e. MM1, MM2 and each Supporting Document has a reference number beginning with ED).

Any representation on a supporting document should clearly state (in question 6) which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

MM no.

MM180

Supporting document reference

5. Do you consider this **Main Modification and/or supporting document**:

(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

☒

6. Please give details of why you consider the **Main Modification and/or supporting document** is not legally compliant or is unsound. 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.

### **MM180 - Policy P 8 (Theydon Bois) - THYB.R1 - Land at Forest Drive**

An amendment/modification is recommended, and specifically requested, in order to address an omission in the site analysis, and is intended to bring about the more effective delivery of appropriately-designed housing on the allocated site.

If any further Hearing Sessions are scheduled with respect to the Modifications to **MM180**, or Policy P8, the Parish Council would be happy to register and to make representation, as appropriate.

7. Please set out what change(s) you consider necessary to make the **Main Modification and/or supporting document** 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.

Theydon Bois Parish Council respectfully requests amendments to the 'Development Guidance' under the 'Site Specific Requirements' (Appendix 6), with respect to the proposed allocation in Theydon Bois referenced as **THYB.R1 (Land at Forest Drive)**.

Main Modifications to the 'Site Specific Requirements' were discussed at the Examination in Public, during the Hearing Session in May 2019, and we note that some of the text submitted by Epping Forest District Council ('EFDC') has now been amended to form part of **MM180**.

(EFDC has referenced these Modifications as: 'New Section A. Formerly pages 146-150').

However, as mentioned at the time of the Regulation 19 Consultation, in December 2017, the information in the aforementioned 'Appendix 6' was not made available before the time of that consultation, and we, therefore, took the opportunity to bring to EFDC's attention the fact that the site analysis did not appear to have recorded some of the key features relating to the site, which we then referenced in our Representation, and also at the later Hearing Session (Matter 15) Day 13, Week 5, Thursday 16th May 2019.

In making further suggested amendments now to the text, and to ensure consistency with the wording used within 'Appendix 6' as a whole, we have drawn on references specifically used by EFDC elsewhere in that document. (For ease of reference, the Main Modifications, as presently put forward by EFDC, are indicated in black text, and underlined (being their preferred approach), whilst our suggested modifications are underlined, and highlighted in red).

**Background Notes: THYB.R1 - Land at Forest Drive (Policy P8: Theydon Bois):**

By way of explanation with respect to the importance of the suggested addition to the Main Modifications, we would like to take this opportunity to recap on part of our representation at the time of the Regulation 19 Consultation, since the aforementioned site presently lies within the Green Belt and, as with all such sites, its allocation for housing is a sensitive issue, especially with local residents.

We had previously drawn the Council's attention to the fact that there are, on the western boundary of the site, a number of mature Oak trees that feature along the 'Oak Trail'. This is a long-established, and popular, Public Right of Way, which connects to the local market town of Epping, and is promoted by the City of London Corporation, whose Forest Buffer Lands lie further north, ascending Great Gregories Hill.

In February 2021, the Site Promoter submitted, to EFDC, a full planning application for the site, which has yet to be determined. However, this proposal drew a number of objections, from several departments within EFDC, the Parish Council, local residents and amenity groups.

In so far as a basic site layout was proposed, it became apparent that the four mature Oak trees, and multi-stemmed Ash tree, adjacent to the western boundary of the site on the Oak Trail, and a further mature specimen Oak in the garden of the property at 86 Forest Drive (overhanging the southern boundary), were potentially at risk from the specific layout suggested.

Epping Forest District Council therefore felt it appropriate to issue Tree Protection Orders on these six specimen trees, in order to ensure their longevity and the visual amenity which they provide. These trees are of significant stature, and are visible both from the PRoW, longer views across the landscape, and, in terms of those on the western boundary, partially from within the urban environment, between, and above the roofline of, dwellings in Dukes Avenue. Several of the four Oak trees on the boundary of the 'Oak Trail' are also said to be locally-designated Landmark Trees.

Given that the Parish Council is aware of the sensitivity of the immediate environs, which constitute a strong component in the green infrastructure of the locality, it is felt that additional reference should now be made to these Protected Trees within the 'Site Specific Requirements'. A number of the 'allocated sites' within the Submission Version of the New Local Plan include reference to Protected Trees within the 'Development Guidance', so, in the interests of consistency, we have drawn the suggested wording of the Modification from that used by EFDC in relation to this important aspect.

Separately, with respect to the Main Modification put forward under this section by EFDC, we note that this now includes reference to the brook, along the northern boundary of the site, known locally as the Crystal Brook, which plays an important part in the surface water management of the area. From further research, we note that this brook is clearly delineated in early Ordnance Survey maps of 1872, and is thought to pre-date that period.

As such it is a permanent landscape feature and will form the new defensible boundary within the Green Belt. It is also presently defined by native hedgerow on either side of its banks. The importance of this brook was duly discussed during the Hearing Session at the Examination in Public.

Therefore, the Parish Council believes that it would be both helpful, and justified, to include further reference to the Protected Trees within the 'Development Guidance' and would suggest the following addition, including the appropriate annotation on the site map (formerly page 146), to show the position of the trees adjacent to the western, and southern, boundaries. Such annotation would be consistent with that shown on other 'allocated site' maps. The Legend (formerly page 145) includes the appropriate symbol for Tree Preservation Orders.

### **Suggested Modification - Guidance Notes - THYB.R1 - Land at Forest Drive**

**Theydon Bois introductory pages (Page 144-145). No Main Modifications to settlement map.13**

#### **Development Guidance**

##### **Flood Risk**

This site has been identified as being at risk of surface water flooding. The design and layout of any development proposals should reduce the vulnerability and consequences of surface water flooding to the site and its surroundings. In order to achieve this, development proposals should incorporate appropriate surface water drainage measures having regard to the Environment Agency Risk of Flooding from Surface Water Maps (RoFSW).

##### **Ecology and Trees**

Development proposals should take into consideration the amenity provided by the existing trees and hedgerow to the West, and North, of the site, as well as the brook to the North. Proposals should seek to minimise any loss through a sensitive approach to the design and layout of any scheme.

There are trees adjacent to the western and southern boundaries of the site which are protected by Tree Preservation Orders. The protected trees should be incorporated into the development proposals to avoid the loss of, or damage to, them. This could include providing an appropriate buffer zone around the trees or incorporating them within on-site open or amenity space.

## **New Section on ‘Landscape Character’**

Development proposals should be carefully designed to minimise harm to the wider landscape taking into account the development’s setting and the local landscape character. The design should minimise the impact on the landscape character by considering factors including layout, materials and external finishes.

**(Comment:** Theydon Bois Parish Council requested this addition at the time of the Regulation 19 Consultation, and in our Hearing Statement, this being consistent with the wording of the ‘Site Specific Requirements’ relating to other allocated sites within the District. Since the Brook will form the new Green Belt boundary to the north of the site, which is also delineated by native hedgerow and trees, recognition of the wider landscape setting is considered important. Public viewpoints from the upper field, and along the adjacent PRoW (The Oak Trail), necessitate retaining the openness of the rising topography of the adjacent land, which further adjoins the Epping Forest Buffer Lands. The Green Belt land to the north of the Brook forms an integral part of the landscape setting on this side of the village.

The Parish Council, therefore, supports the inclusion of this Modification.

## **On-site Constraints**

The site is identified as being at risk of noise impacts due to its proximity to the London Underground Central Line. Development proposals should mitigate noise impacts through careful design and layout. This could include orientating built development away from areas most affected, providing planting and earthworks to provide screening, and/or ensuring noise-insulating building materials are used.

The site includes an existing permissive path, which runs from the South-West corner to the Northern boundary of the site. Subject to discussion with Epping Forest District Council, who granted the right for the permissive path, development proposals should seek to integrate the existing path or an alternative path within the development layout and maintain and where possible improve connectivity to the wider Public Rights of Way network.

## **Infrastructure**

The site is identified as being within a 400m radius of a London Underground Station. To promote sustainable transport modes and encourage active transport, development proposals for residential development should limit the provision of on-site residents’ car parking to that required to service the essential needs of the development. Provision should be made on-site for car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders. Contributions will be sought for implementing Controlled Parking Zones in the vicinity of the site.

The site is located adjacent to the London Underground Central Line. Any future development proposals for the site will need to incorporate suitable access arrangements to enable the continued maintenance of the railway.

**Green Belt Boundary**

An existing feature in the landscape should be used as the new defensible boundary to the Green Belt. As part of the development proposals the existing feature along the northern edge of the site will need to be strengthened.

***Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.***

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8. Have you attached any documents with this representation which specifically relate to an MM or supporting document?

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Yes

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No

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Signature:

*Theydon Bois Parish Council*

Date

23<sup>rd</sup> September 2021