

Name:

Andy Butcher, Strutt & Parker on behalf of Countryside Properties

**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.

87

Supporting document reference

ED124A-G/EB159A-G

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.

Introduction

These representations on the Main Modifications (MM) to Epping Forest Local Plan Submission Version (LPSV) have been prepared by Strutt and Parker on behalf of Countryside Properties and are of particular relevance to the proposed residential allocation of land at North Weald Bassett under Policy P6 of the LPSV.

*(Continue on a separate sheet if necessary)*

These representations set out Countryside's position on the MM. Countryside have control of NWB.R3 which is the largest of the five residential allocations at North Weald Bassett and these MMs are made in relation to the delivery of that site.

Representations to support the allocation of NWB.R3 have been made throughout the Local Plan process, including Hearing Statements and appearance at the Local Plan Examination February to June 2019. Countryside's overall position is one of support for the LPSV. Prior to and since the Examination we have continued to work on a Strategic Masterplan in consultation with key stakeholders in accordance with the objectives of Policy P6. We have also continued to engage with EFDC on matters relating to the Local Plan that have arisen since the Examination, including the consultation on the Green Infrastructure Strategy (GIS), carried out in June/July 2020. This is particularly relevant to these representations and now forming part of the Supporting Documents to the MM (ED124A-G/ EB159A-G) and the matter of provision of Suitable Alternative Natural Greenspace Strategy (SANGs), relevant to our representations on MM46, MM47 and MM86 and these representations on MM.

We note the proposed changes to Paragraph 5.89 at MM86 and Part B of Policy P6 at MM 87 setting out that the residential sites are allocated for a minimum of rather than approximately 1,050 homes and no objections are raised.

We also note that Part F of Policy P6 at MM 87, relating to Infrastructure Requirements, is proposed for amendment. These modifications are also acceptable to Countryside. Item (i) setting out that appropriate *education provision including early years, primary school*, rather than a new primary school, enables proper flexibility for either a new school or utilising capacity at the existing primary school at North Weald Bassett within the SMP area.

The principal issues raised in these representations on MM 87 relate to the following amendments in the MM as identified in italics below:

- Part K- reference to Development proposals in relation to sites NWB.R1, NMB.R2, NWB.R3, NWB.R4 and NWB.R5, NWB.T1 to be in general conformity comply with a Strategic Masterplan for the North Weald Bassett Area which has been formally endorsed by the Council *prior to the determination of any planning applications*.
- New Part (v): *A Suitable Alternative Natural Greenspace between the two Masterplan Areas*
- New Part after (x): *strengthening of the existing field boundary along the western edge of the Strategic Masterplan Area to form the defensible boundary to the Green Belt*.

## Reason for Representations – MM87

### Proposed Amendment to Part K relating to the status of a Strategic Masterplan (MM86 page 134.

This modification requires “Development proposals in relation to sites NWB.R1, NMB.R2, NWB.R3, NWB.R4 and NWB.R5, NWB.T1 must be in general conformity comply with a Strategic Masterplan for the North Weald Bassett Area which has been formally endorsed by the Council *prior to the determination of any planning applications*”.

We consider that the amendment is not legally compliant or sound in terms of being justified or effective. As worded, the requirement would require the determination of any future planning application for the NWB SMP area to be entirely dependent on the endorsement of a Strategic Masterplan SMP by EFDC.

As currently worded, the MM seeks to introduce wording into the Local Plan that can enable the Local Planning Authority to elect not to determine planning applications in accordance with their statutory duty. It would therefore effectively be “ultra vires,” preventing or purporting to prevent a legal right to an appeal against non-determination of an application once made; particularly if the SMP if is not endorsed (for whatever reason), including whether there is any unreasonable delay in the endorsement process. The SMP process cannot override statutory requirements of the Town and Country Planning Act 1990.

In addition, it is clear that any unreasonable delay with endorsement could effectively present a risk to the Local Plan strategy through the delivery of the development for NWB (or any other strategic allocation) in accordance with the projected trajectory set out at Appendix 5 (MM 115). These comments are also relevant to Figure 2.1 of the MM. It is, nevertheless, accepted that masterplans will need to form part of planning application submissions.

### New Part after (v)

This modification requires “a Suitable Alternative Natural Greenspace between the two Masterplan Areas” for NWB.

Linked to our representations in response to MM 46 and 47 and Policy DM2, we have significant concerns on the new requirement for Suitable Alternative Natural Greenspace (SANGS) as set out at page 135 of the MM for the NWB SMP. Its inclusion within the policy requirement arises from the work principally arising after the Examination and culminating in the publication and adoption by EFDC of the Green Infrastructure Strategy (ED124A-G/ EB159A-G). Also relevant to these submissions is the Standing Advice issued by Natural England on 10<sup>th</sup> August 2021 and included at Appendix 1 to our representations on MM46 and 47.

Our principal concerns are not with the principle of the provision of SANGS at NWB but the expectations of the amount/extent and location of the area as set out in the supporting GIS document ED124E/EB159E relating to Implementation in Strategic Allocations. The requirements for NWB are set out at 3.1/2 of that document. Whilst all other elements for green infrastructure set out in the document are supported and form a key objective of the emerging SMP, that relating to SANGS is not justified.

### Amount of SANG

Part of the NWB SMP area falls within the 6.2 km Zone of Influence (Zol) referred to at MM 46 (Footnote 1) of the MM and is shown on the accompanying plan prepared by Terence O' Rourke (ToR) at Appendix 1. The accompanying assessment for The Provision of SANG for NWB by David Jarvis Associates (DJA) on behalf of Countryside Properties at Appendix 2 to these representations sets out a summary of the background to SANG provision, it sets out the issues associated with the assumptions arising from the Visitor Surveys carried out for Epping Forest at Section 3 and the flaws in the calculation of the Zol for NWB. It is understood that the Zol, as drawn, is based on where the 75th percentile of visitors to Epping Forest come from; a nationally recognised approach adopted by other authorities across the country and acknowledged as being appropriate by Natural England for the purposes of identifying the Zol surrounding the Epping Forest Special Area of Conservation (SAC). The analysis provided in the DJA assessment advises that the actual visitors from North Weald Bassett is actually a very small percentage (paragraphs 3.4 and 3.7 (i)).

Page 134 of ED124E/EB159E sets out a requirement that the SANG at NWB to be c. 20ha. in area. We consider that this requirement is not justified by the actual visitor evidence or, as critically, what would be justified by the development within the SMP area. In this respect, it is noted that the calculation of the area for SANG has been introduced without EFDC setting out the background to that calculation for NWB.

If it is accepted that the 8ha per 1,000 population is appropriate, the calculated area of 20 ha. for the NWB SMP area, as set out at Page 134 of EB159E is fundamentally flawed. It assumes that the entire population arising from the SMP area is within the Zol.

As will be noted from the WYG plans at Appendix 1 to the DJA assessment, the SMP area is nearly 6km from the SAC and, as a result, only 23% of the area (4.178 ha) falls within the Zol, at the south western corner. This is illustrated on the ToR Plan at Appendix 1 to these representations and Figure 1 of the DJA assessment. The plan shows that the majority of the residential areas within the NWB SMP area are actually located beyond the 6.2km Zol.

This then translates to an actual requirement of 2.86 ha based on the figures set out in the DJA assessment at 3.17 and reproduced below (using the assumed standard of 8 hectares of SANG per 1,000 population referred to above):

- a)  $4.178 \text{ ha of residential land} \times 36 \text{ dwellings per hectare} = 150.408 \text{ dwellings within the Zone of Influence}$
- b)  $150.408 \text{ dwellings} \times 2.34 \text{ average person per dwellings} = 351.95 \text{ population within the Zone of Influence}$
- c)  $351.95 \text{ population} / 1,000 \text{ persons} = 0.3520$
- d)  $0.3520 \times 8 \text{ hectares} = 2.816\text{ha SANG requirement to mitigate for residential development within the Zone of Influence}$

Against this background, whilst, as indicated above, there is no objection in principle to the provision of SANG as a requirement for Policy P6, the quantum of area set out GB 159E is not justified by the evidence and, by our detailed assessment, it is actually considerably less.

#### Location of SANG

As indicated above, New part (v) to Policy P6 provides for the SANG to be located between the two Masterplan Areas. This is illustrated at page 126 of ED124E/EB159E.

Given that the actual quantum of area is considered substantially less than that indicated at page 125 of the document, this requirement is also not justified. Moreover, as part of the work being undertaken on the SMP, the area that is available and deliverable for a required SANG, as well as being able to provide an increased area of 4.81ha (greater than 2.816 ha based on our calculation) is all available within the SMP area.

This is shown at the ToR Plan at Appendix 1. The area shown is based on a credible and justified assessment with an increased area to the minimum 2.816 ha requirement that would ensure “future proofing.” It is based on a proper assessment of development constraints, developable area and opportunities for the formation of open space, with linkages to Public Rights of Way and other open areas as summarised the Plan.

#### New Part (x)

New part (x) requires the *strengthening of the existing field boundary along the western edge of the Strategic Masterplan Area to form the defensible boundary to the Green Belt.*

This is considered to be unnecessary and unjustified. The western boundary of the NWB SMP area comprises open farmland with a riparian river corridor comprising existing trees and hedges. These already form the defensible boundary required. Any additional planting that is necessary can be dealt with as part of the SMP/planning application process and is, in any event, a specific requirement for assessment of landscape as part of development proposals and Policy DM3 of the SVLP.

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.

Having regard to the issues raised in this representation, the following changes are suggested:

Part K

The reference to *prior to the determination of any planning applications* should be removed.

New Part After v):

The requirement for a Suitable Alternative Natural Greenspace is agreed but reference to it being provided between the two Masterplan Areas should be removed.

New Part X

The requirement should be removed.

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

☒ Yes ☐ No

Appendix 1 – Terence O'Rourke – Zone of Influence Plan

Appendix 2 – David Jarvis Associates – Assessment – Provision of SANG for NWB

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Signature:



Date

23/09/2021