

**Epping Forest District  
Council  
Examination**

**Hearing Statement  
Matter 7**

**Rachel Bryan  
On Behalf of  
Mr Martin Eldred  
19LAD0034**

**Sworders  
January 2019**



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## 1.0 INTRODUCTION

- 1.1 This hearing statement considers Matter 7 – Place-Shaping and General Masterplan Approach, specifically Issue 1, question 2 and Issue 2 question 1.
- 1.2 It is submitted on behalf of Mr Martin Eldred, landowner of sites NWB.R1 and NWB.T1 (19LAD0034).
- 1.3 This Hearing Statement supplements Regulation 19 representations made on behalf of Mr Eldred in January 2018 and considers the Inspector’s Matters, Issues and Questions in relation to Week 1 Matter 7 of the Epping Forest Local Plan Examination.
- 1.4 **I confirm I wish to attend the hearing.**

## 2.0 ISSUE 1: IS THE APPLICATION OF POLICY SP3 TO ALL ALLOCATED SITES JUSTIFIED; AND IS IT OTHERWISE EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY?

- 2.1 In response to **Question 2**; we support the Council’s approach to place shaping but consider Policy SP3, as drafted, to be unclear and inconsistent with paragraph 154 of the National Planning Policy Framework (NPPF).
- 2.2 As drafted, Policy SP3 relates to the preparation of Strategic Masterplans *and* development proposals so will apply to all sites, irrespective of whether they are within or without a Strategic Masterplan area, whether they are allocated or are windfall sites or indeed whether they are for new residential development or any other type of development.
- 2.3 The term “development proposals” to which the policy refers, would include applications for other types of use (for example commercial, leisure, town centre, education, community etc), changes of use, domestic extensions and other minor development.
- 2.4 We believe that it is not the Council’s intention for this policy to apply to these types of applications so believe this is a matter of clarity; as drafted it is contrary to paragraph 154 of the NPPF.



- 2.5 We suggest the policy be amended to make the intended application of this policy clear.
- 2.6 Furthermore, on the assumption that Policy SP3 is not intended to apply to non-residential or minor development, clarity is required regarding which strategic sites/the scale of site to which it applies.
- 2.7 Policy SP5 requires development proposals for the Garden Town Communities to reflect and demonstrate that the Place Shaping and Garden Town principles set out in Policies SP3 and SP4 (which set out specific design principles for the Garden Communities) have been adhered to. The place specific Policy P6 for North Weald Basset (NWB), however, does not refer back to Policy SP3, it simply states that development proposals must comply with “a” Strategic Masterplan which has been formally endorsed.
- 2.8 It is therefore not clear whether the intention is for SP3 to apply to only the Garden Communities, or the other site allocations.
- 2.9 A report to Cabinet on 18<sup>th</sup> October 2018 considered governance arrangements for the Local Plan implementation and the minimum requirements for the preparation of Strategic Masterplans and Concept Frameworks in the District set out in the report (and attached guidance notes).
- 2.10 This states that Policy SP 3 of the Local Plan Submission Version 2017 sets out the place shaping principles against which the Strategic Masterplans and Concept Frameworks must conform.
- 2.11 It therefore appears that the intention is for Policy SP3 to apply to the preparation of all Strategic Masterplans. Firstly, we would welcome clarification in the Policy itself and secondly, we have concerns regarding the specific drafting and consider it to be overly prescriptive and inflexible.
- 2.12 Particularly in the context of the NWB Strategic Masterplan Area, we consider that the requirements are disproportionate in the context of the scale of the site; the policy should be clear that not all of the provisions can be satisfied by all sites.
- 2.13 For example, the NWB Strategic Masterplan Area cannot satisfy requirement (iv) since it is a residential led allocation with employment being allocated in the separate North



Weald Airfield Masterplan Area. Similarly, the North Weald Airfield Masterplan Area cannot satisfy requirements (iii), (v), (ix) or Part I as no residential development is proposed.

- 2.14 The supporting text at paragraph 2.92 states that *“the precise nature and detail of each Strategic Masterplan will vary depending upon the context, including the complexity of allocated sites, scale of development proposed, constraints and infrastructure requirements”*, however, this is not reflected in the policy.
- 2.15 Policy SP3 should be amended to include this provision.
- 2.16 The requirement that Strategic Masterplans *“must reflect and demonstrate”* lacks flexibility. Whilst the inclusion of the words *“with respect to the scale of development”* are welcomed, we consider the policy needs to go further.
- 2.17 The words *“must reflect and demonstrate”* should be replaced with *“should, where possible, reflect the following place shaping principles...”*
- 2.18 Finally, we have concerns over the use of the phrase *“must comply with”* in Part K of Policy P6, relating specifically to the NWB Strategic Masterplan Area, as it is deemed to be overly prescriptive. As a matter of principle, non-statutory planning documents such as Strategic Masterplans, which have not been tested through the Examination process, should not be used to set policies or determine development proposals in the way that Part K of the policy requires

### **3.0 ISSUE 2: ARE THE PLAN’S REQUIREMENTS FOR MASTER-PLANNING (AS EXPLAINED IN PARAGRAPHS 2.89-2.102 AND SET OUT IN POLICIES SP4, SP5 AND CERTAIN PLACE POLICIES) JUSTIFIED; AND WILL THEY BE EFFECTIVE IN SECURING THE TIMELY DELIVERY OF COMPREHENSIVELY PLANNED SCHEMES?**

- 3.1 In response to **Question 1**; whilst we broadly agree with the approach to place shaping through the Masterplan process, we consider the specific process and policy requirements to be disproportionate and could be a barrier to timely delivery of sites.



- 3.2 Specifically in relation to the North Weald Basset (NWB) Masterplan Area, the landowners consultant team has been working pro-actively and collaboratively with the Council, Neighbourhood Plan Steering Group and other landowners and undertaken a significant amount of background studies to establish the baseline and begin the masterplan process for the combined sites.
- 3.3 Although clearly achievable, we do not consider the detail of Policy SP3 and the Strategic Masterplan requirement as set out in Policy P6 to be necessary; the same place shaping aims could be achieved with a less prescriptive process.
- 3.4 Specifically, the supporting text at paragraph 2.95 requires planning applications to be in *“general conformity”* with a Strategic Masterplan which has been *“formally endorsed by the Council”*. In contrast, Policy P6 states that applications *“must comply”* with a Strategic Masterplan which implies that no planning applications can be submitted/determined until after endorsement.
- 3.5 This requirement for compliance is inflexible and could delay delivery of sites where circumstances change or a Masterplan is absent, for whatever reason. We suggest the wording of Policy P6 be amended to require applications to be in *“general conformity with”* or *“have regard to”* Strategic Masterplans.
- 3.6 Whilst not reflected in Policies SP3 or P6, Paragraph 2.96 suggests that being *“formally endorsed by the Council”* equates to a Strategic Masterplan being adopted as a Supplementary Planning Document (SPD). Furthermore, the report to Cabinet on 18<sup>th</sup> October 2018 referred to above, states that the Strategic Masterplans will be endorsed as material planning considerations against which future planning applications will be assessed, and potentially adopted as SPDs.
- 3.7 We consider this requirement to be overly burdensome, unjustified and likely to hinder site delivery.
- 3.8 The process for SPD adoption is time consuming and onerous; the NPPF is clear at paragraph 153 that SPDs should only be used where they can help successful applications or aid infrastructure delivery and specifically warns against adding unnecessarily to the financial burdens on development



- 3.9 A second process of Design Codes is required by Policy DM9, which are to be produced and agreed with the Council to support the implementation of the Strategic Masterplans.
- 3.10 The Strategic Masterplan, Design Codes and planning applications are also required by Policy DM9 to be reviewed by the Council's Quality Review Panel
- 3.11 These requirements will add further layers of preparation and endorsement prior to the submission/determination of a planning application which will impact upon delivery timescales.
- 3.12 Instead, the same principles of place shaping as set out at Policy SP3 could be achieved with a simple endorsement process for a Strategic Masterplan which would then become a material consideration for any planning application within the Masterplan Area. Design Codes would more appropriately form part of the requirement for an outline planning application process. This would be a more proportionate approach which would enable more efficient and timely delivery of the allocated sites.
- 3.13 Policy P6 is further inflexible in that it does not contain provisions to enable development to come forward in a scenario where landowners do not agree, or the Council do not endorse the Strategic Masterplan.
- 3.14 Whilst in the case of the NWB Strategic Masterplan, landowners are already working collaboratively and the Masterplan process has commenced, this may not be the case in other Masterplan Areas so such a "fallback" is necessary to ensure that the policy is flexible and deliverable in accordance with the NPPF (paragraphs 153 and 182).
- 3.15 As currently drafted, failure to agree could risk timely delivery of sites, however, this matter is easily resolved with a policy amendment to allow for such a scenario.
- 3.16 We suggest that the amendment should allow for planning applications to comply with the requirements set out in Part L of Policy P6 to address the place shaping principles as defined in Policy SP3, as appropriate to the scale of development proposed. The scale of site NWB.R1 is such that it can be delivered in isolation with matters of commonality dealt with through collaboration with other landowners in the Masterplan Area.



## 4.0 SUMMARY

4.1 This hearing statement is made on behalf of Mr Martin Eldred, who supports the allocation of site NWB.R1. Specifically;

- The Council's approach to place shaping is acknowledged but the application of Policy SP3 requires greater clarity and the specific requirements are overly prescriptive and inflexible.
- The Council's approach to Masterplanning is supported, however, the specific process and policy requirements are disproportionate and could be a barrier to timely delivery of sites.