



Epping Forest Local Plan

Examination Hearing Statement

Matter 7 – Place-Shaping & General Masterplan Approach

Prepared by Strutt & Parker on behalf of Scott Properties (Stakeholder ID 19LAD0086)

January 2019

Context

1. This Hearing Statement is prepared by Strutt & Parker on behalf of M Scott Properties Ltd (Stakeholder ID 19LAD0086) hereon referred to as 'Scott Properties', who have engaged in the preparation of the Emerging Local Plan (eLP) throughout the plan-making process.
2. Scott Properties' specific interest is in land at Chigwell Garden Centre, Chigwell, which is proposed to be allocated (CHIG.R5) in the Local Plan Submission Version (Regulation 19) (the LPSV) for 65 homes.
3. The site has been assessed by Epping Forest District Council (EFDC) in the plan-making process as site references:
 - a. SR-0478B (the CHIG.R5 allocation comprising 1.66ha);
 - b. SR-0478A (7.49ha);
 - c. SR-0586 (5.46ha)
4. CHIG.R5 forms part of the area proposed for allocation with the LPSV by Scott Properties (SR-0586). As per our representations on the LPSV (reference 19LAD0086-1 – 6), the principle of the allocation of land for development at this location is sound; but the extent of the site boundary is not. The LPSV has artificially divided the built form found on the site; by taking this approach the Local Authority has failed in its sequential approach to prioritising the redevelopment of previously development land, prior to developing green field sites.
5. An amendment to CHIG.R5 on this basis has been the subject of discussions with EFDC (see correspondence in Appendix 1) and is supported by a Landscape Note and Plan included within Appendix 1. The requested amendment would prevent the part of Chigwell Garden Centre artificially excluded from CHIG.R5 from going into disrepair as a result of development of the remainder of the site. This amendment also seeks to maximise the redevelopment of existing built form.

6. In addition, our principle concern with the LPSV is its failure to ensure the District's specialist accommodation needs are met, given the acute unmet need in the District. This is demonstrated the attached Needs Assessment (Appendix 2).
7. As set out within our LPSV representations, we consider that modifications can be made to the LPSV to ensure a sound Local Plan.
8. This Hearing Statement addresses Matter 7, Issue 1 and Issue 2 of the Local Plan Examination. We have sought not to repeat points made in our LPSV representation, but do expand upon these here where relevant.
9. Three appendices accompany this Hearing Statement:
 - Appendix 1: Letter and appendices to EFDC 21 January 2019 regarding CHIG.R5 Site Assessment
 - Appendix 2: Needs Assessment – Carterwood
 - Appendix 3: EFDC Draft Housing Trajectory (12-12-18)
10. The LPSV was submitted for examination before 24 January 2019 – the deadline in the 2018 National Planning Policy Framework (NPPF) transitional arrangements for Local Plans to be examined under the 2012 NPPF. As such, these representations are made within the context of the 2012 NPPF; and references to the NPPF refer to the 2012 version, unless stated otherwise.

Issue 1

**Is the application of Policy SP3 to all allocated sites justified;
and is it otherwise effective and consistent with national policy?**

Question 2

Is this policy intended to apply to all allocated sites regardless of size? If so, should it be explained that not all will be expected, or able, to comply with all of the criteria? Should the policy also apply to windfall sites?

11. Policy SP3 is evidently unclear as to whether it is intended to apply to all allocated sites. This in itself renders it unsound – the NPPF makes clear at paragraph 154 that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
12. The preceding paragraphs to proposed Policy SP3 (paras 2.82 – 2.88) very much suggest that the policy is only applicable to the Masterplan Areas and Garden Communities, but the policy itself fails to confirm this.
13. As presently worded, SP3 could be applied inconsistently to all applications over 50 dwellings with no certainty for the applicant as to which matters may apply. The requirements for a site are better expressed in the individual policies relating to each allocation in the LPSV.
14. Modifications are required to ensure that Policy SP3 does provide a clear indication to decision-makers as to how to react to a proposal and should confirm that the policy only applies to the Masterplan Areas and Garden Communities proposed through Policy SP4 and Policy SP5 of the LPSV.
15. If the requirements of SP3 were to apply to all allocated sites, this would clearly be unjustified, ineffective and contrary to national policy. Details of our concerns in respect of such approach are set out within our LPSV representations (ref xxx) at

paragraphs 54 to 58. We do not repeat these here, but stress that these concerns have yet to be addressed by EFDC through the plan-making process, and remain relevant to the LPSV being examined.

Question 3

Are the densities required by Part I(ii) and (iii) justified having regard to the likely effect upon the character of the relevant areas? Is it clear to which areas of the District Part I(iii) and (iv) relate? Are “areas outside town and large village centres” in Part I(iii) different to “other areas of the District” in Part I(iv)?

16. Policy SP3 Part I (ii) and (iii) are vague in their definition and potentially incompatible with the requirements set out for each allocation site within Chapter 5 of the LPSV – *Places* and DM 9 – *High Quality Design*, as set out in para.60-69 of our representations.
17. Scott Properties support the efficient use of land, especially in locations that are close to key transport nodes, such as the Central Line underground stations. However, Policy SP3 is too prescriptive. Epping District contains a large number of towns and villages with differing characters and scales. To impose a fixed density on all locations that meet the definition in SP3 may not enhance the character of those settlements. A more refined approach should be taken to ensure Policy SP3 can be applied to settlements with due regard to the character of the settlement.
18. Policy SP3 Part I does not define the areas that would be considered to constitute ‘along main transport routes’ or ‘close to transport nodes’. A definition would be helpful and without it, this is ambiguous to an applicant with the potential for inconsistent determination of applications.
19. There is no definition for ‘outside town and large village centres’ unless this is taken to refer to all locations across the district that provide residential development. However, we consider that such a policy would have no regard to settlement character and that in some circumstances 50dph will be excessive and would not reflect the housing needs of that particular area.

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?

Question 1

Are the Plan’s requirements for Strategic Masterplans, Concept Frameworks, Design Codes and Panel Review necessary and proportionate having regard to the resources available to developers and the Council alike? In particular:

- a. Are the thresholds for requiring proposals to be informed by Panel Review of 50+ dwellings/5,000m commercial floorspace justified by the expected benefits?*
20. Within proposed Policy DM9, the LPSV states that the Council will “require” the use of the “established Quality Review Panel” for “larger contentious sites”. Separately, at paragraph 2.101, the LPSV states that the Council will “generally expect” schemes of more than 50 homes or 5,000 sq metres of commercial/other floorspace to be informed by Quality Review Panel.
21. As set out within our LPSV representations (ref xxx paragraphs 59 to 63), the requirement / expectation for all schemes of more than 50 dwellings to be informed by Quality Review Panel is not sound. As explained within our representations, the approach proposed in this respect is neither justified nor consistent with national policy. Whilst such a requirement could be considered appropriate for large strategic growth locations comprising land under multiple ownerships (such as Garden Communities) the application to all sites of over 50 dwellings would be grossly disproportionate.

22. Furthermore, if the requirement is applied to all site of 50 or more dwellings, this would introduce an entirely unnecessary tier into the planning application process, and one which could potentially result in substantial delays to the delivery of allocated sites. The Council's latest draft housing trajectory (provided as Appendix 3) which accompanies the draft Housing Implementation Strategy (2018) identifies 25 sites with a capacity of 50 or more homes which are projected to contribute towards meeting the District's acute housing need. Subjecting these sites to further, burdensome requirements before they can be delivered risks having a substantial adverse impact on housing delivery within a District where there is already an acute shortage of homes.
- b. Could the requirement for Strategic Masterplans to be adopted by the Council as Supplementary Planning Documents before planning applications can be determined delay the delivery of large sites (see paragraph 2.96)?*
23. As with the proposed requirement for the involvement of a Quality Review Panel in all proposals for 50 or more homes, the requirement for Strategic Masterplans to be adopted by the Council as Supplementary Planning Documents before planning applications can be determined would inevitably result in delays in bringing forward sites. It should be recognised that the preparation of a Supplementary Planning Document can take considerable time – often years.
24. Of further concern is that there is no mechanism for appeal against a Council's decision not to adopt a Supplementary Planning Document. The planning process for Strategic Masterplans set out at Figure 2.1 of the LPSV does not explain what would happen in the event the Council were to reject a proposed Supplementary Planning Document.
25. The requirement for Strategic Masterplans to be adopted as Supplementary Planning Documents, and the resultant risk of delay to housing delivery this would give rise to, means that the LPSV is not effective without modifications deleting such a requirement.

26. EFDC's rationale for seeking to require Strategic Masterplans to be adopted as Supplementary Planning Documents is far from clear, and there is no indication as to what benefits taking Strategic Masterplans through such a process would engender, which would otherwise not be achieved through normal planning application processes. The requirement is not justified.
27. Paragraph 153 of the NPPF is clear that Supplementary Planning Documents should *only* be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. The requirement for Strategic Masterplans to be adopted as Supplementary Planning Document proposed by the LPSV would have the opposite effect. It is therefore clearly contrary to national policy.
28. In summary, the requirement is neither justified, effective, or consistent with national policy.