



Epping Forest Local Plan

Examination Hearing Statement

Matter 4 – The Spatial Strategy/Distribution of Development

Prepared by Strutt & Parker on behalf of Countryside Properties (19LAD0095)

January 2019

Context

1. Strutt & Parker have participated in the plan-making process on behalf of Countryside Properties (Local Plan Examination Stakeholder ID 19LAD0095) throughout the preparation of the Epping Forest Local Plan, and in relation to land at North Weald Bassett. This has included representations on the Local Plan Submission Version (LPSV) (Regulation 19) consultation (Representation ID 19LAD0095-1 and 19LAD0095-27).
2. Countryside Properties have the principal land interests in relation to the North Weald Bassett residential site-specific allocations at NWB.R1 to R.5. They have control of NWB.R3, land south of Vicarage Lane, which is proposed for allocation for approximately 728 homes, the largest of the 5 allocations at North Weald Bassett.
3. As per our LPSV representations, Countryside Properties' overall position is one of firm support for the LPSV, albeit with some overarching concerns regarding matters of detail and soundness.
4. As such, we consider, that subject to some relatively modest modifications to the LPSV, the Local Plan can be made sound.
5. This Hearing Statement is made in respect of the Epping Forest Local Plan Examination Matter 4 – The Spatial Strategy/Distribution of Development, and addresses Issues 2, 3, 4 and 5.
6. We have sought to avoid repeating matters within this Hearing Statement which were raised within our representations on the LPSV.
7. 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.

8. The following appendices accompany this Hearing Statement:
- Appendix A: Epping Forest District Council Housing Implementation Strategy Update: Discussion Paper.
 - Appendix B: Supporting Note by David Jarvis Associates.
 - Appendix C: Plan showing extent of Flood Zone 2/3 at NWBMA.

Issue 2

Beyond the Harlow area, is the distribution of development in the Plan justified having regard to the defined settlement hierarchy?

Question 2 – Settlement hierarchy

9. The settlement hierarchy has been informed by an objective assessment of settlement characteristics reported in the Settlement Hierarchy Technical Paper (September 2015) (EB1007).
10. The settlement hierarchy is a tool which has been used to help inform the distribution of housing through the LPSV, but importantly it is only one of a number of considerations and evidence studies which have informed proposals.
11. We consider that if the Local Plan strategy were to be based on an overly prescriptive approach linked to the settlement hierarchy, this would result in an overly simplistic approach. It would fail to direct development to the most sustainable locations, fail to take account of physical, environmental, practical and other constraints that EFDC have taken into account in identifying the growth locations. Furthermore, a simplistic approach following the settlement hierarchy would fail to account for potential opportunities to enhance service and facilities provision, and could result in more suitable and sustainable opportunities being overlooked – i.e. it would be neither justified nor consistent with national policy. It is entirely appropriate that the Local Plan strategy for the distribution is not solely based on settlement hierarchy without accounting for other considerations.

Question 4 – North Weald Bassett

12. In response to this question, we suggest that it is important, firstly, to recognise the scale of housing need within Epping Forest District.
13. The LPSV acknowledges it proposes a strategy which does not meet housing needs in full. Furthermore, we are aware of representations at the Regulation 19 stage which argue that the extent of the shortfall is greater than reported in the LPSV. In addition, whilst the Standard Method is not expressly applicable to this Local Plan Examination (as per the NPPF 2018 transitional arrangements) it cannot be ignored that if the District's housing need were being calculated using the standard method as set out in the current Planning Practice Guidance, it would be considerably greater than that proposed by the LPSV.
14. Through the plan-making process, EFDC has considered a number of potential development sites to determine their potential to help address the District's housing needs. Such sites include those adjoining North Weald Bassett.
15. As noted in our response to Question 2, in determining how to distribute housing need, a Local Plan should not slavishly adhere to a settlement hierarchy. It is important that other factors are taken into account, including local constraints and opportunities, transport opportunities, inter-relationships between particular settlements. It follows that a settlement may be suitable to accommodate more growth than another positioned higher, or at the same level, within the settlement hierarchy. In respect of North Weald Bassett, the settlement benefits from the presence of North Weald Bassett Airfield, which not only provides existing employment opportunities but has been identified for further significant additional employment development (as recognised by the LPSV, and supported by proposed Policy P6 and allocation NWB.E4). In addition, North Weald Bassett is an established community with a village centre which serves existing residents as well as the wider area. It also benefits from public transport opportunities.
16. Through the iterative plan-making process, sites have been assessed and the potential for a strategic growth location for North Weald Bassett has been explored

and appraised. Relevant assessment work has included assessment of the suitability, achievability and availability for residential development of potential sites within this location (through Strategic Land Availability Assessment (EB800) and Site Selection Report (EB805)); alongside the appraisal of this strategic growth option through SA/SEA and HRA; Green Belt Assessment, and Settlement Edge Landscape Sensitivity Study (EB712) The approach is further supported by the findings of the North Weald Bassett Masterplanning Study (EB1003A). This is discussed in further detail within our LPSV representations, paragraphs 5.1 to 5.10.

17. The LPSV has been assessed as a whole, including through SA/SEA, review of Green Belt, Settlement Edge Landscape Sensitivity Study. There is nothing to suggest that the level of growth proposed at North Weald Bassett would give rise to concerns when considered in combination with that proposed for surrounding settlements.
18. It should be recognised that whilst Thornwood and Hastingwood are located within the same Parish as North Weald Bassett, other than this relationship in relation to administrative geography, they are very much functionally separate from one another and are distinct, established communities in their own right.
19. There is clear and robust evidence which supports the LPSV's proposed approach to growth in North Weald Bassett. The proposed level of growth of North Weald Bassett is therefore justified.
20. In terms of whether it is justified for North Weald Bassett to accommodate more dwellings than proposed at Loughton, Waltham Abbey or Ongar, we suggest that a key consideration is the availability of sustainable, deliverable sites which can facilitate the growth of these settlements.
21. We consider that Loughton, Waltham Abbey, Ongar and North Weald Bassett are all sustainable locations for growth.
22. Returning to the extent of the District's housing need, we are mindful that the LPSV fails to meet development need; and that the reason put forward by the

Council as to why it cannot meet needs in full is the lack of sites which have been identified as being available, achievable and suitable for development (please see paragraph 20 – 22 of the Epping Forest District Council Housing Implementation Strategy Update: Discussion Paper, 12 December 2018 provided as **Appendix A**).

23. The NWBMA is of clear strategic importance to the delivery of homes to meet need. We consider that if additional sites were to be identified through the Local Plan Examination which could support greater growth of Loughton, Waltham Abbey or Ongar, modifications should be made to the Local Plan to include their allocation, in addition to the growth proposed at North Weald Bassett in order to reduce the severity of the housing shortfall.
24. However, if there are no additional sustainable and deliverable in or around Loughton, Waltham Abbey and Ongar beyond those proposed in the LPSV, it would not be sound for the LPSV to propose greater growth for these settlements. In the event such sites cannot be identified, we consider that it would be totally illogical to delete proposed allocations in other locations – sites identified as sustainable and deliverable - simply in order to ensure growth is aligned with the settlement hierarchy. Such an approach would merely further exacerbate the District's housing shortage, contrary to national policy; and would be entirely unjustified.
25. The level of growth proposed for North Weald Bassett has been confirmed as sustainable and deliverable through the plan-making process, and would not be rendered otherwise by the availability or lack thereof of deliverable sites elsewhere.

Issue 3

Is the distribution of employment land in the Plan justified in light of the distribution of housing?

Question 1

26. Whilst it is the case that significant housing growth is proposed around Harlow in the form of proposed Garden Communities, such residential development will be accompanied by substantial employment development, as proposed through Policy SP4. Indeed, the Government considers the provision of good employment opportunities is a key element of a garden community.¹
27. We note that within Harlow District Council's (HDC) representations, inaccessibility of proposed employment growth from public transport, walking and cycling opportunities were cited as concerns. We wish to stress that, in addition to significant employment growth being directed to North Weald Bassett, the LPSV also proposes housing growth within this location. The provision of housing within a location well-related to employment growth maximises opportunities to encourage sustainable travel to work patterns. As part of masterplan proposals for development at North Weald Bassett, sustainable transport links would be expected to be provided between employment land and new housing.
28. We also wish to note that whilst Harlow is an area in which there will be considerable growth, it would not be appropriate for the Local Plan to overlook the needs of other settlements and their established communities. It would not be appropriate to direct all of the employment growth to this one settlement.

¹ MHCLG (2018) Garden Communities

Issue 4

Is the distribution of development justified in respect of the need for, and approach to, Green Belt release?

Question 1 – Green Belt and housing distribution

29. Green Belt is one of the constraints identified in the NPPF 2012 which suggest development should be restricted. However, the NPPF does not preclude the loss of Green Belt land through the Local Plan process. On the contrary, the NPPF makes clear (at paragraph 83) that the preparation of a Local Plan is the appropriate (indeed, only) vehicle through which changes to the Green Belt boundary should be made.
30. The NPPF states that Green Belt boundaries should only be altered in exceptional circumstances. It does not define what constitutes ‘exceptional circumstances’ but the judgment in *Calverton Parish Council v Nottingham City Council & ors.* [2015] EWHC 1078 (Admin) suggests (see paragraph 51 of the judgement) the following matters should be considered:
- (i) the scale of the objectively assessed need;
 - (ii) constraints on supply/availability of land with the potential to accommodate sustainable development;
 - (iii) difficulties in achieving sustainable development without impinging on the Green Belt;
 - (iv) the nature and extent of the harm to the Green Belt; and
 - (v) the extent to which impacts on the purposes of the Green Belt may be mitigated as far as practicable.
31. There is evidently an acute housing shortage within the District. The Local Plan evidence base has clearly demonstrated that housing needs cannot be met

without review of the Green Belt boundary (with 92% of the District allocated as Green Belt in the current Development Plan) and the allocation for housing development of some land currently allocated as Green Belt in the current, but out-of-date, Development Plan. As such, in consideration of the first, second and third points of the above, point towards there being exceptional circumstances.

32. In respect of the fourth and fifth matters, these will be dependent on specific sites, allocations and proposals. We appreciate these will be considered as part of other Matters, but in short and focusing on North Weald Bassett in particular, the Green Belt Assessment: Phase 2 (reference EB705A) assessment of Parcel 010.2 (which includes the MWBMA) found that it only makes a moderate contribution to two of the purposes of the Green Belt, and no contribution to the remaining two purposes assessed. Of the ten parcels assessed around North Weald Bassett, Parcel 010.2 was identified as one of the most suitable for development, from a Green Belt perspective.
33. Having regard to all of the above, it is considered that there are exceptional circumstances that justify alterations to the Green Belt in Epping Forest District; and that the removal of the Green Belt from the area in which the MWBMA is proposed is also justified.

Question 2 – Green Belt boundary changes

34. As noted in our response to Matter 4, Issue 4, Question 1, changes to the Green Belt boundary at North Weald Bassett have been informed by a the Local Plan evidence base, including Green Belt Assessment: Phase 2 (EB705A). This included specific assessment of the Green Belt land in which the NWBMA is located, and its contribution to the purposes of the Green Belt. EFDC's approach to Green Belt assessment has been reviewed by David Jarvis Associates, who have considerable experience in relation to these, and consider the approach taken by EFDC in the review of the Green Belt is consistent with those undertaken elsewhere (as confirmed within the note provided at **Appendix B**).

35. It is clear that Green Belt impact was not the only consideration in the decision to propose allocation of the NWBMA. The Site Selection Report 2018 (EB805) considered a range of criteria in determining whether sites were suitable, available and achievable for residential development, as set out within Site Selection Report Appendix 1.4.2 (EB805F). Site Selection Report Appendix B1.6.6 (EB805P) summarises the reasons for the selection of the sites which form the NWBMA.
36. In respect of the NWBMA, its allocation is supported by aspects of the evidence base which specifically considered Green Belt; as well as aspects that considered wider sustainability and deliverability issues.
37. The note provided as Appendix B highlights the key elements of the evidence base which justify the approach taken through the LPSV in respect of changes to the Green Belt boundary around North Weald Bassett.

Question 3 - Scale of Green Belt release proposed at NWB

38. As set out elsewhere within this Hearing Statement, we consider the scale of growth proposed for North Weald Bassett is justified, having been robustly evidenced as being sustainable and deliverable through the plan-making process. As with any growth location within Epping Forest District, the growth of North Weald Bassett will necessitate alterations to the Green Belt.
39. We consider that the key consideration as to whether the scale of Green belt release in respect of North Weald Bassett is justified, is the impact of such scale of release on the strategic purposes of the Green Belt.
40. As highlighted in our response to Question 1, the proposed alterations to the Green Belt around North Weald Bassett have been informed by the Green Belt Assessment: Phase 2 (EB705A), which appraised the parcel of land in which NWBMA is located, and found it only made limited contribution to the purposes of the GB.

Issue 5

Is the distribution of development justified in respect of the approach to flood risk; and to protecting water quality?

Question 2 – Flood Zones 2/3 within NWB.R3

41. The extent of proposed allocation NWB.R3 within Flood Zone 2/3 is de minimus, comprising a very small element of the site within the south-west corner (as shown on the plan provided as **Appendix C**).
42. The NPPF (paragraph 101) confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The PPG² confirms that the Sequential Test is passed, and application of the Exceptions Test is not required, in the event development can be accommodated within Flood Zone 1.
43. All residential development - and other uses which are not water-compatible which are proposed for the NWBMA – can readily be accommodated on land entirely within Flood Zone 1. It is envisaged that the small, peripheral area of the site which is within Flood Zone 2/3 will be retained as greenfield, potentially used for open space and forming part of landscaping proposals. As such, any uses within Flood Zone 2/3 would be water-compatible as per PPG³. Proposed Policy P6 Part J of LPSV provides policy which will ensure this is the case, requiring all residential development to be delivered through Policy P6 (including NWB.R3) to be located within Flood Zone 1. We note that the Environment Agency – the competent authority in respect of tidal and fluvial flood risk – confirm that the proposed policy adequately addresses this issue within their LPSV representations (19STAT0036).

² 021 Reference ID: 7-021-20140306, Diagram 2.

³ 066 Reference ID: 7-066-20140306

44. Policy P6 J requires all residential development to be located within Flood Zone 1). As such, the Sequential Test is passed and, as per the PPG⁴, the Exceptions Test is not required to be applied.

⁴ 021 Reference ID: 7-021-20140306, Diagram 2.