

EPPING FOREST DISTRICT COUNCIL

EXAMINATION

**HEARING STATEMENT
MATTER 7**

FRANCESCA HILL

ON BEHALF OF

**MR AND MRS DEREK SCOFIELD
AND
MRS MURIEL MARSHALL
(REF: 19LAD0103)**



CONTENTS:

- 1.0 INTRODUCTION**

- 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?**

- 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?**

- 4.0 SUMMARY**



1.0 INTRODUCTION

1.1 This hearing statement considers Matter 7 – Place-Shaping and General Masterplan Approach, specifically Issue 1 Question 1 and Issue 2 Question 1.

1.2 This Hearing Statement supplements Regulation 19 representations made on behalf of Mr and Mrs Scofield and Mrs Marshall 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.

1.3 **I confirm I wish to attend the hearing.**

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

1. 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?

2.1 Policy SP3, by including “*development proposals*” will apply to all sites, irrespective of their size and the form of development proposed and does not make it clear that not all the provisions can be satisfied for all sites. For example, the Water Lane Strategic masterplan Area cannot or indeed should not satisfy requirement (iv) as it is a residential led allocation with no requirements for employment to be allocated as outlined in Policy SP5.

2.2 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 Policy SP3. The requirement that Strategic Masterplans “*must*



reflect and demonstrate” lacks flexibility and should be amended to reflect Paragraph 2.92.

3.0 **ISSUE 2: ARE THE PLAN’S REQUIREMENTS FOR MASTER-PLANNING (AS EXPLAINED IN PARAGRAPHS 2.89-2102 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?**

- 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?**
 - b) Could the requirement for Strategic Masterplans be adopted by the Council as Supplementary Planning Documents before planning applications can be adopted delay the delivery of large sites (see paragraph 2.96)**
 - c) What is the intended status of the Concept Frameworks required by the Plan? How will they be formally endorsed by the Council?**
 - d) What would happen in case where landowners within Strategic Masterplan and Concept Framework areas cannot agree? Does this present a risk to the timely delivery of development?**

3.1 We support the approach to developing and delivering the garden communities in the Harlow and Gilston Garden Town through the Masterplan process, and Mr and Mrs Scofield and Mrs Marshall, as confirmed in their Regulation 19 representations, confirm that they are willing to work with the Council and other landowners to deliver this.



- 3.2 Although the policy requirements and planning process as set out could be achieved, we consider, that they are disproportionate and could be a barrier to timely delivery and do not justify the expected benefits. The same place shaping aims could be achieved via a less prescriptive process.
- 3.3 The Plan, as currently worded, requires a strategic masterplan to be formally endorsed by the Council as an SPD and the production of a Design Code to be agreed with the Council to support the implementation of the Strategic Masterplan either before or in tandem with the submission of an outline planning application submission. All three stages are required to be reviewed by the Council's Quality Review panel as are any following reserved matters applications which will add further layers of preparation and endorsement prior to the submission and/ or determination of planning applications. This will impact upon delivery timescales.
- 3.4 It would be more appropriate if Design Codes were prepared by applicants and formed part of the requirements for the submission of an outline planning application, enabling the Council and its Quality Review Panel to consider its suitability in conjunction with the other technical information submitted to support the planning application. This would enable the proposed development to be assessed holistically, taking into account any physical constraints, as well as being more efficient and allowing sites within the strategic masterplan area to come forward independently, whilst still ensuring that infrastructure agreed in the Masterplan are still provided. This is particularly appropriate in the Water Lane Area which has three distinct areas which are physically separated and have distinct characteristics that will inform the design code.
- 3.5 With regards to the requirement for Strategic masterplans to be adopted as SPDs, Paragraph 2.95 requires planning applications to be in "*general conformity*" with a Strategic Masterplan which has been "*formally endorsed by the Council*". It also



suggested that the strategic masterplan for the Harlow and Gilson Garden Communities will need to be formally endorsed by Epping Forest and Harlow Council. Paragraph 296 indicates that being “*formally endorsed by the Council*” equates to it being adopted as SPD.

- 3.6 The requirement for strategic Masterplans to be adopted as SPD’s will inevitably delay the delivery of large sites and is in our view unduly onerous, unjustified and likely to be a barrier to the timely delivery of development.
- 3.7 The process for SPD adoption is time consuming and burdensome; the NPPF is clear at paragraph 53 that SPDs should only be used where they can help successful applications or aid infrastructure delivery and specifically warns against adding unnecessarily to financial burdens of development.
- 3.8 The same principle could be achieved with a simple endorsement process of strategic masterplans which would then become a material consideration for any planning application within the Masterplan Area.
- 3.9 In our view it would be sufficient to agree strategic masterplans using a similar process to that that has taken place for the Garden Town Vision and Design Guide, which included community consultation and Quality Review Panel input. These were approved by Members in December as material planning considerations for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes for sites within the Harlow and Gilston Garden Town.
- 3.10 A number of the strategic masterplan areas are within multiple ownerships, with the Water Lane Area being one such example. Whilst Mr and Mrs Scofield and Mrs Marshall are willing to work with the Council and other landowners within the Water



lane Area to produce a Strategic Masterplan, reaching a consensus when multiple landowners are involved will always be difficult and time consuming even if all agree in principle to holistically and comprehensively planning the area. It is therefore important to introduce flexibility into Policy SP4 to enable sites to be developed in a timely manner. As it currently reads Policy SP4 does not do this.

- 3.11 Therefore, whilst allocated Harlow and Gilston Garden Town sites are still expected to comply with the Garden Town Vision and Design Guide, a provision should be included to cover the eventuality where, for whatever reason, the strategic masterplan is delayed. This will enable, in cases where there is no strategic reason to delay development on a site for it to be able to come forward separately. In this instance, a layout and design statement, providing detailed information that would otherwise be included in a masterplan, in addition to a Design Code as suggested in para 3.4 above should be required to support a planning application. This is similar to the Warwick District Local Plan, where amendments were made to recognise the fact that some sites are in multiple ownerships and may come forward for development separately. This is referenced in detail in Mr and Mrs Scofield and Mrs Marshalls Regulation 19 representations.

4.0 SUMMARY

- 4.1 In summary, the Council's approach to the development and delivery of garden communities in the Harlow and Gilston Garden Town is supported but the application of Policy SP4 requires greater clarity and flexibility. The Council's approach to master planning is supported and Mr and Mrs Scofield and Mrs Marshall, are willing to work with the Council and other landowners to deliver this, however, the specific process and policy requirements are disproportionate and could result in an unnecessary delay in the delivery of sites.