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# **MATTER 1 HEARING STATEMENT**

**Epping Forest District Council Local Plan Examination**

**SUBMITTED ON BEHALF OF LONDON SQUARE DEVELOPMENTS**

January 2019

**Contents**

1 Introduction.....3

2 Matter 1 – Legal Compliance.....4

**Appendix**

Appendix 1: 2016 Issues and Options Local Plan extract

Appendix 2: HSE plan

## 1 INTRODUCTION

- 1.1 This statement has been prepared on behalf of our client, London Square, who are the landowners of 'Front Site, Former Grange Farm, High Road, Chigwell' (Site 2).
- 1.2 Site 2 was acquired by London Square in January 2015 along with Site 1 which is located to the north east of Site 2 on Grange Farm Lane. Both Sites 1 and 2 originally formed part of 'Grange Farm' which was historically occupied for leisure and recreational uses as a camping ground. Grange Farm Centre is now located to the north of Site 2 and continues to provide recreational and sports facilities. Members resolved to grant planning permission for 43 residential units at Site 1 in November 2015 and permission was granted on 1 August 2016.
- 1.3 Site 2 has been promoted for release from the Green Belt for the purposes of residential development at every consultation opportunity associated with Epping Forest District Council's draft Local Plan. Whilst the site was identified as a suitable and deliverable housing site in the previous draft iterations of the Local Plan (**Appendix 1**), it has been removed from the submission version of the plan without any prior notification or evidence to justify it.
- 1.4 As a result, London Square cannot support the Draft Local Plan and Carter Jonas will attend the hearing sessions most relevant to Site 2 on behalf of London Square's behalf.
- 1.5 This statement outline's London Square's comments in respect of Matter 1.

## 2 MATTER 1 – LEGAL COMPLIANCE

2.1 We respond to the specific issues arising in relation to Matter 1 below:

***Issue 2: Is the Plan legally compliant in respect of how it accords with the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI); and has the consultation carried out during its preparation been adequate? In particular:***

***Question 2, Part F) Does the absence of Appendix B of the Site Selection Report (and potentially other documents) at the Regulation 19 stage contravene the requirements of the SCI? If so, what are the implications of this for the test of legal compliance?***

2.2 The SCI provides an explanation of the Local Plan supporting documents at paragraph 8:

*“There are a number of studies which are used as background evidence to the main Local Plan document. The studies are used to help guide the policies that are going to be in the final document and perhaps identify options that are not feasible. These will be available from the Council offices or on the Council’s website when they are finalised”.*

2.3 Appendix B ‘Assessment of residential sites’ and Appendix C ‘Settlement Pro-formas’ of the Site Selection Report 2017 (assessment of residential sites) were not made available as part of the technical supporting information at the Regulation 19 stage. At this point, we were advised by the Council that this key piece of analysis would not be made available until 6 weeks after the close of the consultation.

2.4 Whilst Appendices B and C were not available at the time of the publication of the Site Selection Report in December 2017, the Council stated that Appendix B, along with the other appendices to the report, had not been prepared retrospectively. It is therefore unclear as to why Appendix B1.4.2 ‘Results of Stage 2’ and Appendix B1.6.4 ‘Results of Capacity and Deliverability Assessments’ are both dated March 2018. This would imply that Stages 2 and 3 were both undertaken after the publication date of the Site Selection Report in December 2017 which presents the results.

2.5 If this is correct, this would suggest that Appendices B and C were not used to help guide the policies, which would form part of the submission version Local Plan document, as required by the SCI. Regardless of their content (which is discussed in response to Question 3 part G below), if Appendices B and C are discounted due to being prepared retrospectively, there is a clear lack of justification for the discount of Site 2 as a residential allocation within the Local Plan.

2.6 In light of the above, we believe that the absence of Appendix B of the Site Selection Report at the Regulation 19 stage does contravene the requirements of the SCI. Hence we do not consider the Regulation 19 consultation process to be either valid or lawful.

2.7 Whilst a supplementary consultation took place following the Regulation 19 Consultation in April 2018, the comments and corrections made on behalf of London Square in respect of the inaccuracies identified in

Appendices B and C were not addressed by the Council or reflected in the submission version of the Local Plan.

**Question 3, Part G) How have the consultation responses made during the preparation of the Plan informed the submitted version, particularly in relation to the desire to protect open spaces and community facilities, and to increase local job and business growth?**

- 2.8 Representations have been made on behalf of London Square in order to promote 'Front Site, Former Grange Farm, High Road, Chigwell' ("Site 2"), at every stage of the Local Plan process, and therefore have sought to inform the submission version of the Local Plan. The representations that have been submitted have been focussed on the release of Site 2 from the Green Belt and its promotion as a residential site allocation.
- 2.9 Site 2 was promoted through Epping Forest District Council's (EFDC) Call for Sites (March 2016) for up to 60 residential dwellings. Since the site is located within the Green Belt, the case for its removal from such a designation comprised of the following elements:
- The site is considered to be previously developed land;
  - The land benefits from numerous planning permissions for housing development, which have been implemented and could be built out at any time;
  - The site lies within a 'broad location for further assessment' as part of Stage 2 of the Council's Green Belt Boundary review;
  - The site would contribute to the provision of a five year housing land supply; and
  - The site forms part of the wider Grange Farm development, which comprises 47 dwelling houses and a sports pavilion accessed via Grange Farm Lane.
- 2.10 Site 2 was then promoted through the EFDC Draft Local Plan Issues and Options consultation (October 2016). The consultation document proposed the removal of the site from the Green Belt and an allocation for 30 homes as part of Draft Policy SP7. Clearly at this stage, consultation responses had informed the Issues and Options version of the Draft Local Plan.
- 2.11 Whilst the principle of removing the site from the Green Belt to accommodate residential development was supported by London Square, the aim of Draft Policy SP7 to provide 30 homes was objected to, with representations noting that this number of homes would not deliver the most sustainable form of residential development on Site 2, particularly failing to secure the District's ability to deliver the number of homes needed during the Local Plan period.
- 2.12 Representations were made to the Infrastructure Delivery Plan (May 2017), and comments put forward in respect of Site 2 to echo those set out in the above representations.
- 2.13 In January 2018 London Square submitted representations to the Council to object to the removal of the site from the allocations in the Submission Version of the Local Plan. The site also appeared to remain within the Green Belt (whereas it had been removed from the Green Belt in the earlier Issues and Options version). Concern was expressed regarding the process undertaken to confirm allocations as part of the Site Selection Assessment in relation to Appendix B. Appendices B and C were not available at the time of the publication of

the Site Selection Report in December 2017. When the appendices were released in March 2018 Appendix B1.4.2 'Results of Stage 2' and Appendix B1.6.4 'Results of Capacity and Deliverability Assessments' were both dated March 2018. This would imply that Stages 2 and 3 were both undertaken retrospectively i.e. after the publication date of the Site Selection Report in December 2017 which presents the results. Therefore the process undertaken for both Stages 2 and 3 appears dubious.

- 2.14 It is clear that previous representations submitted on behalf of London Square were disregarded in the Submission Version of the Local Plan without justification. The many instances of incorrect information within the Site Selection Assessment (when it was eventually released) outlined below plainly support our view that consultation responses were not used to inform the submitted version of the Local Plan.
- 2.15 The scoring of the site against a number of criterion within Stage 2 of the Site Selection Assessment (as outlined in Appendix B1.4.2 'Results of Stage 2') causes concern. Whilst this stage acknowledges the site to be 100% brownfield land, which is correct, criteria 4.2 'Impact on Agricultural Land' scores a red double negative and it is noted that "*development of the site would involve the loss of best and most versatile agricultural land (grades 1-3)*". Given that the Site is covered in hard standing, it could not be considered 'best and most versatile agricultural land'. The site has clearly been scored incorrectly against this particular criteria. Indeed, its size, shape and orientation also mean that it could not sensibly be worked for agriculture.
- 2.16 Furthermore, the scoring of the Site against criteria 6.2A 'Distance to Gas and Oil Pipelines' is of concern. The assessment states that "*some 86% of the site is in HSE inner and middle consultation zones. Although the inner zone is restricted to the northern portion of the site overall the site is constrained*". The Assessment states that the HSE guidance therefore 'advises against' development for the affected area. It is unclear how this conclusion has been reached with no supporting plans from the HSE provided as part of Appendix B. The HSE plan attached at **Appendix 2** demonstrates that the north western portion of the Site only is within the inner/middle zone with the majority of the Site in the outer zone. The HSE 'do not advise against' residential development of the scale we have promoted the Site for in the outer zone. Therefore, the scoring on this matter was also incorrect.
- 2.17 Appendix B1.4.2 outlines the site constraints, which are said to include two tree preservation orders. The assessment states that "*the location of the 2 Tree Preservation Order trees in the centre of this site (there is also one on the boundary) will reduce the overall capacity of residential development*". Given that the referenced trees do not exist, it would appear that a site visit was not undertaken as part of Stage 2.
- 2.18 Both Appendices B1.6.4 and B1.6.6 appear to assume that the extant planning permission associated with the site (which comprises three residential units rather than the four referenced by the appendices) is being built out and, as such, it is argued in the Assessment that the Site is therefore unlikely to have capacity for further development. This is not the case in reality, however. The landowner, London Square, use this site as a compound in connection with their neighbouring development and it has never been the intention to build out the extant permission, even though it has been technically implemented by the former landowner and therefore forms a material consideration in the planning history of the site. It should not have been assumed that this

permission was being built out. In terms of open space specifically, the site does not make a valuable contribution given its characteristics. An analysis of why the site is to remain within the Green Belt was not provided.

- 2.19 The site remains suitable, available, and deliverable, and we were not made aware of any objections to the proposed allocation of the site in the draft Local Plan carrying sufficient weight to warrant its removal from the submission version. This further demonstrates that consultation responses (or in the case of this particular point, lack thereof) have not been addressed in the Submission Version of the Local Plan.
- 2.20 The factual inaccuracies outlined above were made clear to EFDC in response to their supplementary consultation in April 2018 which followed the release of Appendices B and C which were missing at the Regulation 19 stage. The comments made by London Square in the supplementary consultation were not addressed in the submission version of the Local Plan.
- 2.21 It is clear from the above that whilst consultation responses appeared to inform earlier versions of the Local Plan, consultation responses made at the Regulation 19 and supplementary consultation stages were disregarded in the preparation of the Submission Version of the Local Plan. This is evident from the lack of justification provided for the site allocations and the number of mistakes identified when the Site Selection Report was eventually made available following the close of the Regulation 19 consultation. Furthermore, the factual inaccuracies identified as part of Appendices B and C have not been corrected or amended.

**APPENDIX 1: 2016 ISSUES AND OPTIONS LOCAL PLAN EXTRACT**

## Sites for traveller accommodation

5.130 The Council has considered the possible spatial options to accommodate traveller accommodation across the District and concluded that the most suitable spatial option is to distribute pitches across the District. This option balances the preferences of the travelling community with not placing undue pressure on services in a single location. Based on the findings of the assessment undertaken by the Council no allocations for traveller accommodation are proposed at Chigwell.

## Employment sites

5.131 Draft Policy E 1 sets out the Council's preferred approach to identifying sites for employment (B use class) uses. This is to support the redevelopment, renewal or extension of existing premises for their designated use before identifying new sites.

5.132 Chigwell has no existing employment land that has been identified. Through the SLAA and the site selection process five possible new employment sites have been identified: land at Luxborough Lane (SR-0190), West Hatch High School playing fields and adjacent land (SR-0366), land adjacent to West Hatch Academy (SR-0558), Chigwell Civic Amenity Site (SR-0560) and Olympic Compound Site (SR-0551). The locations of the identified employment sites are illustrated in Figure 5.16.

5.133 The Council will be undertaking further work to enable specific employment allocations to be identified within the Local Plan, and to further consider opportunities to intensify and extend existing sites where appropriate.

## Alterations to the Green Belt boundary

5.134 The supporting text to Draft Policy SP 5 confirms that in order to deliver the Local Plan Strategy the Council proposes to alter the Green Belt boundary. Indicative alterations to the existing Green Belt boundary around Chigwell are proposed to the north and south-west of the settlement to remove the proposed site allocations from the Green Belt. In accordance with Draft Policy SP 5 an alteration is also proposed to the south-east of the settlement to remove Grange Manor residential development from the Green Belt. The proposed indicative alterations to the Green Belt boundary are illustrated in Figure 5.16.

## Infrastructure requirements

5.135 The supporting text to Draft Policy SP 2 confirms the importance of identifying and delivering key infrastructure to support residential and employment growth across the District. The infrastructure needs for Chigwell will be set out in the Infrastructure Delivery Plan.



Brook Parade Chigwell

## Draft Policy P 7 Chigwell

### A. Residential sites

In accordance with Policy SP 2 the following sites are allocated for residential development:

- i) SR-0433 (former Beis Shammai School, High Road) – approximately 29 homes;
- ii) SR-0478B (part of Chigwell Nurseries, High Road) – approximately 66 homes;
- iii) SR-0557 (The Limes Estate) – approximately 210 homes;
- iv) SR-0588 (land at Chigwell Convent and The Gate Lodge, Chigwell Road) – approximately 52 homes;
- v) SR-0601 (land at the former Grange Farm, High Road) – approximately 30 homes;
- vi) SR-0894 (land at Manor Road) – approximately 12 homes;
- vii) SR-0895 (land at Manor Road and Fencepiece Road) – approximately 6 homes;
- viii) SR-0896 (land at Manor Road) – approximately 10 homes; and
- ix) SR-0898 (Grange Court, High Road) – approximately 9 homes.

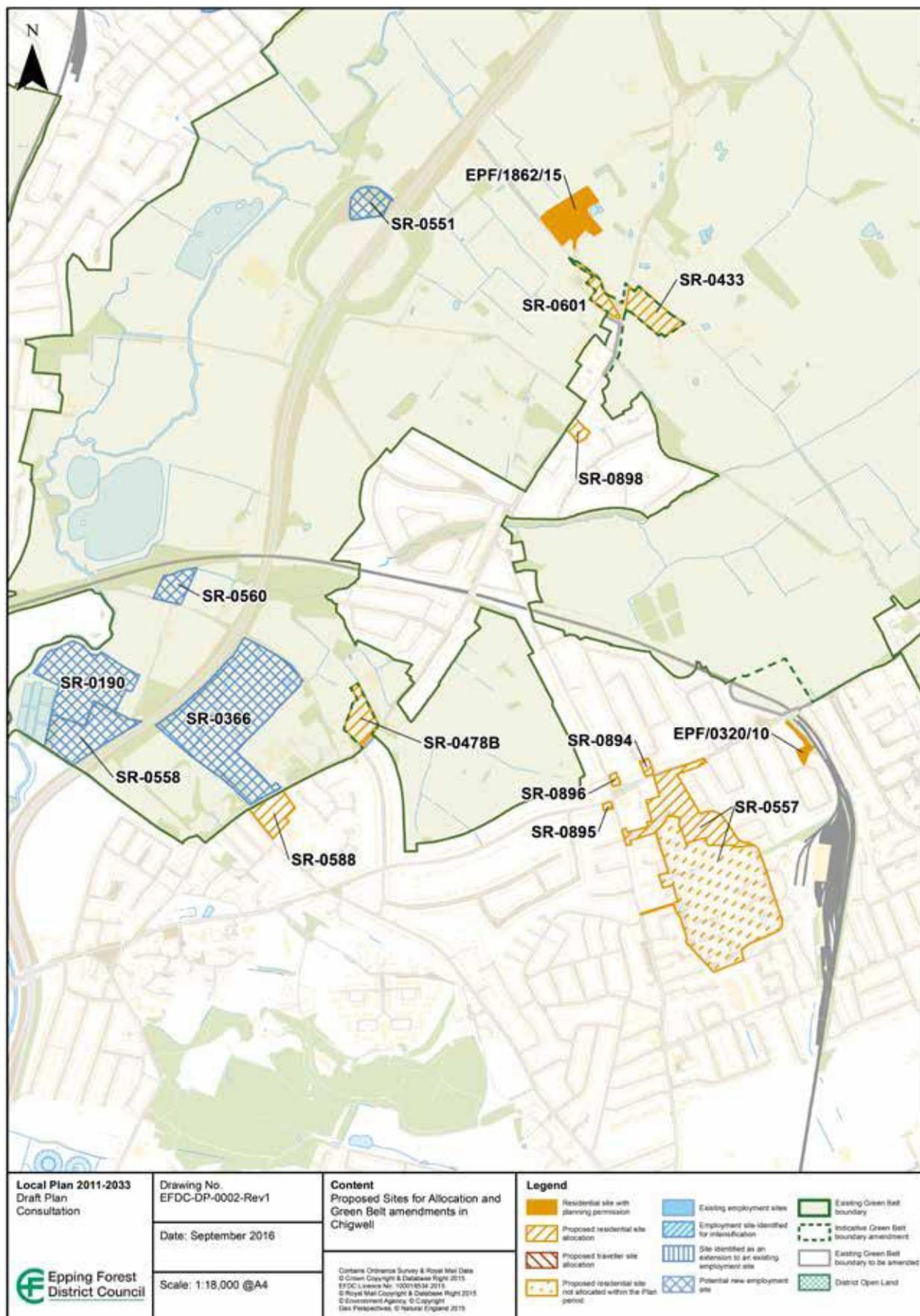
Proposals for residential development will be expected to comply with the place shaping principles identified in Policy SP 4.

### B. Infrastructure requirements

Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan.

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies!

Figure 5.16 Site allocations for Chigwell



The Local Plan should be read as a whole. Proposals will be judged against all relevant policies!

## Alternative options

### Residential sites – spatial options

Expansion to the north of the settlement	These spatial options would cause significant harm to the Green Belt, risking the coalescence of Chigwell and Loughton/Buckhurst Hill.
Expansion to the west of the settlement	

### Sites for traveller accommodation – spatial options

Traveller accommodation focused in parts of the District traditionally favoured by the travelling community	Epping Forest District Council's Gypsy and Traveller Accommodation Assessment Interim Briefing Note (2016) has indicated that the majority of newly arising housing need will be from the expansion of existing households. While this option is understood to be favoured by the travelling community it was felt that this option would place undue pressure on local infrastructure and services and therefore did not represent the most sustainable option to accommodating traveller accommodation.
Traveller accommodation focused in parts of the District not traditionally favoured by the travelling community	This option was not considered to be deliverable since it was not considered to be realistic to expect all additional households to form within the parts of the District not currently favoured by the travelling community.

### Employment sites

No spatial options have yet been identified for employment sites. This will be considered as part of the further work being undertaken by the Council to identify employment site allocations.

## Theydon Bois

### Vision and aspirations for Theydon Bois

#### What you told us?

5.136 Responses from the Community Choices consultation and stakeholder engagement on the future of Theydon Bois included:

- mixed views on the capacity of Theydon Bois to cater for growth in the District. Positive support for development in the settlement, referred particularly to the good transport links which make it a sensible location for growth;
- concerns about the capacity of a number of services to cater for increased growth, including electricity, gas, water, sewerage as well as schools and health facilities, which are currently nearing capacity;
- the Plan should protect and maintain the local character of Theydon Bois and any new development should be small scale and reflect the current density of homes;
- concerns about the impact of growth upon agricultural land, protected trees and environmental designations such as Epping Forest Site of Special Scientific Interest and Special Area of Conservation; and
- the Plan should conserve the vitality of existing shopping areas. Local independent shops, which sell local produce should be retained.

#### What are the key issues to address in Theydon Bois?

5.137 The following key strengths and weaknesses have been identified for Theydon Bois:

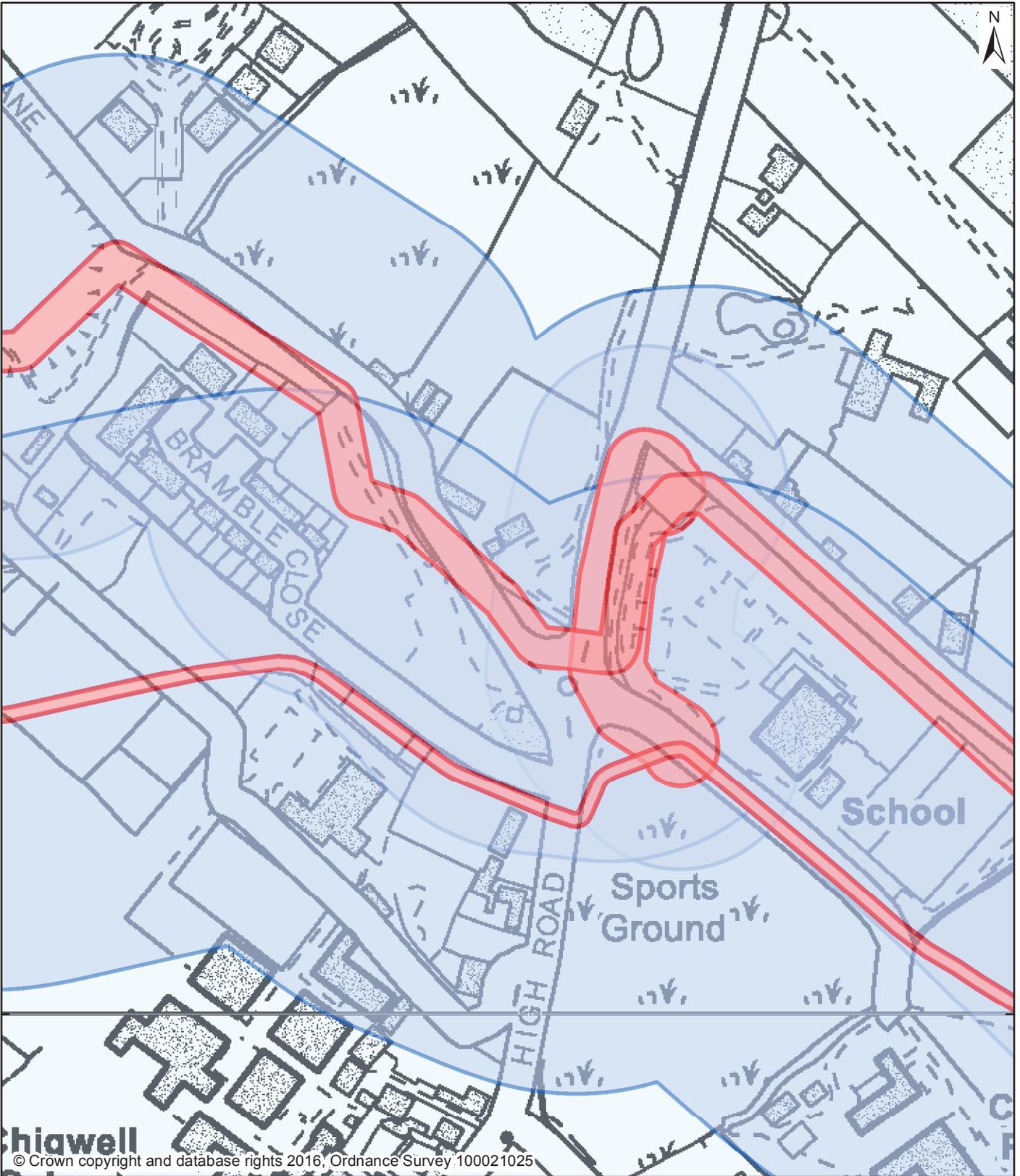
- Theydon Bois has an attractive parade of shops offering local convenience retail which should be maintained and enhanced;
- the prevention of ribbon development in Theydon Bois and the retention of a gap between Theydon Bois and the neighbouring settlements of Epping and Loughton;
- social infrastructure is limited within the settlement, with no library and only a satellite GP service at present. The local primary school is nearing capacity;
- the village has good transport links given its Central Line station. Bus services are infrequent and the settlement is subject to congestion at peak times; and
- the village operates a unique 'dark skies' policy (i.e. no street lighting), which has traditionally been supported by the majority of residents.

5.138 Based on the findings from community consultation, stakeholder engagement and evidence based documents the following vision is proposed for Theydon Bois:

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies!

**APPENDIX 2: HSE PLAN**

# Consultation Zone Map



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## Legend

### Administrative Boundary

-  Local Authority
-  Abolished LA
-  County
-  National Park
-  Postcode intersecting LUP zone

### Consultation Zone

- |  |   |  |  |
|--|---|--|--|
|  DPZ    |  Inner |  CB |  Nuclear Site |
|  Middle |  Outer |  CD |  Interim Site |
|  |   |  CE |  |

Note: Not all legend items may appear on the map.  
Not all map items are shown in legend (pipelines and drawn graphics).

1:2,500 Scale to A4  
0 25 50 Metres

British National Grid



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