
Hearing Statement Matter 4 - The Spatial Strategy/ Distribution of Development



Contents

1.	Introduction	1
2.	Issue 4: Question 2:	2
3.	Issue 4: Question 5:	5
4.	Conclusion	6

1. Introduction

- 1.1. This Pre-Hearing Statement has been submitted by Cirrus Land Ltd and L&Q New Homes Ltd as part of the Examination of the Epping Forest District Local Plan (2011-2033). Savills has prepared Pre-Hearing Statements for a number of Matters as identified in the Inspector's MIQs;
- Matter 1 - Legal Compliance
 - Matter 4 - The Spatial Strategy
 - Matter 5 - Site Selection Methodology and the Viability of Site Allocations
 - Matter 14 – Infrastructure & Delivery
 - Matter 15 - Places and Sites
- 1.2. This Statement will have a particular focus on Matter 4, Issue 4 published by the Inspector in the Schedule of Matters and Issues for the Examination document published in November 2018. Full details of the questions to which this Statement responds is detailed as follows:
- **Issue 4: Is the distribution of development justified in respect of the need for, and approach to, Green Belt release?**
 - Question 2: Are the changes proposed to the Green Belt boundary informed by a robust assessment of the contribution made by individual sites to the purposes of the Green Belt (EB74A-B; and EB705A-B)? How were the findings of the Green Belt Review weighed in the balance with other planning considerations in the site selection process?
 - Question 5: Having regard to Paragraph 85 of the NPPF, and to the potential for an increased level of housing need in the District to be identified in the future, how has the Council satisfied itself that Green Belt boundaries will not need to be altered at the end of the Plan period? Is it necessary to identify areas of safeguarded land between the urban area and the Green Belt?
- 1.3. Cirrus Land made representations to both the Regulation 18 and Regulation 19 consultations of the draft plan in December 2016 and January 2018 respectively. In both representations the strategy put forward by Epping Forest District Council (EFDC) was queried. This Statement will not repeat information previously submitted, on the understanding that the Inspector will take into consideration all previous representations made to EFDC, but instead will provide additional evidence in relation to Matter 4.
- 1.4. Please refer to the Regulation 19 representations submitted by Cirrus Land Ltd and L&Q New Homes Ltd, 19LAD0109-1 through to 19LAD0109-6. In 2016, LDA Design undertook a Green Belt review in relation to the site we are promoting at Chipping Ongar. This document was submitted with our Regulation 19 Representations on the Submission Version Local Plan in January 2018.
- 1.5. The Government revised the National Planning Policy Framework (NPPF) in July 2018 following a series of consultations. The 2018 NPPF states, within Annex 1 Paragraph 214: "*The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019*". EFDC submitted its plan for Examination in June 2018, therefore, in accordance with the 2018 NPPF, the policies within the 2012 Framework should be used to examine the Epping Forest Local Plan.

2. Issue 4: Question 2:

- 2.1. We do not consider the Council's Green Belt assessment to be robust.
- 2.2. In relation to Green Belt matters, we will be represented at the hearings by Charles Crawford of LDA Design. Appendix 1.1 contains a summary of Mr Crawford's credentials, including his Green Belt work on behalf of Cambridge City and South Cambridgeshire District Councils.

The Council's Green Belt Assessment

- 2.3. The Stage 1 Green Belt Review (EB704A-B) developed the methodology to be used for both Stages 1 and 2, and identified the areas to be taken forward for more detailed assessment at stage 2. Since the areas in which we have interests were assessed in the Stage 2 report (EB705A-B), we make no comment on the adequacy of the Stage 1 Review. We have serious concerns about the adequacy of the Stage 2 Assessment for the reasons explained below.

1. Assessment Criteria for Purpose 3

- 2.4. In relation to Green Belt Purpose 3, the Planning Advisory Service document, Planning on the Doorstep: The Big Issues – Green Belt, states 'the most useful approach is to look at the difference between urban fringe – land under the influence of the urban area – and open countryside, and to favour the latter in determining which land to try and keep open, taking into account the types of edges and boundaries that can be achieved'. This makes clear that, when considering Green Belt land adjoining the urban edge, the urbanising influence of the adjacent built area should be a consideration. This depends in part on the condition of the existing urban edge. For example, a well vegetated edge provides clear separation between the urban area and countryside so that the adjoining Green Belt land may have a strongly rural character. By contrast, an exposed urban edge lacking vegetation will mean that the adjacent Green Belt land is heavily influenced by the urban area, reducing its rural character and causing a degree of encroachment into the countryside. The PAS guidance makes clear that land under the influence of the urban area makes a lesser contribution to Purpose 3.
- 2.5. The criteria set out in Table 3.2 for Purpose 3 omit consideration of this point, confining consideration of urban influence to existing development within the parcel and not considering the influence of urban development adjacent to it.

2. Assessment Criteria for Purpose 4

- 2.6. In relation to Purpose 4, criteria 15, 16 and 17 refer to the ‘setting’ and ‘historic significance’ of the historic towns and their heritage assets. To apply these criteria, it is essential to define the ‘setting’ and ‘historic significance’ of each town and the characteristics of the adjacent countryside that contribute to them. In relation to criterion 15, the Table states that the Essex County Council Historic Towns guidance will be used, but the assessments of most of the parcels surrounding the historic towns simply state how close the parcel is to the historic core as identified in this guidance and do not explain how the parcel contributes to its setting. In relation to criterion 16, Table 3.2 states that ‘this will be addressed’ but there is little evidence in the assessments of the parcels as to how the historic significance of the relevant town and its assets has been identified. In relation to criterion 17, Table 3.2 refers to harm that would result from the removal of the Green Belt designation. This confusion between harm and contribution to Green Belt purposes is addressed at item 3 below.
- 2.7. In summary, criteria 15 and 16 are not addressed adequately in the assessment of individual parcels. Criterion 17 seeks to address harm, which is a separate matter from the performance of Green Belt purposes.

3. Assessment of Harm

- 2.8. Paragraph 3.25 states that ‘there is a direct relationship between the contribution of a parcel to Green Belt purposes and the extent of harm to the Green Belt that would be caused by its release’. Table 3.4 then correlates the degree of harm against the level of contribution to one or more Green Belt purposes. Simplistically equating harm with contribution to Green Belt purposes is a fundamental failing of the assessment. Identifying the harm that would result from a Green Belt release should be an entirely separate exercise that follows after the assessment of performance of Green Belt purposes. Having identified the degree to which a parcel of land performs the various Green Belt purposes, the question to be asked is: To what degree would the performance of Green Belt purposes be reduced if all or part of the parcel is released from Green Belt? As in the Cambridge example at Appendix 1.3 (see Conclusion below), it can be the case that an area of land plays a substantial role in relation to Green Belt purposes but, if it is released from Green Belt, the adjacent land would maintain the performance of Green Belt purposes to largely the same degree so that there would be no significant harm to the Green Belt. By equating harm with contribution to Green Belt purposes, the Council’s assessment fails to make a proper assessment of harm, and its findings as to which areas of land can be released from or should be retained in Green Belt cannot be relied upon.

4. Reliance on a Single Purpose

- 2.9. There is a further failing in the assessment of harm in that the classification in table 3.4 only takes into account the highest scoring Green Belt purpose. The assessment does not at any point combine the consideration of all four purposes to provide an overall conclusion on the contribution a parcel makes to Green Belt purposes. For example, a parcel that makes a strong contribution to one Green Belt purpose but no contribution to the other three would automatically be considered by the Council’s assessment to be more important in Green Belt terms than a parcel that makes a moderate or relatively strong contribution to several purposes. This may or may not be the case for any individual parcel but must be assessed on a case by case basis. The Council’s assessment fails to do this.

5. Exclusion of Purpose 3

- 2.10. Paragraph 4.11 explains that, because the majority of the District's Green Belt performs strongly against Purpose 3, 'sensitivity testing' has been undertaken which assesses performance against Purposes 1, 2 and 4 only. Paragraph 4.17 states that this 'may provide the Council with a better tool and evidence base upon which to make decisions about the performance of Green Belt across the District and those locations where Green Belt release may be more appropriate'. This advice is carried forward into the Conclusions and Recommendations at Paragraph 5.4.
- 2.11. Given that Green Belt is inherently concerned with protecting the countryside from development, the suggestion that Purpose 3 might be disregarded is bizarre. The study itself recognises this in Paragraphs 4.15 and 4.16, which point out the implications that 'broad areas' of countryside and a number of entire small villages and hamlets would be assessed as making only modest contributions to Green Belt purposes if Purpose 3 is ignored. The PAS guidance quoted under point 1 above makes clear that open countryside which is not influenced by urban areas should be regarded as more important to the Green Belt, yet the Council's assessment advises that disregarding Purpose 3 may provide a better tool and evidence base, despite the contradictory consequences the report itself identifies.

6. Partial Release of a Parcel

- 2.12. The Response column on page 56 of the Stage 2 Assessment states that, where there are significant variations within a parcel in its contribution to Green Belt purposes, this is noted in the assessment. However, there is no indication that such variations are taken into account in assessing the overall performance of a parcel or in considering the scope for a Green Belt release. Parcels appear to be simply assessed as a whole, with conclusions drawn based on the main extent of the parcel, without any consideration as to whether any part of the parcel could be released without compromising Green Belt purposes. Indeed, the following paragraph expressly states that identifying small areas that could be released for development without significant effects on the Green Belt was outside the scope of the study. As this work was not covered in any other study, there are therefore potentially suitable development sites that the Council has not considered.

Conclusion

- 2.13. Appendix 1.3 contains an excerpt from Mr Crawford's study at Cambridge which, as Appendix 1.1 explains, was supported by the Local Plan Inspectors. The example is the assessment of one of the Green Belt parcels adjoining the south edge of Cambridge, which resulted in the allocation of part of the parcel. It demonstrates how all the failings identified above in relation to the Epping Forest work can be addressed in a robust assessment.
- 2.14. Unfortunately, however, the Council's assessment, for the reasons given, is not robust.

3. Issue 4: Question 5:

- 3.1. EFDC has not provided sufficient evidence to suggest that Green Belt boundaries will not need to be altered either during, or at the end of the Plan period.
- 3.2. Paragraph 6 of the Green Belt Review Stage 1 methodology (ref: EB704B - August 2015), refers to Paragraph 85 of the NPPF (2012) in the introduction and the reference to “where necessary, identify in their plan areas of ‘safeguarded land... in order to meet longer term development needs.” It is fundamentally clear that the NPPF 2018 and new Standard Methodology will considerably increase the annual housing requirement from the proposed 518 dwellings per annum to 923 dwellings per annum. This undoubtedly will require EFDC to plan for longer term development needs and EFDC should not ignore this acknowledge increase in need but plan for this in a positive manner as required by paragraph 182 of the NPPF (2012).
- 3.3. Paragraph 5.17 of the Green Belt Assessment Phase 2 (ref: EB705A – August 2016), does recommend on the basis of current trends of housing needs that EFDC considers the need for safeguarded land. Green Belt Assessment Phase 2 predates the standard methodology which clearly re-endorses that conclusion.
- 3.4. Paragraph 83 of the NPPF (2012) also states that Green Belt boundaries should be only be altered through the Local Plan review process and should be “capable of enduring beyond the plan period”. Therefore, EFDC should identify a boundary to last until at least the end of the Plan period beyond the one considered now. As such, they should anticipate the maximum requirement for Green Belt release in both this and the next Plan period and release this now, then safeguard the releases that aren’t required for allocation in this Plan.
- 3.5. There is no further reference to safeguarded land in the Green Belt evidence base and the submitted Local Plan is silent on this issue. Importantly, there is also no justification of why land has not been safeguarded despite EFDC’s own evidence concluding it should in Paragraph 5.17.
- 3.6. Therefore, it cannot be argued that the Green Belt assessment is consistent with national policy as set out in Paragraph 182 of the NPPF (2012) and as such cannot be considered sound.

4. Conclusion

- 4.1. This Pre-hearing Statement specifically relates to The Spatial Strategy/Distribution of Development and raises concerns about the methodology and approach to the release of Green Belt land in the Plan. In particular, the Green Belt Assessment Phase 2 is not considered to be positively prepared for the following reasons;
- The criteria used in the assessment are not appropriately defined;
 - The criteria are not based on substantial evidence;
 - The assessment fails to make a proper assessment of the potential harm to the Green Belt arising from Green Belt releases;
 - The methodology ultimately relies on a single, highest scoring purpose with which to score sites against and fails to combine all four purposes to provide an overall conclusion about each parcel;
 - The assessment advises discounting purpose 3, despite contradictory evidence against this within the report itself;
 - The partial release of sites within parcels has not been considered and therefore, there are potential suitable development sites not considered by EFDC.
- 4.2. EFDC has not considered the future need for safeguarded land within their assessment of the Green Belt, despite a considerable increase in annual housing requirements based on the new NPPF (2018) and new Standard Methodology.
- 4.3. The evidence submitted relating to the boundaries of the Green Belt in the District is fundamentally flawed in approach and methodology as evidenced above and therefore, cannot be considered to meet the requirements of the tests as set out in Paragraph 182 of the NPPF (2012), being neither positively prepared, nor consistent with national policy.

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