

**EPPING FOREST  
DISTRICT LOCAL PLAN  
EXAMINATION**

**MATTER 4: THE  
SPATIAL STRATEGY /  
DISTRIBUTION OF  
DEVELOPMENT**

**ID: 19LAD0121**

**HEARING STATEMENT**

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## MATTER 4 – THE SPATIAL STRATEGY / DISTRIBUTION OF DEVELOPMENT

### Introduction

- 1.1 This Matter 4 Statement has been prepared by Carter Jonas LLP on behalf of Pigeon Investment Management Ltd (Pigeon) to respond directly to the Inspector's questions for this Matter. The Statement only responds to the Inspector's Questions which are relevant to Pigeon's interests. Representations were submitted to the Epping Forest District Local Plan 2011-2033 (EFDLP) on behalf of Pigeon (Id. 19LAD0121). Pigeon are promoting land East of Epping for a residential-led mixed use development for around 400 dwellings (or greater)(Site Ref. SR-0153), which is generally consistent with the 2016 draft EFDLP (Regulation 18) which proposed at least 930 homes shared between South (not the Regulation 19 South) and East, but with East having a frontage onto Stewards Green Road included to provide independent access to East Epping and south being land east of the railway line. Pigeon has also promoted a more extensive area of land at East Epping based on Garden Settlement principles, replacing the allocation of 950 homes South of Epping. Alternatively, East Epping could in full or part supplement the South Epping preferred allocation.
- 1.2 East Epping has been promoted as a site that could deliver a mix of uses providing added benefits for Epping, including: a range of housing typologies including a high proportion of bungalows and self-build plots; a high quality mixed use community hub which could include a local convenience store and doctor's surgery and car parking to serve the local facilities and nearby tube station; a C2 Care Village; Primary School site; potential leisure centre with sports pitch provision; and an Eastern link road between Steward's Green Road and Stonards Hill which would assist in reducing traffic having to travel through the Town Centre.
- 1.3 The spatial strategy and distribution of development related representation relevant to Matter 4 are as follows:
- Paragraphs 2.134 to 2.142 – Rep Id. 19LAD0121–9

### MATTER 4: The Spatial Strategy / Distribution of Development

#### Issue 1: Does the distribution of development in the Plan place too much reliance upon the Garden Community Sites around Harlow at the expense of testing the capacity of the other settlements in the District?

- 1.4 Yes, it is considered that too much reliance has been placed on the Garden Community Sites around Harlow, and this is associated with the projected housing delivery rates and commencement of development at the three sites within Epping Forest District, and in particular at land East of Harlow (Allocation Ref. Policy SP 5.3). It is intended that Pigeon's Matter 6 Hearing Statement will comment on housing delivery assumptions at the Water Lane Area, East of Harlow and Latton Priory sites.
- 1.5 It is considered that additional sites will need to be allocated to make up the shortfall that will result when realistic delivery rates are applied to all of the Garden Community Sites around Harlow and the supply from the land East of Harlow site within Epping Forest District is deleted because it will not be delivered during the plan period. The shortfall will be at least 750 dwellings, and probably much more when realistic delivery rates are applied. Pigeon are promoting land East of Epping for a residential-led mixed use development for around 400 dwellings (Site Ref. SR-0153) which should be allocated to make up the housing land supply shortfall.
- 1.6 It should be noted that Pigeon do not object to the principle of development on the edge of Harlow.

#### Issue 2: Beyond the Harlow area, is the distribution of development in the Plan justified having regard to the defined settlement hierarchy?

##### 1. What are the key factors which informed the distribution of development in the Plan beyond the Harlow area?

- 1.7 It is noted that Epping is defined as a Town and is at the top of the settlement hierarchy. Epping is one of the most sustainable locations for development within Epping Forest District and accordingly the 750 dwellings

that will not be delivered at land East of Harlow should be directed to Epping, and to land East of Epping in particular.

2. How was the settlement hierarchy set out in Table 5.1 page 114 defined, and is it justified? Has the settlement hierarchy informed the distribution of development and if not, what is its purpose?

- 1.8 The settlement hierarchy has not informed the distribution of development or the allocation of sites, and it is not clear what factors have informed that distribution. Policy SP2 of EFDLP contains the overall development strategy. However there is no mention of sustainable development in Policy SP2, and it fails to mention access to sustainable modes of transport which should be a key part of any development strategy. The proposed sequential approach in Policy SP2 has not actually informed the selection of sites in EFDLP e.g. some previously developed sites are not suitable or available for development, greenfield sites will be needed to meet identified housing requirements, and it is not uncommon for agricultural land on the edge of existing settlements to be used for development.

#### **Issue 4: Is the distribution of development justified in respect of the need for, and approach to, Green Belt release?**

1. Paragraph 14 of the NPPF generally requires that a Local Plan should meet the objectively assessed development needs of the area. However, it also confirms (via footnote 9) that Green Belt is one of the constraints which indicates that development should be restricted. How has this tension been resolved in favour of the conclusion that there are exceptional circumstances to justify the alteration of Green Belt boundaries? In particular:

- 1.9 Paragraphs 84 and 85 of NPPF1 also highlight the relationship between sustainable development and the Green Belt. Paragraph 84 states:

*“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”*

- 1.10 Paragraph 85 states that: *“When defining boundaries, local planning authorities should: ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development...”*.

- 1.11 It is the delivery of sustainable development that is the key aim of the planning system, and the protection of the Green Belt should not be given priority over the three strands of sustainable development. The Green Belt is a planning policy tool and not an environmental designation. It is considered that national guidance and policy supports decisions to review and amend Green Belt boundaries for sustainable development reasons, including to meet identified development needs. Approximately 92% of the land within Epping Forest District is designated as Metropolitan Green Belt, and larger parts of the neighbouring districts within Essex and Hertfordshire on the north eastern edge of London are also covered by Green Belt. There is no shortage of Green Belt land in this part of the country, but there is a shortage of sustainable sites for residential development that are not located in the Green Belt. It is inevitable that land will be released from the Green Belt in this area to meet identified development needs through EFDLP (and in a future review to meet local housing needs derived from the standard methodology in NPPF2) because no other realistic alternatives exist.

a. How do the specific development needs of the District weigh against the importance given to Green Belt protection?

- 1.12 As set out above, Paragraph 85 of NPPF1 clearly indicates that development needs should be met, and that Green Belt boundaries should be defined (and amended) to ensure that those identified needs are met. If the neighbouring authorities were not also covered by substantial areas of designated Green Belt land, then there may be an opportunity for Epping Forest to seek to transfer some of its housing needs to those neighbouring authorities through the DtC; but that is not an option since those neighbouring authorities are also having to release land from the Green Belt through their respective plan-making processes. Therefore, releasing land from the Green Belt in Epping Forest District is the only realistic option to meet identified development needs.
- 1.13 The objectively assessed need for housing is dealt with in Matter 3. As set out in Pigeon’s Matter 3 Statement, the housing requirement is much higher than proposed in EFDLP and that housing requirement will increase

substantially in the future under the standard methodology. As such, further land should be released from the Green Belt and safeguarded land should be identified to meet future development needs through EFDLP.

*b. What would be the consequences of not releasing Green Belt land to help meet development needs?*

- 1.14 If land is not released from the Green Belt in Epping Forest then the identified development needs, including for housing and affordable housing, will not be met. Those development needs will not be met elsewhere within the HMA (East Hertfordshire, Harlow and Uttlesford) either because those authorities also contain significant areas of designated Green Belt land, and land is already being released from the Green Belt in those neighbouring areas through their respective plan-making processes. In any event, as set out in Pigeon's Matter 1 Hearing Statement, the authorities within the HMA already agreed to meet their own needs through the DtC process. It would be unacceptable to simply ignore identified development needs, and it would be contrary to national guidance to do so e.g. Paragraphs 7 and 47 of NPPF1. There are other consequences associated with not meeting development needs. For example, commuting distances will increase for those that work within Epping Forest District but cannot afford to live in the area or neighbouring areas, with an associated increase in the cost of travel and an increase in pollution levels. It is requested that land is allocated in locations which are accessible by sustainable modes of transport, including land East of Epping promoted by Pigeon which is well-related to Epping Town Centre and Epping Station.

*c. Have alternatives to Green Belt release been fully considered?*

- 1.15 As set out above, there are limited alternatives to releasing land from the Green Belt if identified development needs are to be met. There is a limited amount of previously developed land within Epping Forest District, and such sites which are available and suitable have been assessed and allocated in EFDLP. The reuse of previously developed land is not always a straightforward option, for example a number of existing car parks are allocated in EFDLP for residential development but this approach is likely to make town centres less attractive and discourage commuters from using train services if less parking is available. It might be possible to increase the density of development, but those densities will need to reflect the character of the surrounding area and for development on greenfield (or Green Belt) sites on the edge of settlements the densities are typically much lower. There may be a limited number of vacant properties within Epping Forest District that could and should be brought back into use, but the process of doing that can be complex and time consuming because long term vacant properties are typically the result of legal, financial or ownership issues and disputes. The potential for windfall development during the plan period should not be over-relied on as it is often uncertain and is typically small scale and does not deliver sufficient quantities of housing or affordable housing to meet development needs. As set out above, there is limited opportunity for development needs to be met by neighbouring authorities within the HMA since those authorities are also covered by designated Green Belt land. The solution is to release additional land from the Green Belt, including at land East of Epping.

*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?*

- 1.16 No. As set out in Pigeon's representations to Paragraphs 2.134 to 2.142, the evidence of the Green Belt Assessment has not been used to inform the selection of sites.
- 1.17 The overall assessment of parcel contribution to Green Belt purposes contained within the EFDC Stage 1 GB Assessment shows that land East of Epping (046, 047) scored 5 points and made a consistently lower contribution compared to parcels of land South of Epping (041, 042, 043, 044, 045, 054) which scored between 5-9 points. Parcels 046 and 047 contributed only to GB Purpose 3, whereas land to South of Epping contributed in various ways to three of the GB Purposes.
- 1.18 The overall assessment of Green Belt harm for each of the land South of Epping sites (Parcels 044.1, 044.2, 045.1 & 045.2) contained within the in the LUC Stage 2 GB Assessment are all given a 'Very High' harm rating, whereas the assessment for the land East of Epping site (Parcel 046.1) has a 'High' rating. Parcels 044.2, 045.1 and 045.2 all score 'Strongly' and 'Relatively Strongly' against at least two of the GB purposes, whilst by contrast 046.1 scores this only in relation to GB purpose 3. The scores show that land East of Epping is consistently providing less of a contribution to Green Belt than South of Epping, which equates to the lower 'harm' rating.

- 1.19 The overall assessment of Green Belt harm was subsequently reviewed and amended within the Site Selection Report 2018 (Appendix B.1.4.2) - which has been subject to a 'sensitivity testing' - for the South of Epping sites (Parcels 044.2, 045.1 & 045.2) remains either 'High' or 'Very High', whereas the assessment for the land East of Epping site (Parcel 046.1) was downgraded to 'Low' or 'Low – Medium'.
- 1.20 In terms of other planning considerations, there are differences between the sites in terms of landscape impact as set out in the Site Assessment Report (2016), with land South of Epping in an area of medium landscape sensitivity and land East of Epping in an area of high landscape sensitivity overall (i.e. the whole LCA), however these are large areas of land covering a broad assessment and it is considered that proposals to the East of Epping will relate more closely to the settlement edge which has an existing influence, and where the urban edge is felt and the land more able to accommodate change. In addition, as set out in the East of Epping Promotion Document (submitted with Pigeon's representations) the proposed development will include strategic landscaping at the site boundary and retain existing hedgerows to help integrate development.
- 1.21 We note that the findings of the land East of Epping site (Site Ref. SR-0153) on the Green Belt topic states that: *"Almost all of the site is located in a medium sensitivity Green Belt parcel; planted buffers along the eastern edge limit inter-visibility with the countryside. If the site was released it would have limited harm to purposes of the wider Green Belt"*.
- 1.22 Therefore, it is concluded by Pigeon that any landscape impacts would be addressed by strategic landscaping within the proposed development at land East of Epping.
- 1.23 Therefore, the evidence in the Green Belt Assessment has not informed the site selection process. It is requested by Pigeon that the findings of the Green Belt Assessment for Parcels 044.2, 045.1 & 045.2 (land South of Epping) and Parcel 046.1 (land East of Epping) are used to inform the selection of sites in EFDLP.
- 1.24 In addition, as set out in Pigeon's Matter 1 Hearing Statement, the outcome of the Sustainability Appraisal has not informed the policies or site allocations in EFDLP. Pigeon intend to comment on the Site Selection Assessment process in more detail in the Matter 5 Hearing Statement. In summary, the Appendix B of the Site Selection 2018 evidence [Doc Refs. EB805 and Appendix B EB805 A to P] material does not justify the decision to remove East Epping from the Submission Version EFDLP and increase numbers at South when the evidence base and the correct application of the Sequential Approach of Policy SP2 define East as a more appropriate allocation.

*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?*

- 1.25 EFDLP does not mention safeguarded land, and there is no evidence that this matter has been considered by the Council in the Green Belt Assessment or any other Examination document. The Green Belt boundary in Epping Forest District is extensive and surrounds the largest settlements and most sustainable locations for development. Therefore, the Council cannot have satisfied itself that the Green Belt boundaries will not need to be altered at the end of the plan period for EFDLP i.e. by 2033.
- 1.26 Paragraph 85 of the NPPF states that: *"when defining boundaries, local planning authorities should:...where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;..."*. It is considered that it is necessary for safeguarded land to be identified in EFDLP for the following reasons:
- the Green Belt boundary in Epping Forest District is extensive – over 92% of land within the District is designated as Metropolitan Green Belt;
  - the Green Belt surrounds the largest and most sustainable locations for development such as Epping, and includes locations which are accessible by public transport and to London Underground Stations;
  - the standard methodology for calculating local housing needs included within NPPF2 shows that the housing target for Epping Forest District will increase in the future – the data published in September

2017 for the standard methodology indicates that approximately 923 dwellings per annum will be required before adjustments are made for economic growth and affordability;

- compared with a proposed target in EFDLP of 572 dwellings; and
- all of the other authorities within the HMA and on the north eastern edge of London within Essex and Hertfordshire include designated Green Belt within their boundaries.

- 1.27 Therefore, the release of further land from the Green Belt within Epping Forest District is the only credible option to meet future development needs. It is inevitable that if safeguarded land is not identified in EFDLP that additional and substantial amounts of land will need to be released from the Green Belt through the next review of the Local Plan. It is noted that the new national guidance in NPPF2 expects Local Plans to be reviewed regularly, and an assessment as to whether a review is necessary to be undertaken every five years, but there is limited incentive for authorities with extensive areas of Green Belt to undertake a review when housing need does not represent the very special circumstances required to justify releasing land from the Green Belt for planning applications. It is highly unlikely that the Council will decide to review EFDLP quickly. For all these reasons safeguarded land to meet future development needs should be identified through EFDLP
- 1.28 Pigeon requests that potential safeguarded land sites are assessed and identified in EFDLP. As set out above, land East of Epping was identified as an allocation in draft EFDLP. The land East of Epping is promoted for around 400 dwellings to meet the higher OAN requested in Pigeon's Matter 3 Statement. Furthermore, Pigeon through its Regulation 19 representations has promoted a larger strategic growth site which would create a new sustainable neighbourhood at East Epping on Garden Suburb principles. Pigeon strongly believe that land on the eastern edge of Epping is suitable for safeguarded land to meet future development needs derived from the standard methodology, and housing that will not be delivered at land East of Harlow during the plan period.
- 1.29 It should be noted that Paragraph 138 of NPPF2 provides guidance on the priority site characteristics for Green Belt release, and states in part that: *"Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport....."*. The land East of Epping is within walking and cycling distance of Epping Town Centre and is very well-related to Epping Station (less than 5 minutes' walk at its closest point), which is to the north west of the site, and therefore it should be considered a priority location for Green Belt release under NPPF2.

**Issue 6: Is the distribution of development justified in respect of its effect upon transport and other infrastructure in the District? Will the Plan be effective in securing the infrastructure necessary to support proposed growth?**

*1. Have the transport impacts of the Plan as a whole been tested? Has all necessary mitigation been identified and is there confidence that it can be delivered in time to support the proposed growth? Are there any remaining uncertainties or shortcomings?*

- 1.30 Pigeon would contend that strategic development should be directed to locations which are close to local facilities and amenities (including town centres) and which are accessible to and support sustainable modes of transport (be it walking, cycling or use of public transport), which place less pressures on existing transport infrastructure and supports a "step-change" towards sustainable travel. Analysis of Journey to Work transport modal share data from the 2011 Census shows that there is very likely to be a higher level of car dependency at South Epping compared to land East of Epping – with a corresponding car driver modal share of 46% and 42% respectively. This is supported by the greater distance and steeper uphill gradients between Epping South and Epping Underground Station and High Street. As a consequence of the higher level of car dependency, it must be considered that development at Epping South will require a more significant package of highway mitigation measures. Development at land East of Epping offers the potential to provide a highway connection between Stonards Hill and Stewards Green Road which could reduce traffic flow through the centre of Epping – including the B1393 High Street / St. John's Road / Station Road double mini-roundabout which currently experiences high volumes of traffic and associated capacity issues during peak times. Delivering development at South Epping will therefore result in a missed opportunity in terms of reducing traffic congestion, queuing and delay along a key highway corridor in Epping.

1.31 As set out in Pigeon's representations to Policy SP2, there is no mention of accessibility by sustainable modes of transport in the overarching development strategy. As set out in Pigeon's representations to Paragraph 2.27, Policy SP3 and Policy P1, it is considered that the decision not to allocate land East of Epping means that an opportunity has been missed to direct development to a sustainable location on the edge of Epping which would by inference help mitigate transport impacts as set against less sustainable options. Furthermore, it is expected that the positive impact of a Travel Plan would be proportionally greater at land East of Epping than South Epping given the geographical location of land East of Epping and the greater opportunities for increasing walking, cycling and public transport journeys. There remains uncertainty about the ability of Epping South to be accessible by non-car modes of transport and deliver a sustainable development.

*2. Is planned growth dependent upon a "step-change" towards sustainable travel? What does this mean and how will the Plan facilitate it? What has been done to assess the need for increased public transport and how will this be provided? How will success be monitored?*

1.32 Paragraph 3.88 of EFDLP sets out the approach to increase the use of sustainable modes of transport and consequently reduce car use. One of the criteria to deliver the transport approach states that: "*considering existing and future sustainable transport opportunities as part of the criteria when identifying sites for housing and employment*". Policy T1 includes criteria to encourage the use of public transport, walking and cycling, improve accessibility to services by non-car modes of transport, improve the efficiency of the local highway network, and manage congestion for example. It is considered that Policy T1 is generally consistent with Section 4 of the NPPF, and Paragraphs 30 and 34 in particular which seeks to promote sustainable modes of transport.

1.33 However, as set out in Pigeon's representations to Policy SP2, there is no mention of accessibility by sustainable modes of transport in the overarching development strategy. As set out in Pigeon's representations to Paragraph 2.27, Policy SP3 and Policy P1, it is considered that the decision not to allocate land East of Epping means that an opportunity has been missed to direct development to a sustainable location on the edge of Epping. At its closest point the site is 5 minutes' walk from Epping Underground Station via an existing footpath link, as well as within 800m or 10 minute walk from the town centre. As such, the delivery of sustainable transport options has clearly not informed the site selection process, because if it had then land East of Epping would have been allocated for residential development as it was at draft EFDLP stage.

*5. Does the Infrastructure Delivery Plan and Schedule (EB1101A & B) demonstrate that the development in the Plan can be served by adequate infrastructure at the appropriate time? Are there any significant omissions or funding gaps?*

1.34 It appears from representations submitted to the Regulation 19 EFDLP by the promoters of the South Epping site, that it has been requested that changes are made to Policy P1 so that it refers to a new bridge over the railway line to support pedestrian, cycle and 'potentially' vehicular access. A bridge crossing for pedestrians and cycles only would be inconsistent with the clear requirement for a vehicular link. Accordingly, it must be questioned whether 'adequate infrastructure' will be delivered through the South Epping allocation. It must also be considered that there is currently a considerable degree of uncertainty over both the funding strategy and delivery programme for the new bridge – which is a key enabler to development at South Epping.

1.35 Pigeon would also refer to the representations submitted by Epping Town Council to the Regulation 19 EFDLP which clearly stated that adequate infrastructure must be delivered before development, and that new roads including crossing the railway line are critical to development at South Epping.

