

## Examination of Epping Forest District Local Plan (2011-2033)

### Dandara Ltd Hearing Statement for Matter 5: Site Selection Methodology and the Viability of Site Allocations

- 1.1 This Hearing Statement has been prepared by Dandara Ltd (ID: 19LAD0129) in response to the MIQs raised by the Inspector for discussion in weeks three and four during 19<sup>th</sup> to 27<sup>th</sup> March 2019. This Statement should be read alongside Dandara Ltd's representations to the 2017 Submission Version Local Plan, supplemental representations to the 2018 Site Selection Evidence Base and Matters 1-4 Hearing Statements. It should be noted that deficiencies associated with the site selection methodology are raised having regard to land being promoted by Dandara Ltd at Temple Farm, Roydon as it is in this context that these deficiencies have been identified and are best understood.

#### Issue 1, Question 1 and 2

##### Are Housing Allocations chosen applying a Robust Assessment Process?

- 1.2 Appendix B1.1 of the 2018 Site Selection Report (EB805A) sets out five individual stages involved in the site assessment process.
- 1.3 The first two stages of site assessment comprise Stage 1 / Stage 6.1 and Stage 6.1B. The Stage 1 / Stage 6.1 assessment considers sites against six principal environmental constraints. Dandara Ltd supports the Stage 1 / Stage 6.1 methodological approach in removing sites from consideration for housing which are subject to one or more of the six principal environmental constraints.
- 1.4 Stage 6.1B then considers whether sites that have passed at Stage 1 / Stage 6.1 are located entirely or partially within a 'more suitable strategic option' as explained within paras. 2.47 and 2.48 of the 2018 SSR (EB805). A combined summary is then provided for Stage 1 / Stage 6.1 and Stage 6.1B which, for land at Temple Farm, Roydon (SSR ref. SR-0303-N) being promoted for residential development by Dandara Ltd reads:
- "Site is entirely or partially unconstrained by Major Policy constraints. Site is located entirely or partially within a more suitable strategic option and will progress to Stage 6.2"* (SSR, Appendix B1.3, EB805AJ, pg. B165).
- 1.5 Sites that pass at Stage 1 / Stage 6.1 and Stage 6.1B then progress to Stage 2 / Stage 6.2. Appendix A of the SSR (EB805AK) explains at para. 4.63 that the purpose of Stage 6.2 is "... to undertake a more detailed quantitative and qualitative assessment of sites to identify the relative suitability of sites for residential or employment development". Each site is assessed against 32 criteria.
- 1.6 Land at Temple Farm, Roydon proceeds at Stage 2 / Stage 6.2 for Stage 3 / Stage 6.3 assessment. Out of 32 criteria assessed at Stage 2 / 6.2, the site attracts only three 'double negative' scores which comprise agricultural land classification, landscape sensitivity and traffic impact. The application of a 'double negative' for each of the 32 criteria is defined and explained within Appendix B1.4.1 of the SSR (EB805E). Although land at Temple Farm, Roydon receives only three double negatives out of a total of 32 criteria, hence it proceeding to Stage 3 / Stage 6.3, we would raise the following concerns regarding the robustness of the application of 'double negatives' in this specific case (n.b. landscape will be considered under Stage 3 / Stage 6.3):

**Agricultural Land Classification** – The definition of ‘best and most versatile agricultural land’ is provided within the glossary to the 2012 NPPF and comprises “*land in grades 1, 2 and 3a of the Agricultural Land Classification*”. The definition of ‘best and most versatile agricultural land’ provided at Section 4.2 of Appendix B1.4.1 of the SSR differs from the NPPF definition by making no distinction between Grades 3a and 3b. The SSR assessment process is therefore likely to be giving ‘double negative’ scores to land that would fall within Grade 3b of the Agricultural Land Classification when this does not comprise ‘best and most versatile agricultural land’ as defined by the NPPF;

**Traffic Impact** – Section 6.6 of Appendix B1.4.1 of the SSR ascribes a ‘double negative’, representing the highest likely harm, to ‘moderate peak time congestion expected within the vicinity of the site’. We do not consider that it is reasonable to equate ‘moderate peak time congestion’ with the highest level of traffic impact harm when quite clearly there will be sites which, without mitigation or infrastructure enhancement, would result in high or severe peak time congestion. This lack of differentiation between moderate, high and severe harm, all of which would receive a ‘double negative’ score, is considered a failing of the methodology. The point is demonstrated for land at Temple Farm, Roydon following a pre-application meeting held with highway officers at ECC on 9th August 2017 to specifically consider development proposals for site ref. SR-0303-N which resulted in agreed minutes, signed-off by ECC, which concluded that “*there were no known highway or junction capacity concerns in Roydon*” (see Appendix 2 of our May 2018 Supplemental Representations to the SSE).

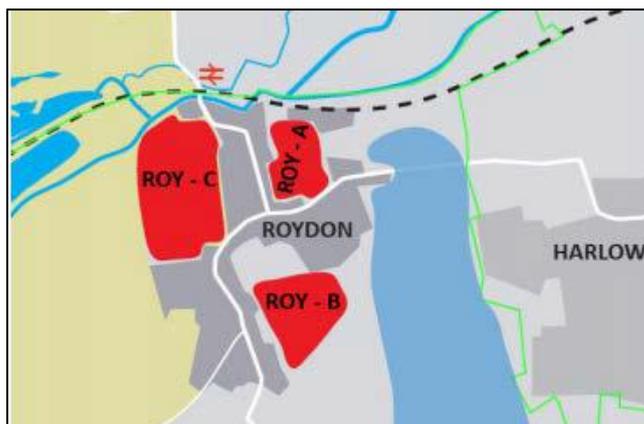
- 1.7 If appropriate adjustments were therefore made to the application of a ‘double negative’ for agricultural land classification and traffic impact, as explained above, land at Temple Farm Roydon would receive a single ‘double negative’ out of no less than 32 assessed criteria for landscape sensitivity which will be considered for State 3 / Stage 6.3.
- 1.8 Paras. 4.23 and 4.24 of Appendix A of the SSR explain that “*the purpose of Stage 3 is to identify the candidate Preferred Sites, which best meet the Council's preferred growth strategy*” ... “*the identification of candidate Preferred Sites will involve consideration of the 'best' fit sites for the particular settlement; and not by reference to any assessment of what may be 'best' for the District overall*”.
- 1.9 Appendix B1.1 confirms that Temple Farm, Roydon as site ref. SR-0303-N does not proceed at this stage and is excluded from the site allocation process. The justification for the exclusion of the site is provided on pg. 54 of appendix B1.5.2 of the SSR (EB805I) which reads as follows:  
  
*“This site falls within a strategic option which was considered to be less suitable. The site's suitability was re-considered as part of Stage 6.3 in 2017 since it was identified as potentially being able to contribute to the Council's five year housing land supply. This site scored poorly against several criteria, including landscape sensitivity, and it was considered that it would be harmful to the setting of the Lee Valley Regional Park. Although the site could contribute to the five year housing land supply, it was considered that this benefit did not override the constraints identified and therefore it did not proceed any further”.*
- 2.0 As a starting point, there are three inaccuracies contained within the justification of the site not proceeding from Stage 3 / Stage 6.6:

(i) The site does not fall ‘within a strategic option which was considered to be less suitable’ as the clear conclusion of Stage 6.1B is that ‘site is located entirely or partially within a more suitable strategic option’ (pg. B165, SSR Appendix B1.3);

(ii) As set out in detail within our Hearing Statement for Matter 1, the site was not reconsidered as part of Stage 6.3 ‘since it was identified as potentially being able to contribute to the Council’s five year housing land supply’ but due to significant inaccuracies, particularly surrounding the size of the site being promoted for development, within the earlier 2016/17 SSR;

(iii) The site did not ‘score poorly against several criteria’ as part of the Stage 2 / Stage 6.2 RAG assessment and as explained above, even if taken at face value, only scored three ‘double negatives’ out of 32 for agricultural land classification, landscape sensitivity and traffic impact.

- 2.1 Having regard to the rationale given in Appendix B1.1 of the SSR there are two principal reasons given by the Council for Temple Farm, Roydon not progressing to the next stage of assessment, namely west of Roydon being a ‘less suitable strategic option’ and landscape sensitivity associated with the LVRP. Dandara Ltd consider that there are significant methodological deficiencies associated with both.
- 2.2 B768 of appendix B1.5.2 of the SSR (EB805I) identifies three strategic options for Roydon comprising ‘intensification’ as a ‘more suitable strategic option’ and ‘eastern expansion’ and ‘western expansion’ as ‘less suitable strategic options’. The assessment text for the ‘western expansion’ option is reproduced in full at para. 4.2 of our 2018 SSR Supplementary Representations. It identifies significant benefits associated with the ‘western expansion’ of Roydon, namely:
- This strategic option is less harmful to the Green Belt. This is evidenced by the Green Belt Review: Stage 2 (2016) which concluded that the loss of parcels 064.7 and 064.8 would have a moderate and low impact upon the Green Belt respectively;
  - For the most part the strategic option lies within Flood Zone 1;
  - The northern part of the strategic option is located close to Roydon railway station.
- 2.3 The assessment of the ‘western expansion’ option concludes that all land surrounding Roydon, regardless of direction, has an identical impact from a heritage and landscape perspective having regard to the 2015 ‘*Historic Environment Characterisation Study*’ (EB900) and the 2010 ‘*Settlement Edge Landscape Sensitivity Study*’ (EB712). It is therefore simply the proximity of the western edge of Roydon to the LVRP that results in the ‘less suitable strategic option’ conclusion whereby “... *as a result of its location to the west of Roydon, this strategic option would be the most harmful to the Lee Valley Regional Park relative to the other strategic options in the settlement. The strategic option would conflict with the statutorily defined purpose of the Park*” (pg. B768, SSR Appendix B1.5.2).
- 2.4 Because land to the west of Roydon is recognised as being less harmful to the Green Belt; in close proximity to Roydon railway station; and having regard to the results of the Appendix B1.4.3 ‘Community Choices Feedback’ (SSR, EB805G) which for ROY-C (see Figure 1 below) concludes that “... *the area could accommodate and potentially benefit from small pockets of sympathetic development near to existing residential settlements*”, the ‘less suitable’ assessment conclusion relies solely on detriment to the setting of the LVRP.



**Figure 1: 'Community Choices' Zones**

2.5 The Inspector will be aware of Dandara Ltd's concerns regarding how the Council has misinterpreted the statutory purposes of the LVRP and has failed to undertake any meaningful or structured assessment of the definition. This is set out in full in our Matter 2 Hearing Statement but we will repeat the relevant points here.

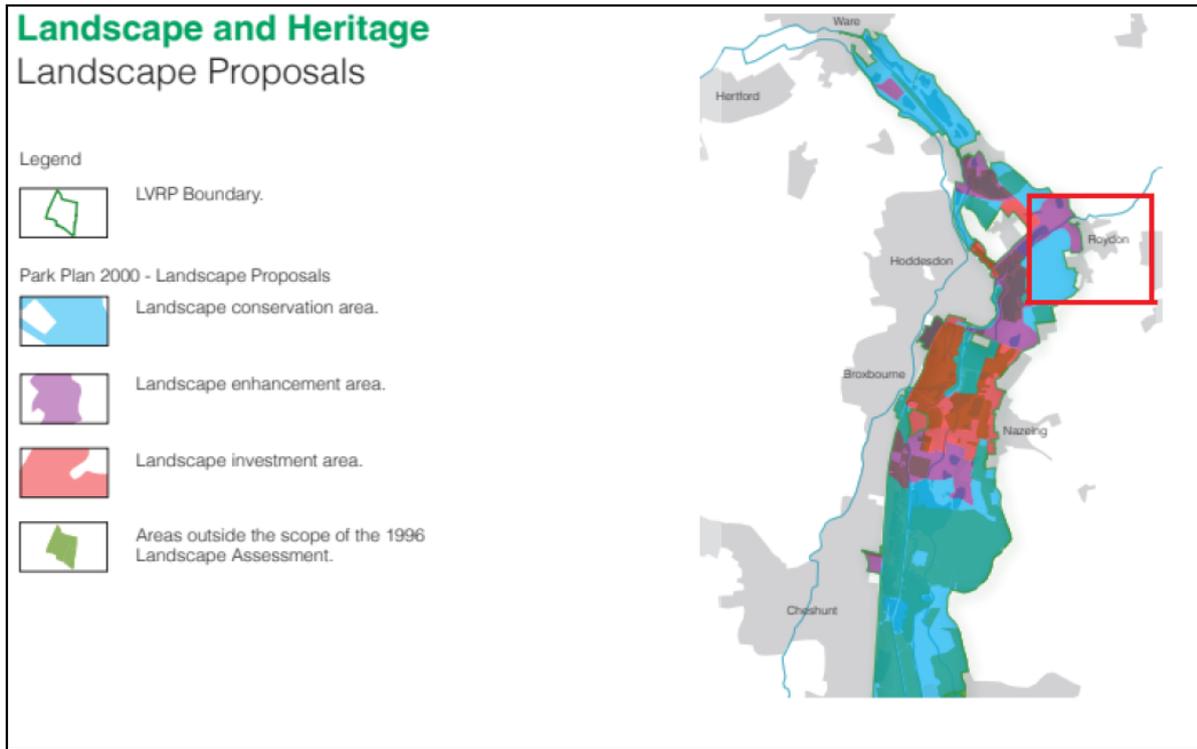
**1. Absence of Baseline Assessment**

2.6 Appendix B1.5.2 of the SSR fails to assess the existing contribution of land to the west of Roydon to the setting and Section 12(1) function of the LVRP, assuming that, compared to the baseline condition, development would automatically result in harm. Land at Temple Farm Roydon currently accommodates a poultry farm with associated outbuildings which are visually intrusive and harm both the setting and wider function of the LVRP with limited public access.

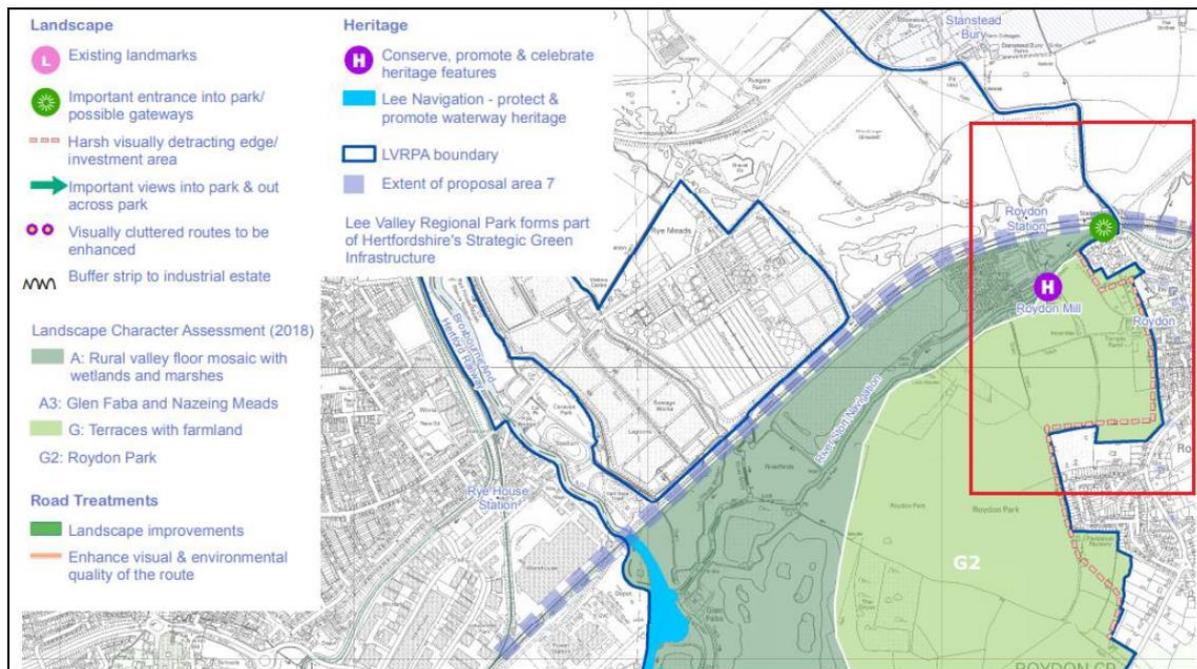
2.7 This is a particularly damning shortcoming of the SSR evidence base given that the adopted and emerging Park Development Framework (PDF) both recognise challenges and deficiencies associated with the quality of landscape character to the western edge of Roydon:

- The 2011 Park Development Framework Thematic Proposals (PDFTP) identifies land immediately to the west of Roydon, which forms the gateway to the Park as one enters from the settlement, as a 'landscape enhancement area' (see Figure 2 below);
- The emerging PDF area specific proposals for Area 7 'Broxbourne to Rye House' identifies the Roydon edge as a 'harsh visually detracting edge / investment area' (see Figure 3 below).

2.8 The SSR has fundamentally failed to consider the existing contribution that land to the west of Roydon makes to both the setting and the statutory purpose of the LVRP despite evidence available within the LVRPA's own Park Development Framework which makes clear the compromised landscape challenges associated with this edge.



**Figure 2: Landscape Enhancement Areas from PDFTP**



**Figure 3: Harsh, Visually Detracting Edge / Investment Area from Emerging Area 7 PDF Update**

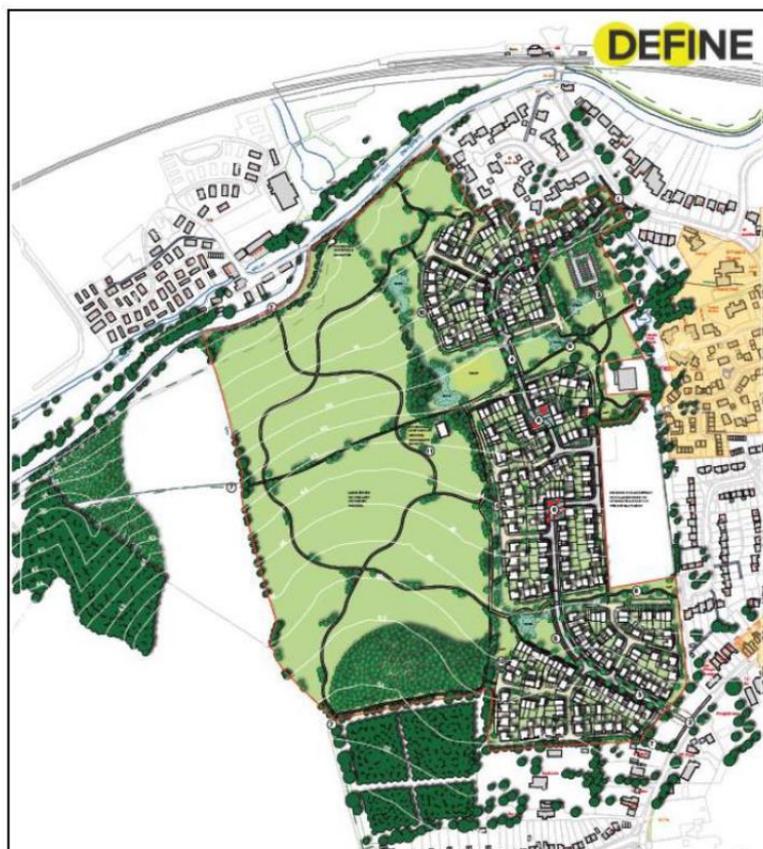
2.9 Following the Hearing Session for Matter 2 held on 13<sup>th</sup> February 2018, and having regard to the Matter 2 Hearing Statement prepared by the LVRPA, the Council acknowledged as per para. 19 of the LVRPA Statement that Local Plan paras. 2.14 to 2.23 had not been informed by the most up-to-date PDF. They therefore committed to updating the Plan accordingly including assessing whether other parts of the Plan require modification in light of the accepted LVRPA amendments, including the site selection process. This requires an

assessment of how proposals put forward by Dandara Ltd at Temple Farm could positively address landscape, accessibility and legibility concerns regarding the harsh, visually detracting Roydon settlement edge as identified by the PDF.

- 3.0 It is not sound to simply assume that all land within the setting of the LVRP positively contributes to the Section 12(1) objectives and therefore any development would be harmful. The exact opposite is true in the case of Temple Farm where the existing agricultural use is harmful to the visual setting and physical function of the LVRP and as recognised within the PDF itself, sensitive development presents an opportunity to enhance the role of the land to better achieve the objectives of Section 12(1). No evidence has been provided to suggest that landscape assessment work undertaken by EFDC conflicts with the findings of the PDF or Dandara Ltd and we would suggest that the Council has simply linked landscape harm to the proximity of the LVRP as part of an unevidenced and lazy desk-top process.

## ***2. Consideration of Site Specific Masterplanning***

- 3.1 There is no indication either within the Appendix B1.4.2 assessment proforma or Appendix B1.5.2 that Masterplan work submitted to the Council by Dandara Ltd for land at Temple Farm, Roydon has been taken into consideration.
- 3.2 The Inspector will be aware of Dandara Ltd's Masterplan proposals which are reproduced in Figure 4 below where a publicly inaccessible and visually detracting poultry farm is to be replaced with a carefully considered residential development alongside a new, circa 22 ha 'country park' which would provide a new gateway into the Park from Roydon and its mainline station. It also proposes opportunities for visitor facilities such as a café, visitor centre or recreation building that would add further attractiveness to Roydon as a 'sustainable gateway' into the Park. The opportunities associated with the development of Temple Farm are explained in detail in paras. 5.15-5.19 of our Regulation 20 representations including how enhancing the accessibility, usability, enjoyment and value of the Park via a new 'country park' fully accords with the statutory Section 12(1) remit and PDF.
- 3.3 Despite the SSR taking into account site specific Masterplan work for numerous Regulation 19 proposed allocations, particularly the urban open spaces and car parks, there is no evidence of a similar approach being taken to consider whether development could result in improvements to the Section 12(1) objectives of the LVRP on an edge identified by the LVRPA themselves as being of compromised landscape quality.



**Figure 4: Temple Farm Masterplan**

### **3. Site Specific Assessment**

- 3.4 The site specific proposals for the introduction of between 200-250 new homes at Temple Farm, Roydon have been carefully informed by site specific Green Belt and landscape assessment work undertaken by specialist landscape consultancy Define provided as an appendix alongside our Regulation 20 representations. This assessment work proposes development on a parcel of land which closely integrates with the existing settlement, currently accommodates intrusive poultry sheds, is visually contained by topography / mature vegetation and is distinct from the more open valley sides to the west moving within the LVRP towards the River Stort. This distinct character of the land is recognised within the Council's own Settlement Edge Landscape Sensitivity Study (EB712) which, at para. 8.1.2, notes that whilst "... the western edge of the village comprises a large arable field (Roydon Park) which cloaks a hill, sloping downwards to the west towards the Lee Valley ... a series of smaller-scale arable fields which are lined with mature hedgerows are situated at the settlement edge".
- 3.5 In summary, Dandara Ltd does not consider that the Plan's housing allocations have been chosen on the basis of a robust assessment process. Drawing upon land at Temple Farm, Roydon as ref. SR-0303-N, the 2018 SSR has rejected, at Stage 3 / Stage 6.3, a site that would have a moderate to low impact on the Green Belt; is located adjacent to Roydon railway station; and would have no greater heritage or landscape harm than any other edge of the settlement; for the sole reason of proximity to the LVRP. The SSR, despite evidence available within the Park Development Framework, fundamentally fails to consider the baseline value of the land to meeting the Statutory purposes of the Park nor the ability of development to

deliver significant wider benefits to the Park. Instead, the SSR takes an unevidenced and uninformed position that any development on land west of Roydon would harm the LVRP without understanding the existing value of this PDF defined 'harsh / visually detracting edge and investment area' and the significant benefits that development could bring to the recreational, leisure, ecological and visitor remit of the Park.

#### **Question 4**

##### **Is the Sequential Approach to Site Allocation set out in Policy SP2(A) Justified?**

- 3.6 Dandara does not consider that the sequential approach set out within Policy SP2(A) is justified, and we would raise the following two points:
- (1) Whilst Policy SP2(A) is consistent with national policy in prioritising the development of previously developed land in advance of Greenfield / Green Belt land, it is not consistent in its approach to prioritising the development of urban open spaces third within the hierarchy. The loss of urban open space conflicts with paras. 73 and 74 of the NPPF and we do not accept that the application of a quantitative assessment of need of the type commonly used when establishing need for new open spaces is in accordance with the first bullet of para. 74 which is written in the context of being 'surplus to requirements'. The Council has at no point demonstrated that the urban open spaces proposed for development are 'surplus to requirements' as demonstrated by the level of Regulation 18 and 19 opposition. This strand of para. 74 has not been satisfied and therefore Policy SP2(A) conflicts with national policy;
- (2) Whilst the sequential approach advocated by Policy SP2(A) suggests that Green Belt land on the edge of settlements which is 'of least value to the Green Belt' should be developed prior to Green Belt land of higher value, this is not carried forward into the SSR where land at Temple Farm, Roydon which is of medium to low Green Belt value is not proposed for development ahead of more sensitive Green Belt sites proposed for allocation within the Regulation 19 Plan.
- 3.7 The deficiencies associated with the Policy SP2(A) sequential approach, particularly in respect of prioritising the development of urban open spaces over and above lower value Green Belt land adjacent to existing sustainable settlements, is evident in the number of homes proposed for each settlement. Taking Roydon as an example, an inherently sustainable settlement with the District's only mainline railway station with medium / low value Green Belt on its western edge is to accommodate only 62 homes over the whole Plan period.

#### **Question 6**

##### **Is it Justified to Allocate Station Car Parks?**

- 3.8 Our Regulation 20 representations raised significant concerns regarding the number of LUL car parks being proposed for allocation to which the Council has provided no satisfactory answers. This included:
- As the District benefits from only one mainline station at Roydon, many residents rely on driving and parking at LUL stations to travel into London. The closure of such a number of LUL station car parks has the potential to have significant disrupting effects not least on the achievement of one of the core aims of the Plan to encourage sustainable transport use;

- There is little evidence regarding the deliverability of the proposals and the ability of LUL to oversee the development of simultaneous car parks over a relatively short period;
- As LUL are a public sector body, coupled with the quantum of public sector land proposed to be allocated within the Regulation 19 Local Plan, concerns are raised regarding timescales associated with operational matters, procurement, obtaining a development partner etc. which is enhanced when several LUL stations are being considered simultaneously;
- We have raised questions regarding the viability of the proposals which involve significant basement excavations to reprovide existing station parking alongside necessary levels of residential parking.