

EPPING FOREST DISTRICT COUNCIL

EXAMINATION

HEARING STATEMENT

**MATTER 12: EMPLOYMENT
AND
MATTER 15: PLACES AND SITES
(POLICIES P1-P15)**

FRANCESCA HILL

ON BEHALF OF

**MR GRAEME WATT
(REF: 19LAD0024)**



CONTENTS:

1.0 INTRODUCTION

2.0 MATTER 12: ISSUE 1: ARE THE REQUIREMENTS OF POLICY E1 JUSTIFIED, PARTICULARLY IN RESPECT OF FINANCIAL CONTRIBUTIONS?

1. Is Policy E1 (and, in consequence, the employment sections of Policies SP2 and Policies P1-P15) intended to apply to employment sites for B Class uses? If so, is it justified to prevent the change of use of such sites to other employment generating uses outside the B classes? Would this be consistent with the requirements of paragraph 28 of the NPPF to support the diversification of rural businesses?
2. Are the requirements of Part A(iii) concerning contributions to local employment training and small business growth programmes justified by reference to the tests in paragraph 204 of the NPPF? In particular, would they be justified in cases where an applicant had successfully demonstrated that there is no reasonable prospect of the site being used for employment purposes?

3.0 MATTER 15: ISSUE 1: ARE POLICIES P1- P15 JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY IN THE FOLLOWING GENERAL AREAS?

1. Does Appendix 6: Site Specific Requirements, constitute policy or supporting text? If policy, is this clear? Is the wording within Part A of each policy P1- P15 sufficient to ensure that the site specific requirements contained in Appendix 6 can be enforced, or should Appendix 6 itself contain a policy?).
2. Are all of the “Infrastructure Requirements” included within Policies P1 P15 intended to apply to every allocated site within each policy? Is this justified with reference to the tests in paragraph 204 of the NPPF?

4.0 MATTER 15: ISSUE 2: ARE THE PLAN’S POLICIES FOR THE SPECIFIC PLACES AND SITES WITHIN THE DISTRICT JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY; AND ARE THE SPECIFIC SITE ALLOCATIONS THEY INCLUDE JUSTIFIED AND DELIVERABLE?

Policies P13-P15: Rural Sites in the East, West and south of the District

1. **RUR.E11 (Quickbury Farm):** Is it justified to designate this site as an existing rural employment site or is it actually in agricultural use? (Reps 19LAD0024).

APPENDIX A: QUICKBURY FARM SITE PLAN



1.0 INTRODUCTION

1.1 This hearing statement considers the following matters:

- Matter 12 – Employment, Issue 1, Questions 1,2 and 3
- Matter 15- Places and Sites (Policies P1-P15) Issue 1, Questions 1 and 2
- Matter 15- Places and Sites (Policies P1-P15) Issue 2, Policies P13-P15: Rural Sites in the East, West and south of the District, Question 1

1.2 This Hearing Statement supplements Regulation 19 representations made on behalf of Mr Graeme Watt in January 2018 and considers the Inspector's Matters, Issues and Questions in relation to Matters 12 and 15 of the Epping Forest Local Plan Examination.

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



2.0 MATTER 12: ISSUE 1: ARE THE REQUIREMENTS OF POLICY E1 JUSTIFIED, PARTICULARLY IN RESPECT OF FINANCIAL CONTRIBUTIONS?

2.1 1. Is Policy E1 (and, in consequence, the employment sections of Policies SP2 and Policies P1-P15) intended to apply to employment sites for B Class uses? If so, is it justified to prevent the change of use of such sites to other employment generating uses outside the B classes? Would this be consistent with the requirements of paragraph 28 of the NPPF to support the diversification of rural businesses?

2.2 As read Policy E1 is unduly prescriptive and does not positively drive and support sustainable economic development as required by the NPPF. Mr Watts objections to the wording are set out in detail in his Regulation 19 submissions. Paragraph 3.44 of the Plan suggests that the Councils approach will support sustainable long- term economic growth in the District, however, contrary to this as worded by limiting appropriate employment uses to those that existing on the site, the Plan will disable the ability for landowners to respond rapidly to changes in economic circumstances and instead require a lengthy 12 month marketing exercise regardless of the replacement use proposed.

2.3 Furthermore Paragraph 28, supports the development and diversification of agricultural and other land- based rural businesses. This diversification can take many guises and in most circumstances include the re-use of buildings for a mix of uses including traditional employment, retail, service, leisure, tourism and residential. The allocation of existing rural employment sites and Policy E1, as worded limits the ability for this diversification to take place.

2.4 We request the removal of Quickbury Farm and Little Hyde Hall Farm (and other existing rural employment sites) as Existing Employment Sites and references to



“existing” in parts A(i) and (ii) to enable appropriate flexibility in line with paragraphs 21 and 28 of the NPPF.

2.5 **3. Are the requirements of Part A(iii) concerning contributions to local employment training and small business growth programmes justified by reference to the tests in paragraph 204 of the NPPF? In particular, would they be justified in cases where an applicant had successfully demonstrated that there is no reasonable prospect of the site being used for employment purposes?**

2.6 There is no evidence to support this requirement and neither the policy itself nor its preamble provides clarification for the need for such contributions. It is therefore considered that the requirement *“to provide mitigation measures in the form of contributions to local employment training and small business growth programmes”* does meet all the tests set out in Paragraph 204 and should be removed.

2.7 If the inspector is minded to retain this requirement it is requested that the wording be amended to include *“where appropriate”* to enable each proposal to be assessed against the tests in Paragraph 204.



3.0 MATTER 15: ISSUE 1: ARE POLICIES P1- P15 JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY IN THE FOLLOWING GENERAL AREAS?

3.1 1. Does Appendix 6: Site Specific Requirements, constitute policy or supporting text? If policy, is this clear? Is the wording within Part A of each policy P1- P15 sufficient to ensure that the site specific requirements contained in Appendix 6 can be enforced, or should Appendix 6 itself contain a policy?).

3.2 The status of Appendix 6 is unclear. With respect to Quickbury Farm and Little Hyde Hall Farm, no site specific requirements are set out in Appendix 6 which merely contains a plan and basic description of the sites. This would suggest, in the case of these sites, that Appendix 6 is supporting text only. Furthermore, these allocations can be found on the Proposals Maps, rendering Appendix 6 obsolete with respect of these sites.

3.3 Paragraph 154 of the NPPF requires that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the Plan.

3.4 It is suggested that each Plan allocation which has site specific requirements should have its own policy. Adopting this approach and incorporating the relevant site-specific information from Appendix 6 into site specific policies would provide clarity, and would also assist with concerns regarding the infrastructure requirements.

3.5 2. Are all of the “Infrastructure Requirements” included within Policies P1 to P15 intended to apply to every allocated site within each policy? Is this justified with reference to the tests in paragraph 204 of the NPPF?

3.6 In response to Question 2, we consider that the “Infrastructure Requirements” sections within policies P1-15 do not comply with paragraph 204 of the NPPF 2012.



- 3.7 Whilst we raise no objection to the provision of appropriate infrastructure to accompany development, as drafted, these parts of the policy are unreasonably tightly worded. Contributions should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind as set out in Paragraph 204 of the NPPF.
- 3.8 The Infrastructure Delivery Plan (IDP) December 2017 and Delivery Schedule (ED1101A and B) form part of the Plans evidence base which assess the quality and capacity of various forms of infrastructure. These contain a list of projects with some estimated and indicative costs, to inform the selection of sites and drafting of policies, stating that these should be updated as more detailed information becomes available. It does not indicate which sites would be expected to contribute towards each infrastructure project. An Infrastructure Delivery Topic Paper: Highways and Education Apportionment Addendum has been prepared to supplement the IDP which also includes estimated costs which are likely to evolve. This addendum does not identify any highway works that require contributions from any of the sites listed in Policy P13 despite the policy specifically referring to contributions being expected towards “Highway and junction upgrades”.
- 3.9 In light of the status of the IDP and its addendum and the lack of certainty regarding these documents, we consider it inappropriate for Part F to state that infrastructure requirements “*must be delivered...in accordance with the Infrastructure Delivery Plan*” and for Part G to state that the Council will “*only permit*” planning applications that contribute towards the delivery of those items set out in Part F in the Infrastructure Delivery Plan.



- 3.10 Non-statutory planning documents, which have not been tested through the Examination process, should not be used to set policies or determine development proposals in the way that Parts F and G require.

- 3.11 We request modifications to Parts F and G of Policy P13, to allow flexibility for the requirement of contributions towards infrastructure to be determined on an individual basis as required by Paragraph 204 of the NPPF, as opposed to fixed to the provisions in the IDP. We also request the removal of Part D (i) Highways and junction upgrades.



4.0 MATTER 15: ISSUE 2: ARE THE PLAN'S POLICIES FOR THE SPECIFIC PLACES AND SITES WITHIN THE DISTRICT JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY; AND ARE THE SPECIFIC SITE ALLOCATIONS THEY INCLUDE JUSTIFIED AND DELIVERABLE?

4.1 Policies P13-P15: Rural Sites in the East, West and south of the District

1. RUR.E11 (Quickbury Farm): Is it justified to designate this site as an existing rural employment site or is it actually in agricultural use? (Reps 19LAD0024).

4.2 Appendix 6 describes RUR.E11 Quickbury Farm as comprising *“several buildings/ structures in industrial use and associated hardstanding. The site is surrounded by agricultural land and/ or buildings.”* This is factually incorrect.

4.3 Attached in Appendix A is an up to date plan which shows the buildings within the designated employment area which are still in agricultural use, as is their associated hardstanding. This equates to 51% of the building footprint within the designation. Whilst there are buildings in commercial use, the site cannot be described as an existing employment site.

4.4 Furthermore, it is not expected that the agricultural buildings will be made available for commercial purposes within the plan period as they are currently required for the farming business.

4.5 It is therefore not justified to designate Quickbury Farm as an existing rural employment site and it is requested that it be removed as an employment allocation.