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# Epping Forest District Council Examination of the District Local Plan

Response to Inspector's Matters, Issues and Questions  
On behalf of Higgins Homes PLC (ID 19LAD0075)

**Matter 4**  
The Spatial Strategy/Distribution of Development

January 2019



**Epping Forest District Council  
Examination of the District Local Plan**

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**Matter 4:  
The Spatial Strategy/Distribution of Development**

**Barton Willmore LLP on behalf of Higgins Homes PLC**

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## **1.0 INTRODUCTION**

- 1.1 Barton Willmore LLP is instructed by Higgins Homes PLC to submit this hearing statement in response to questions posed under Matter 4 of the Inspector's Matters, Issues and Questions (ED5).
- 1.2 Higgins Homes PLC owns land at Luxborough Lane, Chigwell (EFDC site reference: SR-0108) which it is promoting for residential development in this Local Plan. The land is located in the Green Belt, is available now for development and could accommodate between 45 and 90 dwellings.
- 1.3 Our response is limited to questions posed under the following Issues:
- Issue 1 - Question 2 & 3
  - Issue 2 - Direct response to the Issue 2 question
  - Issue 4 - Question 1 (a & b), 2 & 5
- 1.4 Please find below our responses to the above questions.
- 1.5 Please note that we have no comment to make with regards to Issues 3 and 5 under Matter 4.

**2.0 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?**

2.1 Yes. Set in the context of Higgins Homes PLC overarching argument that the Council has not provided for its full objectively assessed housing needs in the District (see our response to Matter 3), it is considered that the Local Plan places a disproportionate emphasis upon meeting the growth requirements of Harlow. This emphasis comes at the expense of identifying and meeting the growth needs of the various Towns and Large Villages in the District. To this end, we consider that the Council should give further attention to allocating new homes to meet the needs of local communities, including Chigwell.

**Question 1 - How was the amount of housing proposed in the three Garden Town sites allocated in Policy SP5 determined (3,900 dwellings in total)?**

2.2 No comment.

**Question 2 - Could a higher level have been accommodated and would this have reduced the impact of growth proposed elsewhere in the district?**

2.3 In answer to the question posed by the Inspector, as indicated above, we consider that conversely there is too much of a reliance upon the Garden Community Sites around Harlow at the expense of testing the capacity of the other settlements in the district.

2.4 Although we note that the Council has made efforts to cooperate with Harlow District Council and other neighbouring authorities, in considering Harlow's growth, which is identified as a Garden Town, however out of the 11,400 new home allocated within the plan period (2011 – 2033), 3,900 of these new homes are to be allocated at sites around Harlow. That means that approximately a third of the new homes over the plan period within Epping Forest District Council (EFDC) will be located at sites around Harlow.

2.5 This is compared to 3,774 new homes which are proposed to come forward at Town's (Ongar, Epping, Loughton/Loughton Broadway and Waltham Abbey) and 1,570 new homes at Large Villages (Buckhurst Hill, Chigwell, North Weald Bassett and Theydon Bios) within the District.

- 2.6 The Local Plan therefore places a disproportionate emphasis upon meeting the growth requirements of Harlow at the expense of identifying and meeting the growth needs of the various Towns and Large Villages across the District. Therefore, we consider that the Council should give further attention to allocating new homes to meet the needs of local communities, including Chigwell.

### **Delivery of the Garden Community Sites**

- 2.7 We also have concerns with regards the proposed housing trajectory of the Garden Community Sites located within the District. As indicated by the Housing Trajectory at Appendix 5 of the Submission Version of the Local Plan, it is expected that by 2022/23 all three sites around Harlow will have started delivering housing. Within years 6-10 (2022/23 - 2026/27) it is therefore expected that 1,950 new dwellings will be delivered across all three sites. We are concerned that these delivery rates are ambitious considering the focus of this development is on one settlement as explained below.
- 2.8 As indicated at paragraph 2.89 of the Submission Version Local Plan, the Council require *"a joined-up, collaborative, cohesive and proactive approach and implementation of key strategic sites across the District"*. We also aware that each site must accord with the detailed principles as set out at draft policy SP4 of the Submission Version of the Local Plan. Although we support this joined-up and collaborative approach, we would question whether the sites in question will deliver new homes in the timescales set given the extent of cooperation that will be required between the local planning authorities, applicants, landowners, statutory consultees and key stakeholders. This particularly relevant as evidence found online to date suggests that there are no applications submitted yet regarding these Community Garden Sites within EFDC.
- 2.9 We note that the Housing Trajectory (Appendix 5) within Epping Forest's Draft Local Plan (Ref: EB123) indicates that homes would start to come forward at the Latton Priory site by 2019/20, and part of the Water Lane Area site (known as West Sumners and West Katherines within the Draft Local Plan) by 2018/19. Therefore, it is clear that within a period of two years, the delivery of housing at these sites has already been pushed back by three to four years, as the expected delivery of homes at these sites are not expected to start delivering until 2021/22 in respect to East of Harlow and 2022/23 with regards to Latton Priory and Water Lane Area.

- **Essential Infrastructure Requirements**

- 2.10 We have also undertaken a review of the Council's Infrastructure Delivery Plan (IDP), December 2017 (Ref: EB1101A & EB1101B) and note that the provision of a left turn slip road from M11 Junction 7a link road is listed as 'essential' infrastructure for the East of Harlow site. In addition, the IDP lists minor upgrades to Junction 7 of the M11 as essential infrastructure for the Latton Priory site. However, the Infrastructure Delivery Topic Paper, October 2018 (Ref: EB1101C) states (paragraph 4.2) that the funding of up to £50 million which has been secured for Junction 7 has instead been allocated to Junction 7a to provide greater capacity gains in the short term. EFDC have put an application for funding towards the minor upgrades to Junction 7 under the 'Road Investment Strategy (RIS) 2' however funding of specific projects has not yet been announced. The document goes on to state that there is a risk that funding may not be available from RIS 2 therefore the cost will need to be borne by developers.
- 2.11 As the minor upgrades to the M11 Junction 7a link road are listed as essential highway infrastructure for the Latton Priory site, we are concerned that without this funding in place there be a reliance on financial contributions which would have to come forward via S106 agreements as EFDC does not currently have CIL, could result in delays in the implementation of this infrastructure scheme and, as a result, the delivery of the Latton Priory site.
- 2.12 On the basis of the above, although we are not questioning the appropriateness of the Garden Town Community sites around Harlow (subject to the Council identifying further growth at its own Towns and Larger Villages), we do question the ambition that all three sites will deliver at similar timescales. In particular, we note that the Latton Priory and Water Lane Area sites are expected to deliver homes up until 2031/32, a year before the end of the Plan period. Therefore any further delays, whether they are as a result of a lengthy application process, or delays in delivering essential infrastructure (i.e. upgrades to Junction 7a of the M11) could see homes being delivered at these sites beyond the Plan period.
- 2.13 We therefore consider that the Local Plan should be looking to allocate further small-scale sites (for example, including sites which are available now and could accommodate less than 100 homes) at sustainable settlements within the District. Identifying smaller sites at the District's own Towns and Larger Villages (such as at Chigwell), which could be delivered in the short to medium term, this would seek to assist and ensure that the Council could meet its full objectively assessed housing need and to safeguard against

any risk that the housing trajectory for the Garden Community Sites is not met within the Plan period.

**Question 3 - Conversely, will the level of growth proposed elsewhere in the district be sufficient to support the vitality and viability of individual settlements over the Plan period?**

- 2.14 We consider that the level of growth proposed elsewhere in the District, and particularly if more development was directed to Towns and Larger Villages (such as Chigwell) would assist in supporting the vitality and viability of individuals settlements over the plan period. However, we would go further by stating that EFDC needs to allocate further residential sites within the District to meet full objectively assessed housing needs and that these sites should be focussed upon sustainable settlements beyond Harlow.
- 2.15 An example of a further site which could be brought forward, is our client's land interest at Chigwell (site reference SR-0108). This site is located in close proximity to the centre of Chigwell and could provide up to 90 dwellings. The additional residents that this development could bring to the area would boost the vitality and viability of services and retail outlets, as well as supporting community facilities within and around Chigwell.

### **3.0 ISSUE 2 - BEYOND THE HARLOW AREA, IS THE DISTRIBUTION OF DEVELOPMENT IN THE PLAN JUSTIFIED HAVING REGARD TO THE DEFINED SETTLEMENT HIERARCHY?**

- 3.1 Whilst it is for the Council to respond to this Issue, we consider that more emphasis should be placed on assessing the potential for small-scale, proportionate, growth at Larger Villages (for example Chigwell). We consider that there are suitable sites which could be removed from the Green Belt in order to meet local needs in sustainable and environmentally unconstrained sites. This is something that we return to in our response to Matter 5.

#### **4.0 ISSUE 4 - IS THE DISTRIBUTION OF DEVELOPMENT JUSTIFIED IN RESPECT OF THE NEED FOR, AND APPROACH TO, GREEN BELT RELEASE?**

##### **Question 1 (a) - How do the specific development needs of the District weigh against the importance given to Green Belt protection?**

- 4.1 As indicated in our hearing statement to Matter 3, EFDC needs to provide more land for housing to meet full objectively assessed housing needs. The Council has a responsibility to provide a rigorous assessment of the development capacity of its district in order to establish how and whether this can be achieved.
- 4.2 We note that over 92% of the land within the District is currently designated as being in the Metropolitan Green Belt (Paragraph 2.133 of the Submission Version) and therefore we support the Council's decision to undertake a Green Belt Assessment so that land can be considered for release from the Green Belt to meet development needs within the District.
- 4.3 However we consider that more could be done to identify suitable sites for Green Belt release and allocation to ensure that the District is meeting full objectively assessed housing needs.
- 4.4 We therefore consider that it is essential that in releasing further sites to meet full objectively assessed housing needs that greater emphasis needs to be placed on the Green Belt tests for suitable sites which could be released from the Green Belt.
- 4.5 As indicated in response to Question 2 below, we consider that the Green Belt Assessment that has been undertaken to support the Local Plan is not robust and has, in our view, unfairly assessed sustainable sites as making a strong contribution to the Green Belt which could assist the District in meeting its full objectively assessed housing need.

##### **Question 1 (b) - What would be the consequences of not releasing Green Belt land to help meet development needs?**

- 4.6 In the preparation of the emerging Local Plan, the Council have taken the decision that there are exceptional circumstances to undertake a Green Belt review. The consequences of not releasing Green Belt land to meet development needs would mean that the District would not be able to:

- Meet the Borough's housing need.
- Meet the Borough's affordable housing need.
- Ensure an appropriate housing mix including starter homes, self-build and custom housebuilding.
- Support sustainable patterns of development by allocating sites on the edge of settlements to support existing services and facilities.
- Provide much needed infrastructure, i.e. schools and highway improvements.

4.7 As indicated above, by not releasing Green Belt would have a significant consequence for the District in not meeting its development needs as the Council would not be able to prepare a 'pro-active' growth strategy for its District. As indicated in our response to Matter 3, when set against what we consider to be the full objectively assessed housing needs (which is below what the Council has identified) there is a shortfall in sites which have been identified for housing, and given the large presence of Green Belt in the District, sites to be released from the Green Belt.

**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 purpose 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?**

4.8 No. We question the robustness of the Green Belt assessment that has been undertaken by EFDC to inform the emerging Local Plan. We note that the Green Belt Assessment: Stage 2, prepared by LUC (Ref: EB705A) considers smaller parcels of land as compared to the initial Green Belt Review: Stage 1 (Ref: EB704A). However, we have stated our concerns in our consultation responses to the Local Plan that the assessment of parcels within the Green Belt Assessment; Stage 2, has in some cases been too imprecise and not considered smaller development opportunities (like the site at Chigwell being promoted by Higgins Homes PLC). This assessment process, which has been undertaken on behalf of the Council has resulted, unfairly in our view, in some potential development opportunities being unreasonably or inaccurately concluded as making a strong contribution to the Green Belt.

4.9 An example of this unreasonable or inaccurate assessment process is found in relation to our client's land at Luxborough Lane, Chigwell (site reference SR-0108). This site forms part of Parcel 036.2 within the Green Belt Assessment: Stage 2 which not only includes our client's site but land to the south east running up to High Road. The parcel as a whole has been considered to have a 'Very High' harm if the parcel was to be released from the

Green Belt, as it was considered to make a 'Strong' contribution towards checking the unrestricted sprawl of large built up areas (Purpose 1) and preventing neighbouring towns from merging (Purpose 2).

- 4.10 However, we consider that if the site was assessed on its own merits we consider the results would have been different. For example, there is broad swathe of land to the west of the M11 that will remain permanently open which would mark a demonstrably and defensible separation between Chigwell and Loughton/Buckhurst Hill. In addition, the site is well contained by existing housing to the east, Luxborough Lane to the south, the M11 to the west and the Central Line to the north. Indeed, the Green Belt Assessment: Stage 2 assessment of Parcel 036.2 confirms that the M11, Central Line and the body of water to the east of Buckhurst Hill "*form strong barriers that prevent separation*".
- 4.11 We therefore consider that our client's site has been unfairly assessed, forming part of a larger parcel of land which is considered as having a 'Very High' harm if the parcel was to be released from the Green Belt. Further consideration should therefore be given by the Council to the assessment of this site for release from the Green Belt and its allocation for housing to meet the housing needs of the District and Chigwell in particular.

**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?**

- 4.12 As indicated within our response to Matter 3, we consider that the District's housing needs are higher than the Council has provided for in its Local Plan. In view of this, the District should make every effort to identify additional land to meet these needs. Given the extent of Green Belt found in the District, the process of meeting housing needs will inevitably require further assessment of potential development opportunities on land within the Green Belt which is judged to be available and in sustainable locations at defined Towns and Larger Villages (such as Chigwell).
- 4.13 We consider that priority should be given to finding additional land to meet the level of housing need, that we have identified in our Matter 3 Statement, as as part of this Local Plan process. To this end, we point to the availability of development opportunities such as found at our client's site in Chigwell.

- 4.14 Subject to the forthcoming discussions at the Examination about this and other related Matters, if it is concluded that the priority should be to adopt the Local Plan in the short term, then we would ask that further consideration is given either to the safeguarding of Green Belt sites for future allocation; or that the recommendation is made for the Local Plan to be reviewed immediately in order to undertake a further more detailed assessment of the Green Belt to identify additional land for housing allocation.