

**Epping Forest District  
Council  
Examination**

**Hearing Statement  
Matter 5**

**Rachel Bryan  
On Behalf of  
Mr Martin Eldred  
19LAD0034**

**Sworders  
February 2019**



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## 1.0 INTRODUCTION

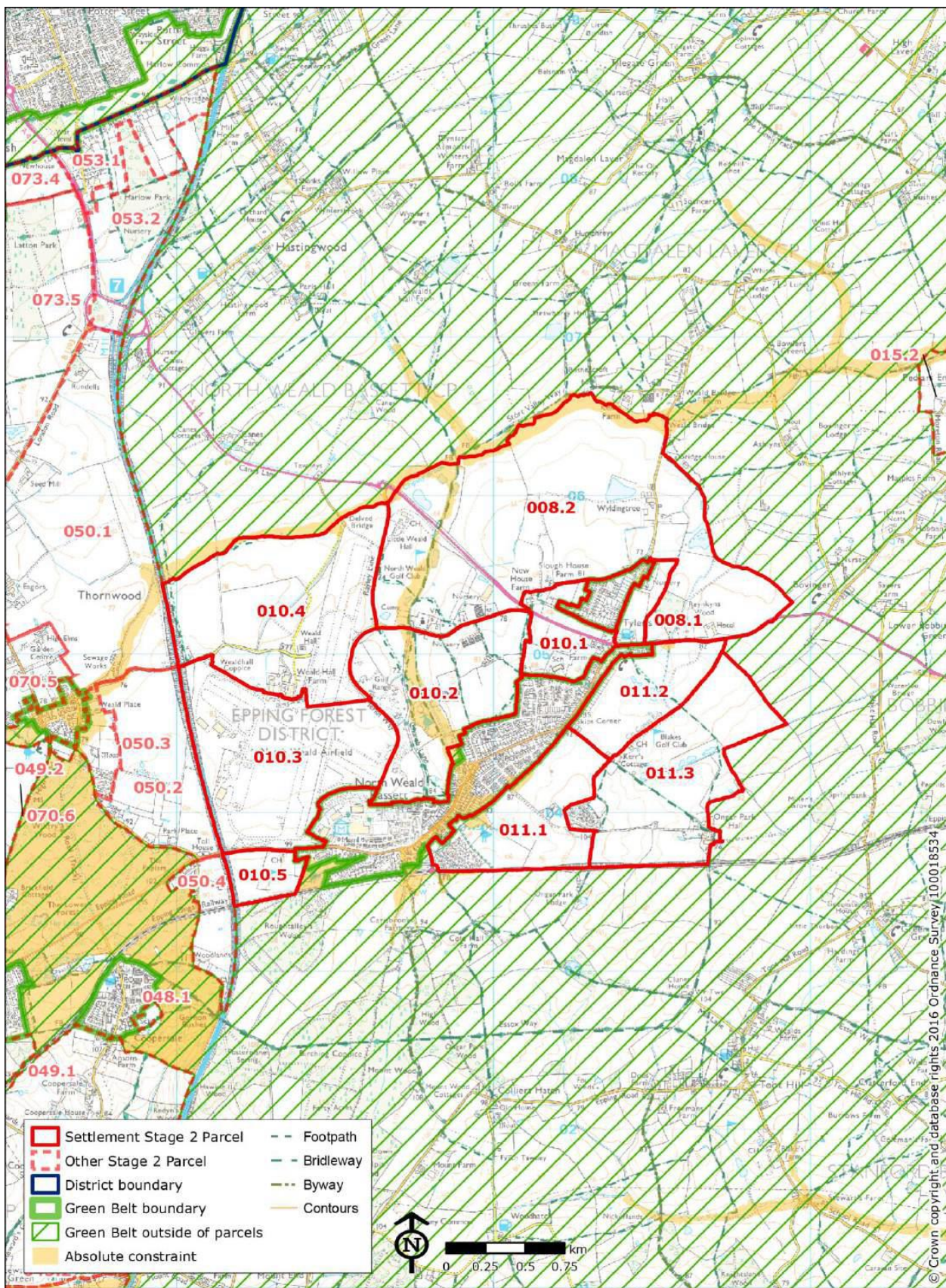
- 1.1 This hearing statement considers Matter 5 – Site Selection Methodology and the Viability of Site Allocations, specifically, Issues 1, 2 and 4.
- 1.2 It is submitted on behalf of Mr Martin Eldred, landowner of sites NWB.R1 and NWB.T1 (19LAD0034).
- 1.3 This Hearing Statement supplements Regulation 19 representations made on behalf of Mr Eldred in January 2018 and considers the Inspector’s Matters, Issues and Questions in relation to Week 3 Matter 5 of the Epping Forest Local Plan Examination
- 1.4 **I confirm I wish to attend the hearing.**

## 2.0 ISSUE 1: HAVE THE PLAN’S HOUSING ALLOCATIONS BEEN CHOSEN ON THE BASIS OF A ROBUST ASSESSMENT PROCESS?

- 2.1 In response to **Question 1**, we support the overall approach taken by the Council regarding site selection for housing allocations and consider this to be robust.
- 2.2 Specifically in relation to site NWB.R1, the Site Selection Report 2018 (EB805 and associated appendices EB805A to EB805P) fully justifies the allocation of site NWB.R1 and demonstrates that it is suitable, available and deliverable with no identified constraints that would prevent it coming forward for development.
- 2.3 The absence of Appendix B of the Site Selection Report 2018 does not affect this support and respondents were not in any way prejudiced as a result of this. Appendix B does not contain any new information critical to the soundness of the LPSV and, in any event, was published for consultation prior to submission of the LPSV allowing adequate opportunity to comment.
- 2.4 However, in response to **Question 3**, we do not consider that the reasons for some omission of sites have been fully explained and justified. In relation to site NWB.R1, the Regulation 18 Plan proposed allocation of this site both to the south and north of the A414, but the LPSV proposes allocation of land to the south only.

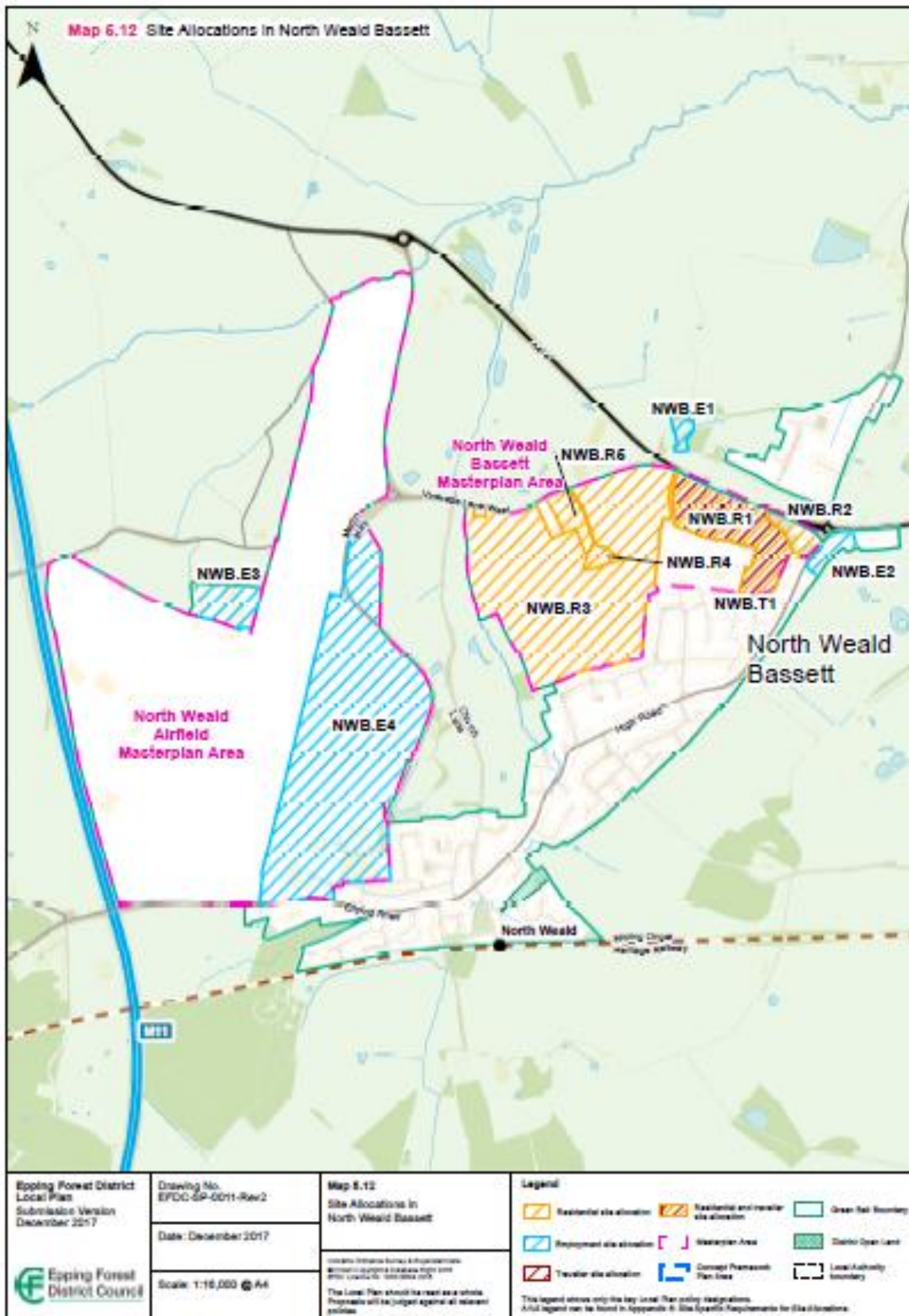


- 2.5 EB805 states that the amendments to site allocations in North Weald Bassett were to reflect a reduced level of growth in response to traffic impacts and representations to the Draft Local Plan. For the avoidance of doubt, this document was published at the time of the Regulation 19 consultation. The reference to reduction in overall growth in the settlement is repeated in Appendix B (EB805P); however, no evidence is presented as to why the omission of this site specifically would be the most appropriate strategy to address the concerns expressed at Regulation 18 stage.
- 2.6 EB805P also states that the omitted part of the site to the north of the A414 was considered to be in a more outlying location, detached from the existing settlement and consequently less critical to the delivery of development in the settlement. We disagree with this view.
- 2.7 This part of the site is not outlying; it is in between two areas of development inset from the Green Belt. As set out in relation to Matter 4, omission of this site will leave an illogical strip of Green Belt. The Green Belt Assessment 2016 (EB705A) considered this strip in the same parcel as site NWB.R1 (parcel 010.1), concluding that the level of harm caused by release of the whole parcel would be “low” in the context of purposes 1, 2, 3 and 4 and “none” with the exclusion of purpose 3. In the context of North Weald, parcel 010.1 was found to be the most suitable site for development, from a Green Belt perspective.
- 2.8 Our view is that the evidence base demonstrates that site NWB.R1 should include the northern strip in order to provide a logical Green Belt boundary and add built in flexibility to the Plan in the face of significant upward housing pressure.
- 2.9 The below maps from the LPSV and LPSV evidence base demonstrate how parcel 010.1 and site NWB.R1 differ:



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Green Belt Assessment Stage 2 Technical Annex; North Weald settlement parcels (EB705B).



LPSV Map 5.12 (EB114).



- 2.10 The Council's hearing statement in relation to Matter 4 states that the Council sought to maximise the sites allocated in each land preference before moving onto the next. This has not been applied in this case; the exclusion of the northern strip has failed to maximise development from this low performing Green Belt site in a sustainable location.
- 2.11 In summary, we consider the site assessment process to be robust, however, decisions relating to amendments to some sites between Regulation 18 and Regulation 19 stages lack justification. However, this can be easily rectified by revisiting the proposed allocations to identify whether a more robust assessment of individual sites within them would result in more defensible Green Belt boundaries and a more logical pattern of development.
- 2.12 In response to **Question 5**, we do not consider it necessary to set out the sequential process in Policy SP2(A) and this can be resolved with a simple amendment.

### **3.0 ISSUE 2: HAVE THE PLAN'S ALLOCATIONS FOR GYPSIES & TRAVELLERS AND TRAVELLING SHOWPEOPLE BEEN CHOSEN ON THE BASIS OF A ROBUST ASSESSMENT PROCESS?**

- 3.1 In response to **Question 1**, the assessment process underpinning the allocation and distribution of sites for Gypsy & Traveller sites is not robust and does not accord with Planning Policy for Traveller Sites (PPTS) of the National Planning Policy Framework (NPPF).
- 3.2 Our concerns were submitted via supplementary representations relating to the site selection report appendices in April 2018 but are expanded upon below in response.
- 3.3 The Site Selection Report 2018 (EB805 and associated appendices EB805R to EB805 AA) does not set out justification for why selected sites are in the most suitable location, whether reasonable alternative sites or distribution patterns have been considered or provide robust evidence to support the proposed strategy and distribution of Gypsy and Traveller sites. There are also inconsistencies in the Traveller Site Selection Methodology (TSSM EB805A1) which calls into question the suitability of the locations selected for site allocations.



- 3.4 Specifically, EB805AI discounted any locations developed and outside the Green Belt at stage 1a on the basis that locating new traveller sites in immediate or very close proximity to existing developments in settlements is less likely to promote peaceful and integrated co-existence between the traveller and settled communities (PPTS, paragraph 13a) and to ensure that the location of sites do not dominate the nearest settled community (PPTS, paragraph 25). Paragraph 3.25 of the LPSV states that the Council's own consultation indicates a strong preference for sites to have a degree of separation from settled communities; the PPTS is clear that local planning authorities should pay particular attention to early and effective community engagement with both settled and traveller communities.
- 3.5 Therefore, Appendix E1.3.2 (EB805T) shows that all locations which are already developed and outside the Green Belt were discounted at stage 1a.
- 3.6 However, the proposed strategy is to locate sites for Gypsy & Traveller sites within Strategic Masterplan Areas (at the three Garden Town Communities, Waltham Abbey North and North Weald Bassett) alongside residential sites, within the same allocations.
- 3.7 This will result in Gypsy & Traveller sites being in immediate proximity to the settled community, contrary to the rationale behind screening such locations out, the PPTS and the LPSV evidence base.
- 3.8 Specifically, in the context of the NWB Masterplan Area, whilst not currently adjacent to residential development, site NWB.T1 sits within the residential allocation so would ultimately be surrounded by residential properties on three sides.
- 3.9 The TSSM does not consider whether it is more appropriate to locate Gypsy & Traveller sites in alternative locations, more appropriate to their mixed-use nature. This is contrary to the PPTS which, at paragraph 15, requires consideration, wherever possible, of including traveller sites suitable for mixed residential and business uses.
- 3.10 Specifically, in relation to site NWB.T1; this is proposed to be located in the residential-led NWB Masterplan Area. No locations within the North Weald Airfield Masterplan Area have been considered which may be a more appropriate location considering its mixed-use. EB805AI excludes sites adjacent to airfield runways (Table 1) based on noise





and air quality concerns. Given the control that the Council has over the land at North Weald Airfield it seems illogical not to consider this as a potential location, particularly where the impacts of noise and air quality are unknown and potentially equal to those relating to the A414 (where locations have not been excluded).

- 3.11 EB805AI also discounted any locations not proximate to the public highway from consideration at Stage 1a i.e. any areas not within 100 metres of classified and other metalled roads. The justification given is to ensure that travellers can access services and facilities and to facilitate ease of movement of mobile homes/caravans.
- 3.12 However, this does not appear to be supported by the PPTS, consultation, any other aspect of the evidence base or the LPSV aspirations for modal shift. It therefore cannot be justified in accordance with paragraph 182 of the NPPF.
- 3.13 Furthermore, there appears to be inconsistency between this parameter, and the allocation of sites. Specifically, in the context of the NWB Masterplan Area, site NWB.T1 is shown in Appendix E1.6 (EB805W) as being located adjacent to the A414 (so clearly within the 100m parameter) stating that access to the site would be gained via upgrades to the existing access from the A414.
- 3.14 This contradicts the access strategy for the NWB Masterplan Area; Policy P6 Part L (ix) specifies access from an improved A414/Vicarage Lane West junction which is located over 300m from the proposed location of site NWB.T1 within the Masterplan Area. It is not clear whether Site NWB.T1 is to have an access separate from the rest of the Masterplan Area, or whether it is to use the A414/Vicarage Lane West access. If it is the latter, then according to EB805AI the site should have been discounted at stage 1a.
- 3.15 The site selection process does not provide adequate justification for why sites are proposed for allocation. Appendix E1.1 (EB805R) Overview of Assessment of Traveller Sites), simply refers to Appendix E1.8.3 (EB805AA) as providing the justification for allocation.
- 3.16 However, EB805AA contains explanations for sites which are not proposed for allocation, but no analysis is provided as to why the allocated sites were selected in preference. EB805AA simply sets out that the site is available, has no identified



constraints and is within the Masterplan area. No justification is provided as to why this site is considered suitable

- 3.17 In summary, we consider that the site selection process is not robust and provides inconclusive and incomplete evidence to justify allocation of sites for this use and is therefore not in accordance with the PPTS (paragraphs 7a, 13a and 25) or the NPPF (paragraphs 158 and 182).

#### **4.0 ISSUE 4: AT THE BROAD STRATEGIC LEVEL, ARE THE PLAN'S ALLOCATIONS FINANCIALLY VIABLE?**

- 4.1 In response to **Question 1**, whilst this Plan is examined under the NPPF 2012, planning applications will be determined under the NPPF 2019 which states that viability is a matter for the plan making stage.
- 4.2 Having been prepared in the context of the NPPF 2012, insufficient information is available at present to undertake viability appraisals, particularly for larger sites or for those sites which have infrastructure implications which are more far reaching. There is little doubt that Epping has an extremely buoyant housing market and, in the case of site NWB.R1, this is a greenfield sites with few constraints. We would expect strong residential values and, fundamentally, there should be no viability concern. However, the Infrastructure Delivery Plan is in draft form and, as such, the level of off-site contributions (including highways improvements) is unknown. In some cases, particularly in regard to the larger strategic sites, the balance of infrastructure requirements may require flexibility at the application stage in light of this.
- 4.3 We consider it is important that it is specifically acknowledged by the Inspector through the Examination that the preparation and examination of the Plan during the transitional period between the 2012 and 2019 NPPFs means that viability may be a matter that requires consideration at the application stage notwithstanding the requirements of the 2019 NPPF to raise viability issues at the plan-making stage.



## 5.0 SUMMARY

5.1 This hearing statement is submitted on behalf of Mr Martin Eldred, who supports the Council's approach to the distribution of development, including the allocation of site NWB.R1 and its release from the Green Belt. Specifically;

- We support the overall approach taken by the Council regarding site selection for housing allocations and consider this to be robust and in accordance with the NPPF.
- However, the justification for the reduction in size of site NWB.R1 is lacking and we consider this site should remain as per the Regulation 18 proposed allocation.
- The site selection process for Gypsy and Traveller sites is not robust and provides inconclusive and incomplete evidence to justify allocation of sites for this use and is therefore not in accordance with the PPTS or the NPPF.