

INDEPENDENT EXAMINATION OF THE EPPING FOREST LOCAL PLAN (2011-2033)

MATTER 5: Site Selection and Viability Hearing Statement by: Freetown Homes Representor Number 19LAD0097

1.0 Response to Inspector's Issue 1: Have the Plan's housing allocations been chosen on the basis of a robust assessment process?

The Representors response to this is: No.

- 1.1 The Representor notes that the Inspector has (IQ1) asked the Council should provide a summary of the process by which the Plan's housing allocations were selected?
- 1.2 A number of representors have already expressed strong reservations both before and during the Examination to date (Week 1) about the Site selection process and some of these issue will be aired before Matter 5 is considered during the examination of Matter 4 in Week 2. Thus the Representor awaits with interest the Council's answer to **IQ1.a.** as this process is at best opaque and at worst suspicious in that it appears to have been highly subjective and highly susceptible to local political considerations and influence. The Representor considers that the Site Selection Methodology (SSM) throughout the Local Plan Process and culminating in the Site Selection Report (EB805) was **not robust (IQ1.b.)**, being characterised by unsubstantiated assumption, inaccuracy, inconsistency and what appears to have been a self-serving /-selecting process of site-definition, especially in respect of sites that were subsequently rejected.
- 1.3 The Representor does not consider that the SSM demonstrates that there has been a clear, evidenced and objectively justified 'cascade' down from the Settlement Hierarchy, through a transparent and coherent sequential assessment (giving priority to the most sustainable locations – which are most likely to be found primarily in and adjoining the two top-tiers of the Settlement Hierarchy) as claimed in Policy SP2A. (**IQ1.c.**)

1.4 Nor is it evident why a ‘pure’ Plan-wide sequential assessment has been effectively abandoned as the starting point for site selection in favour of the somewhat obscure and poorly justified “Land Preference Hierarchy” which seems to provide a catch-all opportunity to promote or reject sites on wholly subjective grounds. Thus, the Representor is concerned by meaning and implication of the statement at paragraph 4.24 of EB805:

“4.24 The identification of candidate Preferred Sites (and thus, by implication, of the discounting of 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. Therefore, in order to identify the most appropriate candidate Preferred Sites, at Stage 3, reasonable alternatives to accommodate growth in each settlement will be assessed and a decision made on which alternative or alternatives represent the most appropriate approach. Those sites located within more suitable settlement alternatives will then be assessed in order to identify the ‘best’ fit sites in that settlement.”

This is a quite remarkable statement because it suggests that the methodology is driven by different considerations across different settlements and is not uniform across the District. Not only is there an issue of fairness/equity and Plan-wide consistency here, but, depending on the planning judgement of the assessor (see EB 805 paragraph 4.25) in each case (which judgement will also be susceptible to especially strong local/political preferences and prejudices), it can result in a skewed and fundamentally unsustainable strategic distribution of development across the District. This is precisely the state of affairs that has come about with the process. Clearly it is right that local site-related factors bearing on the selection of the site are addressed and weighed but this could be done by reference to a criterion applied consistently across the Plan Area.

1.5 Paragraph 4.26 sets out 6 criteria (reproduced in SP2(A), criterion (ii) to (vii) inclusive) evidently to be applied as part of ‘sequential approach’ to site selection. What is noteworthy here is the absence of any accessibility criterion. Thus a key consideration in allocating land for housing development in a sustainable manner, must surely be accessibility: to transport modes other than the private motor car; and to local (educational, community, recreational, shopping and employment) facilities. The availability of these facilities clearly informed the definition of the Settlement Hierarchy.

This also goes to the relationship – or, in the view of the Representor, the lack of a relationship between the SSM and the Sustainability Appraisal (**IQ1.d**).

1.6 Equally surprising in light of the content of paragraph 4.24 and the commentary thereon at 1.4 above there is no criterion addressing local impact e.g.: “Sites which would not adversely affect the landscape setting and character of the settlement, the significance of heritage assets, and harm habitats of local (non-statutory) biodiversity or geodiversity value.” (IQ1.e.)

1.7 It is noteworthy also that the Agricultural land criterion in 4.26, which presumably seeks to distinguish ‘best and most versatile’ agricultural land from other land refers wrongly ALC grades 1 to 3 and not to ALC grades 1-3a (NPPF Annex 2 – Glossary). This mistake is repeated in the assessment (EB801Gii) of the Representor’s ‘Omission Site’ (Part of SR-0098) at Chigwell. See below.

1.8 The Representor is genuinely confused by the first bullet point of paragraph 4.27 of EB805:

“4.27 In applying the hierarchy, it is noted that:

- *The settlement hierarchy will only be used as a sense check on the results given that the land available does not tally with places most likely to provide growth in line with the existing hierarchy.”*

Whilst the wording is, to say the least, convoluted, if the settlement hierarchy is only being used as an ex-post facto ‘sense check’, then it is not clear what the purposes of the hierarchy is, but such an approach is clearly contrary both to sustainability objectives and to good spatial planning practice.

1.9 The Representor considers that a proper, objective Plan-wide sequential assessment would logically have identified Chigwell as an appropriate location for more significant level of housing development, justifying more extensive Green Belt release around the Settlement. Its strategic locational qualities, which are fully consistent with the Local Plan strategy, are self-evident. Thus, it is a ‘Large Village (identified as a second-tier settlement in the hierarchy) – indeed on most other recognised definitions, including size, character/appearance and facilities, it would be regard as a ‘Town’.

It is the closest part of Epping Forest District to the built-up area of Greater London, which it abuts and is physically contiguous with – to the extent that there is no clear landscape/townscape demarcation on the ground of the border. It is served by scheduled

bus services and by a London Underground (Central Line) Station and is 5 miles from the new Elizabeth Line station at Ilford (to which it is connected by bus service 167). It also benefits from an excellent range of educational, community, recreational, shopping and employment facilities. In the circumstances it is not clear why so little housing provision has been made in Chigwell in the Plan. In this context, the Representor does not consider that the so-called Limes Farm allocation represents a realistic or deliverable proposition.

- 1.10 In relation to **Inspector's Question 2** the Representor contends that conclusions reached about individual sites were faulty and inaccurate, clearly not fully fact checked and errors were perpetuated throughout the SS process.
- 1.11 As part of its representations in support of the allocation of part of Site SR-0098 throughout the Plan-making process, the Representor prepared and submitted a full suite of Site-specific assessment documents (effectively equivalent to 'validation documents' submitted in support of a planning application) so that the LPA could come to an informed judgement on the merits of the Site and also met with an Officer of the Council and one of its Consultants when errors were highlighted.
- 1.12 The material submitted to the Council made clear that the Representor's proposed housing-led mixed-use allocation only related to the **western** part of SR-0098. Amongst other things, the Representor had commissioned and submitted a full Landscape and Visual Impact Assessment which concluded that in landscape (and, thus, Green Belt) terms there was a clear distinction between the character and landscape and visual impact of eastern part of SR-0098 – which because of its open, uncontained and prominent nature, should continue to be part of the Green Belt – and the western end – which because of its character and especially its strong landscape and visual containment did not fulfil the five purposes of including land in the Green Belt and could safely be released therefrom and allocated for development.
- 1.13 This conclusion had resulted in a Masterplan-led proposal for development which retained the eastern part of SR-0098 in open agricultural use, but with significant landscape and biodiversity enhancement and increased public access.

- 1.14 This well-evidenced and clearly explained disaggregation of SR-0098 and the proposal for a reduced allocation has since been consistently and evidently wilfully ignored by the Local Planning Authority and its retained Consultants.
- 1.15 In addition to the assessment material already referred to, the Representor submitted: an Ecological Appraisal (demonstrating that the Site accommodated neither habitats of value, nor protected species, but that a development-funded programme of enhancement could result in significant bio-diversity enhancement and benefits, especially on that part of the land retained in an open state and in the Green Belt); and, an Agricultural Land Quality assessment that concluded that the whole of the area proposed for allocation was (contrary to the finding in EB801Gii) that all the land was of ALC 3b and thus, not BMV.
- 1.16 Other detailed, site specific material submitted included: a desk-based Archaeological Assessment; a Flood Risk and Drainage Assessment; a Noise and Air Quality Assessment; a Transport Assessment; Framework Travel Plan; Utilities Assessment; and a Local Community Facilities and Infrastructure Report; a Design and access Statement, incorporating a Heritage Impact Assessment; a Statement of Community Involvement. All of these documents demonstrated that the western part of SR-0098 was not subject to any compelling planning constraints and its development would not cause harm to interests of acknowledged importance. Indeed, as demonstrated by the submitted Local Community Facilities and Infrastructure Report, the proposed allocation enjoys outstanding accessibility credentials, being immediately adjacent to and within convenient walking distance of the Village Centre, including the existing and proposed community hub, Chigwell Station and scheduled bus service stops (including Service 167) on Hainault Road. The EB801Gii assessment appears also to be predicated on the assumption that the main access to the Site would be gained via Vicarage lane at the extreme eastern end (Criterion 6.4), which is wrong as access modes will be via a direct access/egress to/from Hainault Road in the heart of the Village.
- The Representor is also proposing that the Housing-led mixed use allocation should include provision for a new primary health centre/GP surgery, a new primary school and for a new nursing/care home, delivery of which has been agreed with relevant providers.
- 1.17 The Council's assessment of the Site (EB801Gii), as already noted, wrongly extends to the whole of SR-0098. This is important because against 32 criteria, only 3 attract a dark red scoring and only 2 a pale red. Of the three dark red scores, one is based on alleged harm to

the Green Belt interests (2.1) and one on alleged harm to landscape sensitivity (5.1). As already noted, the Representor's Landscape and Visual Impact Assessment concludes that this harm only arise in respect of the *eastern* end of SR-0098 and not the land proposed by the Representor for allocation. The third dark red score (4.2) is based on incorrect information, as it asserts that the Site is BMV agricultural land, which it is not, as the Representors ALC assessment demonstrates. Of the two pale red scores, one, notes simply that the Site is greenfield land on the edge of the settlement, which, in the context of the Plan's strategy, including the acceptance that the release of Green Belt and of greenfield land is necessary to meet OAN, and of other greenfield allocations, can hardly be seen to be an overriding constraint. The final pale red score is 'topography', although it then accepts there is potential for mitigation. The Representor simply does not accept that this is a potential site constraint or that there is need for mitigation.

- 1.18 In terms of the accessibility criteria, because the whole of SR-0098 is being assessed, the site scores only neutral or pale green in relation to criteria 3.1 to 3.7 inclusive. However, if the Representor's proposed allocation Site, together with the access on Hainault Road and the new on-site facilities, were to be assessed against these criteria, it would score at least pale, if not dark green.
- 1.19 In all the circumstances the Plan's neglect of Chigwell as a significant location of significant housing development and associated Green Belt releases and of the Omission Site as a preferred allocation site can be seen to be at best inexplicable unjustified and at worst perverse.
- 1.20 The Representor has no comment on **Inspector's Issue 1, Question 3**.
- 1.21 So far as **Inspector's Issue 1, Question 4** is concerned the Representor considers that the proposed allocation at Limes Farm Chigwell (Chig.R6) in particular is likely to result in the loss of valuable urban green space in a location where, having regard to dense urban character of the area and the (Socio-economic) needs of the local residents, it is most needed. This appears to be a lazy and socially/politically insensitive option, evidently aimed at sparing wealthier, more articulate, engaged and influential residents of the District and of Chigwell by minimising Green Belt releases and penalising the less privileged residents of the Limes Farm Estate. It is also indicative of a lack of imagination on the part of the LPA since

there is, with some creativity, enterprise, investment and community engagement there is clearly an opportunity to significantly enhance the landscape quality, the recreational utility and the biodiversity of the green spaces at Limes Farm in the context of a comprehensive estate regeneration project, which had this been undertaken sooner would have pre-empted the current proposal. Whilst the Representor considers that, as well as being harmful, this allocation is impracticable and undeliverable, a well-thought out regeneration scheme might in due course yield **some** net housing gain, but this should not be assumed to be deliverable in the foreseeable future and, if it happens eventually, can be treated as a windfall.

- 1.22 With respect to **Inspector's Issue 1, Question 5**, for reasons already given, the Representor does not consider the site selection process to be complete and that further sites need to be (re)considered. However, it does agree that a sounder sequential approach needs to be included in Policy SP2(A).

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