

# **Epping Forest District Council Examination**

**Hearing Statement Matter 15**

**Clare Hutchinson on Behalf of  
Mrs Bridget Uncle  
19LAD0030**



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## 1.0 INTRODUCTION

- 1.1 This hearing statement considers Matter 15 – Places and Sites, specifically issues 1 and 2, with reference to P12 (Sheering).
- 1.2 It is submitted on behalf of Mrs Bridge Uncle, landowner of draft allocated sites SHR.R1. and SHR.R3 (19LAD0030).
- 1.3 This Hearing Statement supplements Regulation 19 representations made on behalf of Mrs Uncle in January 2018.
- 1.4 I confirm I wish to attend the hearings in relation to matter 15 issues 1 and 2 (policy P12).

## 2.0 ISSUE 1: ARE POLICIES P1-P15 JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY IN THE FOLLOWING GENERAL AREAS:

- 2.1 In response to **question 1**, concerning the status of Appendix 6, NPPF 2012 paragraph 154 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. Currently, we agree that the status of Appendix 6 is unclear.
- 2.2 Conventionally, individual Plan allocations each have their own policies. Adopting this approach and incorporating any relevant site-specific information from Appendix 6 into site specific policies would provide clarity.
- 2.3 However, with regard to SHR.R1 and SHR.R3, we question whether much of the information within Appendix 6 is required. Other policies in the Plan e.g. DM7 Heritage Assets and T1 regarding highways matters.
- 2.4 Within our regulation 19 representations we sought changes to Appendix 6 regarding SHR.R1 and SHR.R3. If Appendix 6, or the provisions within it, are to be retained we consider these changes are required to ensure clarity in decision making. In summary these changes are:
  - SHR.R3 – Appendix 6 makes reference to the impact of development on the setting of Chambers Farmhouse and pump. However, this heritage asset is some 350 metres



from SHR.R3, beyond a post-war housing estate. SHR.R3 forms no part of the setting of Chambers Farmhouse.

- SHR.R1 – Appendix 6 refers to potential site access constraints. Our Regulation 19 submissions set out that there is no constraint to access which will be achieved via an upgrade of the existing unmade access.

2.5 In regard to **question 2**, we consider that the infrastructure requirements sections within policies P1 -15 do not comply with paragraph 204 of the NPPF2012, specifically policy P12 parts E and F.

2.6 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.

2.7 It is clear from both the IDP (1100A, 1100B) and the recently published 'Highways and Education Apportionment Addendum' (April 2019, EB1101E) that sites SHR.R1 and SHR.R3 are not currently expected to contribute to all of the items set out at policy P12 E (i) – (iii). The Addendum indicates that SHR.R1 and SHR.R3 will only contribute to meeting the need for Early Years places. The current wording of P12 (E) is therefore misleading. Whilst P12 (F) outlines that the items at P12 E (i) – (iii) may not be required if 'subsequent iterations of the Infrastructure Delivery Plan or discussions with providers determine that these items are no longer required', this wording implies that these items are currently envisaged to be required, and are considered to meet the tests at paragraph 204 NPPF2012; neither of which is the case. We are concerned that in combination, the wording of P12 (F) and (E) could be interpreted by a future decision maker to mean that items within the IDP and at E (i) – (iii) were considered to be compliant with NPPF2012 paragraph 204 at the examination stage and thus could be justifiably sought at the planning application stage. This is clearly not the case and as such paragraphs E and F require clarification.

2.8 Beyond issues of interpretation at the application stage, we are also concerned that the wording of P12 (F), which indicates that the applicant may not provide these items if



they are 'no longer required' will set an expectation within communities that these items are required now (which is not the case), and as such future non-provision could be seen as a failure of development schemes to deliver required infrastructure.

- 2.9 In terms of the IDP itself, for Sheering (ED1100B section 8.20) items are categorised as 'Critical', 'Essential' and 'Desirable', but it is not outlined how these differing levels of priority should be interpreted in the context of paragraph 204 NPPF2012.
- 2.10 In addition to the above, whilst we welcome a more detailed understanding of the infrastructure requirements at the Examination stage, the inclusion of this work into the Examination evidence base should not preclude more detailed viability and infrastructure provision discussions later in the process when more detailed information is available, both in terms of the infrastructure costs and the housing types and mix on each site. This is envisaged by policy D1 of the LPSV.
- 2.11 Taking the above points together, and with specific reference to P12, we consider paragraphs E and F should be deleted and replaced with a paragraph which states, *"Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with policy D1"*
- 2.12 In regard to **Question 5**, we consider that P12 G usefully clarifies the threshold at which the residential development sites allocated within policy P12 will need to provide an air quality assessment, beyond the information contained in DM22.
- 2.13 The supporting text to policy DM22 indicates at paragraph 4.163 that development which requires the submission of a Transport Assessment or Transport Statement will require the submission of an Air Quality Assessment, however both paragraph 4.163 and DM22 C indicate that other developments may also require the submission of such an assessment, which is appreciated as DM22 is envisaged to apply to not only to planning applications on allocated sites, but also in regard to the full range of 'windfall' developments that may come forward over the life of the Plan.
- 2.14 As a result, deleting P12 G would result in the loss of this useful clarification.

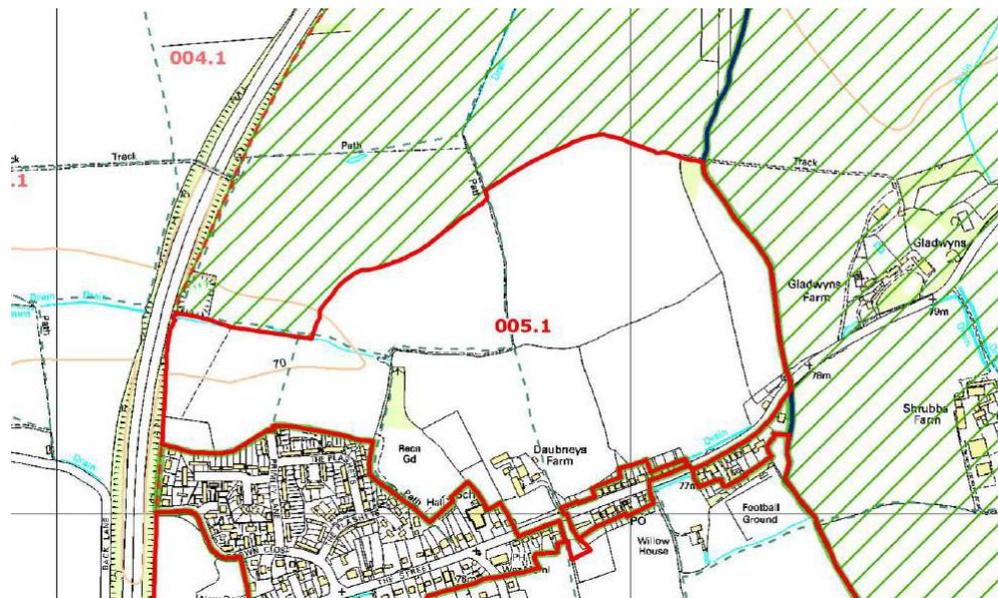


**3.0 ISSUE 2: ARE THE PLAN'S POLICIES FOR THE SPECIFIC PLACES AND SITES WITHIN THE DISTRICT JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY; AND ARE THE SPECIFIC SITE ALLOCATIONS THEY INCLUDE JUSTIFIED AND DLEIVERABLE?**

- 3.1 In response to **Question 1**, we believe that sufficient school places are available to meet needs arising from development in Sheering and Lower Sheering.
- 3.2 The recently published 'Highways and Education Apportionment Addendum' (April 2019, EB1101E) states (paragraph 4.7) that growth at East of Harlow and in Sheering and Lower Sheering is to be served by new primary and secondary schools East of Harlow. The provision of these schools is included within the SOCG between Miller Homes, Epping Forest Council and Harlow Council (ED20), which states: *"It is agreed that the site should provide two new primary schools with early years and childcare provision and approximately 10ha of land to accommodate a new secondary school in addition to any necessary contributions."*
- 3.3 Both SHR.R1 and SHR.R3 fall within Essex County Council's priority admission area (catchment area) for Sheering primary school, and within the area for Mark Hall Academy secondary school in Harlow.
- 3.4 The Essex County Council 10 year plan – Meeting the demand for school places in Essex 2019–2028 - groups together Hatfield/Roding and Sheering primary schools in its planning for school places. It notes that these primary schools have surplus places in reception year until 2024.
- 3.5 Beyond that time, there is no capacity at present, however the plan notes that this is as a result of new housing planned east of Harlow, which falls in the planning area of Sheering Primary School. As above, Harlow East will provide two primary schools, one within Epping Forest District. The education authority therefore has no additional projects in the pipeline for these schools, indicating that there is likely to be sufficient capacity as a result of the delivery of the schools at Harlow East.



- 3.6 For secondary provision, there is currently a deficit in Year 7 places in Harlow. However, the report notes that Sir Frederick Gibberd College (SFGC), a secondary free school approved by the DfE is due to open in September 2019. It will accommodate an 8 form entry secondary school and a 6th form, which will fully offset this deficit to 2024. Again, as outlined above, 10ha land will be provided at East Harlow to accommodate a new secondary school, in addition to any necessary contributions. A new secondary school south of the town at Latton Priory will also be provided, as set out in the Statement of Common Ground between EFDC, Commercial Estates projects Limited and Hallam Land Management (ED23). Both these new schools will provide capacity in the Harlow area later in the Plan period.
- 3.7 In regard to **Question 6** Our response is limited to sites SHR.R1 and SHR.R3. SHR.R1 and R3 are appropriate for Green Belt release: both would contribute to the promotion of sustainable patterns of development in the district and their allocation to provide 10 and 12 dwellings respectively contributes to meeting housing need in the settlement in the least damaging manner compared to other options, as established within the LPSV evidence base.
- 3.8 As evidenced and justified in the LPSV, exceptional circumstances exist to justify Green Belt release in order to facilitate wider strategic development goals in the Housing Market Area.
- 3.9 For the reasons set out in our regulation 19 representations (response to policy P12, section 2), Sheering is a sustainable location to accommodate housing growth. The scale of green belt release is necessary in order to deliver the scale of development proposed and is therefore justified and proportionate.
- 3.10 The Green Belt Assessment: Stage 2 2016 (EB705A) includes sites SHR.R1 and SHR.R3 within parcel 005.1. Parcel 005.1 is a large area of land extending across the entirety of the northern side of Sheering, as shown in the extract from EB705A below:



3.11 EB705A concludes that 005.1 makes no contribution to Green Belt purposes 1, 2 and 4 (checking the unrestricted sprawl of large built up areas, preventing neighbouring towns from merging and preserving the setting and special character of historic towns). 005.1 makes a ‘relatively strong’ contribution to purpose 3, safeguarding the countryside from encroachment.

3.12 The overall ‘harm’ to the Green Belt from releasing the entire parcel (assessed against purposes 1 – 4) is therefore assessed as ‘high’. However, as is acknowledged within section 4 of EB705A (‘Findings’), *“Given the rural nature of the District, the majority of the District’s Green Belt performs strongly against purpose 3. It is therefore helpful to undertake some ‘sensitivity testing’ – to look at how the Green Belt performs if purpose 3 is removed from the assessment (and therefore parcels are assessed against purposes 1, 2 and 4 only).”* (paragraph 4.11).

3.13 Based on an assessment excluding purpose 3, the release of parcel 005.1 is assessed as causing no harm to the Green Belt.

3.14 Paragraph 4.17 of EB705A notes that an analysis of harm excluding purpose 3, *“provides a more nuanced picture of how Green Belt performs across the District. As such, it may provide the Council with a better tool and evidence base upon which to make decisions about the performance of Green Belt across the district and those locations where Green Belt release may be more appropriate. However, separate evidence on landscape*



*character and quality will be particularly important – in order to distinguish between areas that are more and less sensitive to development in landscape terms”*

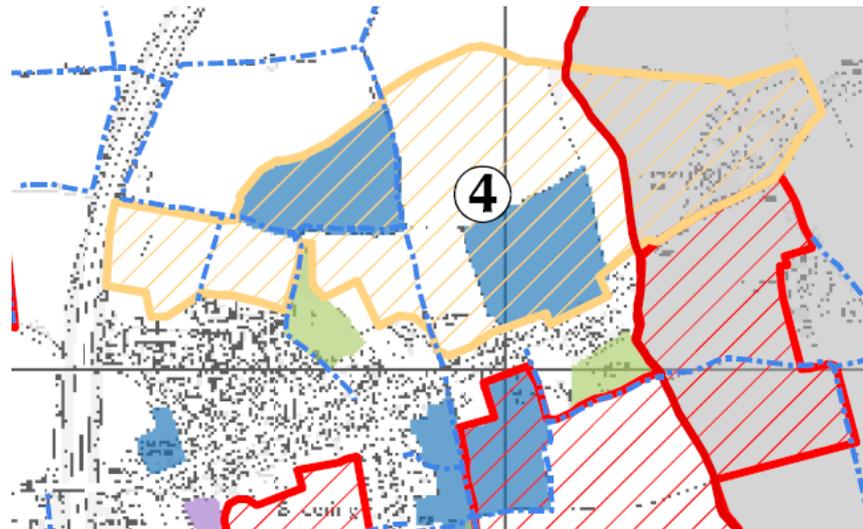
- 3.15 The Council has adopted this approach when considering site selection. The 2018 Site Selection Report (Appendix A – Site Selection Methodology EB805AK) states at footnote 9 page A34, *“As acknowledged in preceding sections of the SSM, if the Council is to meet its objectively assessed housing and employment needs the case for Green Belt release will need to be considered. It is the Council's view that using the Green Belt assessment which considers the 3 purposes (rather than 4) will provide the Council with a better tool and evidence base upon which to make decisions about the performance of Green Belt across the District and those locations where Green Belt release may be more appropriate. It is on this basis that the Council proposes to use the results of the sensitivity testing for site selection. Further justification for adopting this approach is contained in the Stage 2 Green Belt Assessment.”*
- 3.16 We concur with this evidence led approach which confirms that allocating sites SHR.R1 and SHR.R3 to meet housing need in the district comprise options for accommodating growth that ameliorate and reduce the impact of development on Green Belt purposes in the district to the lowest reasonably practicable extent.
- 3.17 It is also important to note that the above analysis concerns the entirety of parcel 005.1, which extends to 44.6 ha. Sites SHR.R1 and SHR.R3 comprise small elements of this larger parcel, extending to 0.48 ha and 0.36 ha respectively
- 3.18 SHR.R1 is very well contained, comprising an area of horse grazing land which relates to the settlement rather than the ‘arable farming landscape’ that comprises the majority of parcel 005.1:



- 3.19 We would contend that notwithstanding the Council have excluded purpose 3 from their site selection methodology, SHR.R1 in fact makes a lower contribution to safeguarding the countryside from encroachment than the wider area of 005.1.
- 3.20 The Technical Annex of the Green Belt Assessment (EB705A) outlines that the reason parcel 005.1 makes a ‘relatively strong’ contribution to safeguarding the countryside from encroachment is that: *“This is an arable farming landscape with no development other than farm buildings close to the settlement edge. The settlement edge is for the most part quite exposed, but the landscape is open and rural to the north with no significant containment, and a defined narrow valley towards the western end of the parcel creates a degree of distinction in terms of landform between the settlement and the land in the parcel. It is noted that there is a playing field within the Green Belt adjacent to the settlement edge at the centre of this parcel. This is well contained from the wider Green Belt by a narrow woodland block and a strong hedgerow, and relates to the settlement rather than the countryside.”*
- 3.21 In the context of SHR.R1, the site is on the settlement side of the ‘farm buildings close to the settlement edge’, and we would contend that as with the playing field SHR.R1 is well contained and relates to the settlement rather than the countryside.
- 3.22 Beyond the above, paragraph 4.17 of EB705A, as stated above, outlines that separate evidence on landscape character and quality is relevant, in order to distinguish between

areas that are more or less sensitive to development in landscape terms.

3.23 The landscape evidence base comprises the Settlement Edge Landscape Sensitivity Study (SELSS), EB712. SHR.R1 is situated outside the area assessed by the study – i.e. having clearly been judged in landscape terms by the SELSS to be within the built up area of the village. The following extract from figure 7.4 of the SELSS, whilst not of the best quality, shows this:



3.24 Similarly, site SHR.R3 is also a small part of 005.1, contained by urban development to the east and south, and landscape features to the west. The northern boundary is open, however offers the opportunity to establish a new permanent physical feature and given the landowner owns land adjoining SHR.R1 to the north, it is possible to establish the meaningful landscaped northern boundary required at Appendix 6 of the LPSV, which could be situated within the Green Belt to ensure its long term protection (although this is not required in order to deliver the development).



- 3.25 The extract from the Technical Annex of the Green Belt Assessment (EB705A) reproduced at paragraph 3.14 above, outlines the presence of narrow valley towards the western edge of the parcel which creates a degree of distinction between the settlement and the land within the parcel. It should be noted that SHR.R3 is situated on the settlement side of this narrow valley.
- 3.26 Within the SELSS, SHR.R3 is situated within Landscape Setting Area 4, which has an overall sensitivity to change rating of moderate. This is a lower category of sensitivity than land to the south of the village (landscape setting area 5) which is considered to have a high sensitivity to change. As with the Stage 2 Green Belt Study, the parcels within the SELSS cover a large area and the contribution of individual sites to landscape character is not considered. At a site scale the establishment of a new permanent physical green belt boundary along the northern boundary of the site will reduce the intervisibility and visual prominence of the site.
- 3.27 Overall, we consider that the release of SHR.R1 or SHR.R3 for development is appropriate in Green Belt terms. The sites would contribute to meeting housing need in the district in a sustainable manner and their allocation is supported by the evidence base documents accompanying the LPSV.