

**Epping Forest District
Council
Examination**

**Hearing Statement
Matter 15**

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

**Sworders
April 2019**



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1.0 INTRODUCTION

- 1.1 This hearing statement considers Matter 15 – Places and Sites, specifically Issues 1 and 2 P6: North Weald Bassett (NWB).
- 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 supplementary representations relating to the site selection report appendices in April 2018 and considers the Inspector’s Matters, Issues and Questions in relation to Week 5 (days 11 and 12), Matter 15 of the Epping Forest Local Plan Examination.
- 1.4 The landowner raised various points at Regulation 19 which are not covered in this hearing statement to avoid repetition. As such, this hearing statement addresses only the Inspector’s questions. Whilst the landowner strongly supports the allocation of site NWB.R1, various changes were sought and points of clarification raised at Regulation 19 stage to make the policy sound. Some of these have been resolved through ongoing discussions with the Council but some minor modifications are still sought. These are summarised and appended to this statement.
- 1.5 Also appended to this statement is a draft concept plan for site NWB.R1. This plan is intended to illustrate how site NWB.R1 could be developed, as part of the wider Masterplan Area and will evolve as the Masterplan process continues.
- 1.6 The landowner has signed a Statement of Common Ground (SoCG) which sets out the areas of agreement in respect of the delivery of the NWB Masterplan Area Policy P6 site, agreed with EFDC and the other NWB Masterplan Area landowners.
- 1.7 **I confirm I wish to attend the hearing.**

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**, we consider that Appendix 6 should not constitute policy.
- 2.2 Firstly, Appendix 6 does not add detail and value to the policy and aid both applicants and decision makers, in accordance with the NPPF 2012 paragraph 154.
- 2.3 Specifically in relation to Policy P6 North Weald Basset, Appendix 6 provides no further information beyond that contained in Policy P6. As such, we would object to it being given policy status as it unnecessary and does not provide a clear indication of how a decision maker should react to a development proposal and as such, should not be included in the Plan.
- 2.4 Secondly, and notwithstanding the above, Appendix 6 should be consistent with policies P1-P15. In the case of North Weald Basset, there are various inaccuracies.
- 2.5 Appendix 6 implies the allocation is for a minimum capacity of residential units only whereas Policy P6 is clear that the allocation is residential led with an approximate dwelling yield, but is also intended to include traveller, retail, community, health and education uses. We support the policy wording.
- 2.6 There are inconsistencies between the two plans in Appendix 6 and Map 5.12 in respect of Site NWB.R1/NWB.T1 which is shown in two of the plans for both residential and traveller use and one of the plans for residential only.
- 2.7 If the Appendix 6 information for the North Weald Bassett Masterplan Area is to constitute policy, for clarity and flexibility in accordance with NPPF 2012 paragraphs 153 and 154, we request that that the descriptions and plans are consistent with Policy P6.
- 2.8 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. Specifically, Policy P6 Parts F and G.
- 2.9 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 so make it unclear whether contributions will only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind.



- 2.10 The Infrastructure Delivery Plan (IDP) December 2017 and Delivery Schedule (ED1101A and B) form part of the LPSV evidence base which assess the quality and capacity of various forms of infrastructure. These contain 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.
- 2.11 An IDP Topic Paper: Highways and Education Apportionment Addendum has been recently added to the Examination evidence base (EB1101E) to supplement this and is also clear that the costs included are estimates and likely to evolve/be refined through the Masterplanning/Concept Framework and planning application stages (paras 1.6-1.9, 3.22, 4.2).
- 2.12 In light of the status of the above, 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 and in the Infrastructure Delivery Plan.
- 2.13 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.
- 2.14 We request modifications to Parts F and G of Policy P6, to allow flexibility for infrastructure to be determined as more information regarding costs and requirements become available, as opposed to fixed to the provisions in the IDP.
- 2.15 This would accord with the agreed position with EFDC as per the SoCG that the IDP provides details of the current known infrastructure requirements for the site, and the details of the requirements and delivery arrangements will be set out within the Strategic Masterplan and through ongoing discussions with Local Authorities and infrastructure providers.
- 2.16 In response to **Question 5**, the requirement in Policy P6 Part J that development on residential allocations or traveller allocations must be located wholly within Flood Zone 1 contradicts the provisions of Policy DM15: Managing and Reducing Flood Risk (as



amended by ED29), which allows for new development within Flood Zone 2 and 3a where the Sequential Test and, if necessary, the Exception Test are satisfied.

- 2.17 We request that Part J of Policy P6 is deleted, and Policy DM15 is relied upon, as Part J is unnecessary and overly-restrictive.
- 2.18 The agreed position with EFDC as per the SoCG is that non-compatible built development in Zones 2 and 3 will be avoided.
- 2.19 In response to **Question 6**, is it understood that Essex County Council (ECC) have agreed a draft SOCG with EFDC which addresses many of these mapping issues.
- 2.20 Specifically in relation to Policy P6, the draft SOCG between ECC and EFDC states that Part F (i) will be amended to clarify that the Masterplan Area will include land provision of a minimum of 2.1 hectares for the primary school. Assuming this is agreed, it is not necessary for the map to show a specific location.



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 Policy P6: North Weald Bassett (NWB).

3.2 In response to **Question 2**, the draft SOCG between ECC and EFDC agrees to various amendments to Policy SP3, throughout the LPSV and specifically for NWB, an amendment to Policy P6 Part F to include a new point as follows:

(X) Improved pedestrian / cycle links;

3.3 We make no objection to this proposed wording. The agreed position with EFDC as per the SoCG is that the parties are committed to the delivery of an integrated, accessible and safe transport system which maximises the use of the sustainable transport modes of walking, cycling and the use of public and community transport.

3.4 In response to **Question 6**; Map 5.12 and the map in Appendix 6 are inconsistent and unclear, as set out in our Regulation 19 representations.

3.5 As drafted, it is unclear whether the 5 Traveller pitches are to be provided in the location shown through the site selection process (EB805W and Z), elsewhere in site NWB.R1 or elsewhere in the Masterplan Area.

3.6 The mapping inconsistencies are exacerbated by the fact that Part E does not specify a size for site NWB.T1, unlike elsewhere in the LPSV where Traveller sites are specified as not exceeding 0.5Ha (Policies SP5 and H4). It is assumed the size limit of 0.5Ha applies to NWB.T1 and inclusion of wording to this effect would clarify that NWB.T1 is not intended to occupy the same site area as NWB.R1.

3.7 In our view it is necessary for the Council's intention regarding the size and location of the Traveller site should be clarified, and that the maps are consistent with this and each other.



- 3.8 The justification for provision of the Traveller site within site NWB.R1 is that the landowner has confirmed that land within his ownership will be made available for both residential and Traveller use. Accordingly, the Council's site selection process considers its provision within site NWB.R1/NWB.T1 of the Masterplan Area only; the site capacity assessments assume up to 0.5Ha for this use within the residential allocation and do not allow for the provision on this site of other non-residential uses required in the Masterplan Area.
- 3.9 The evidence base including the Council's own consultation suggests a location with a degree of separation from the settled community would be more justified (PPTS, paragraph 13a and 25 and LPSV paragraph 3.25. The trajectory at Appendix 5 of the LPSV suggests that the need for the Traveller uses will arise prior to the delivery of the wider Masterplan Area. Considering these facts, land within the same ownership which does not form part of the NWB Masterplan Area remains available, as an alternative.
- 3.10 In response to **Question 7**, the effect on the purposes of the Green Belt as a result of the development of sites NWB.R1-R5 and T1 has been tested through the LPSV evidence base.
- 3.11 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 and the release of sites has been comprehensively informed through the Green Belt Assessments and Site Selection Reports, with full consideration given to all other reasonable alternatives and taking account of sustainable patterns of development.
- 3.12 For the reasons set out in our response to Matter 4, North Weald is a sustainable and suitable location for the scale of development proposed; the scale of Green Belt release is necessary in order to deliver the scale of development proposed and is therefore justified and proportionate.
- 3.13 The Green Belt Assessment 2016 (EB705A) includes sites NWB.R1-R5 and T1 within parcels 010.1 and 010.2. The level of harm caused by release of parcel 010.1 was found to be "low" in the context of purposes 1, 2, 3 and 4 and "none" with the exclusion of



purpose 3. The conclusion for parcel 010.2 was “moderate” both in the context of purposes 1, 2, 3 and 4 and with the exclusion of purpose 3.

- 3.14 In relation to site NWB.R1/T1 specifically, EB705A justifies the release of the entire parcel 010.1, but only a portion of it has been proposed for release. Whilst the A414 could form a defensible northern boundary, this will leave land in the Green Belt that it is not necessary to keep open and likely to come under pressure for alteration in the future. We therefore question the permanence of this boundary in the context of NPPF 2012 (paragraphs 83 and 85).
- 3.15 Defining the northern boundary by the A414 will create an anomaly of a narrow strip of land between two areas of inset settlement comprising the NWB Masterplan Area and the existing main body of North Weald to the south of the A414 and the existing development to the north.
- 3.16 Given the existence of built development along Vicarage Lane East and Weald Bridge Road, plus the employment allocation EMP.E1, it would be logical to include this strip of land within site NWB.R1 as it would serve none of the purposes of the Green Belt as set out in the NPPF (paragraph 80).
- 3.17 EB705A does not consider this strip of land separately; it forms part of parcel 010.1 which is proposed for release as allocation site NWB.R1. As such, the same conclusion is reached for land to the north and south of the A414 so the evidence for release of this strip already exists.
- 3.18 The release of Green Belt between the A414 and Vicarage Lane East alongside the NWB Masterplan Area is justified through the evidence base and inclusion of this site in the Masterplan Area would result in a more defensible Green Belt boundary.

4.0 SUMMARY

- 4.1 This hearing statement is submitted on behalf of Mr Martin Eldred, who supports the allocation of site NWB.R1/NWB.T1 within the NWB Masterplan Area, subject to comments and amendments relating to matters of detail.



APPENDIX 1:

Summary of requested Policy P6 amendments:

Amend the boundaries of NWB.R1 to include land to the north of the A414. **Reason:** To create a more defensible Green Belt boundary.

Delete Part A. **Reason:** There are no site specific requirements in Appendix 6.

Part E, request justification that this is the most appropriate location and clarification of site area. **Reason:** For clarity.

Amend Map 5.12 and Appendix 6 maps. **Reason:** For consistency.

Amend Part F to replace *“must be delivered...”* with *“should be delivered...”* and *“in accordance with...”* with *“have regard to...”* the IDP. **Reason:** For flexibility.

Amend Part G to replace *“The Council will only permit planning applications that...”* with *“Planning applications will be expected to...”* and add *“or those items do not meet the tests of planning obligations set out in the NPPF or legal tests in the CIL Regulations.”* **Reason:** For flexibility.

Delete Part J of the policy and policy DM15 be relied upon. **Reason:** For consistency and clarity.

Amend Part K to replace *“must comply with...”* with *“should have regard to...”* **Reason:** for flexibility.

Amend Part L as follows:

- Delete repetition of parts (i) and (v) as these elements are already covered elsewhere in the Policy
- Clarify part (vi) for accuracy.
- Amend part (ix) to replace *“a safe access point...”* with *“one of the safe access points...”* to clarify that this is not to be the sole means of access to the Masterplan Area.

Reason: for clarity, consistency and flexibility.



APPENDIX 2:

Draft Concept Plan for site NWB.R1: