

**Epping Forest District
Council
Examination**

**Hearing Statement
Matter 15**

Lois Partridge
On Behalf of
Eales White, Kerr, Kerr and
McKinney
19LAD0070

**Sworders
April 2019**



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1.0 INTRODUCTION

- 1.1 This hearing statement considers Matter 15 - Places and Sites (Policies 1-15), specifically Issues 1 and 2 P4: Ongar. It is submitted on behalf of the landowners of site allocation ONG.R1 (Eales White, Kerr, Kerr and McKinney).
- 1.2 The landowners have signed a Statement of Common Ground (SoCG) which sets out the areas of agreement in respect of the delivery of Sites ONG.R1 and ONG R.2 between the respective landowners and EFDC.
- 1.3 The landowners and their respective consultant teams have been working pro-actively and collaboratively to engage with the Council regarding joint delivery of a Concept Framework. Both landowners have undertaken background studies to establish the baseline and begin the planning process for the combined sites.
- 1.4 This hearing statement is accompanied by an illustrative masterplan layout demonstrating how sites ONG.R1 and ONG.R2 can be delivered as a comprehensive scheme. Equally, the site is capable of being deliverable independently of site ONG.R2 via its own access.
- 1.5 This Hearing Statement supplements Sworders' Regulation 19 representations made on behalf of the landowners in January 2018 (19LAD0070).
- 1.6 **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:CONTENTS

- 2.1 In response to **Question 1**, we consider that Appendix 6 should not constitute policy. If the Council intend for it to comprise policy, we have two specific concerns.



- 2.2 Firstly, it is currently unclear whether Appendix 6 is policy or not. It must either be clarified in Part A of each policy P1-P15 or the information included in Appendix 6 should be included in the policy itself. However, it is considered that for Site ONG.R1, it would be inappropriate for Appendix 6 to provide the detailed site-specific requirements as policy. We note that site specific requirements are set out in Policy SP 4 for the delivery of garden communities, but while this may be appropriate for these strategic scale developments, it is not considered necessary for smaller developments such as West Ongar.
- 2.3 Secondly, Appendix 6 should be consistent with policies P1-P15. In the case of West Ongar, there are various inaccuracies.
- 2.4 Policy P6 states the dwelling numbers as approximates, whereas Appendix 6 refers to minimum capacity.
- 2.5 If the Appendix 6 information for West Ongar is to constitute policy, for clarity and flexibility in accordance with NPPF 2012 paragraphs 153 and 154, we request that that the description and plan are consistent with Map 5.8 and the reference to “minimum net capacity” in Appendix 6 be amended to “approximate net capacity” in accordance with Policy P6 and the SoCG.
- 2.6 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 P4 Parts D and E.
- 2.7 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.
- 2.8 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.



- 2.9 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).
- 2.10 In light of the status of the above, we consider it inappropriate for Part D to state that infrastructure requirements *“must be delivered...in accordance with the Infrastructure Delivery Plan”* and for Part E to state that the Council will *“only permit”* planning applications that contribute towards the delivery of those items set out in Part D and in the Infrastructure Delivery Plan.
- 2.11 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 D and E require.
- 2.12 We request modifications to Parts D and E of Policy P4, to allow flexibility for infrastructure to be determined through the Concept Framework and planning application process as more information regarding costs and requirements become available, as opposed to fixed to the provisions in the IDP.
- 2.13 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 Concept Framework and through ongoing discussions with Local Authorities and infrastructure providers.
- 2.14 In response to **Question 5**, the requirement in Policy P4 Part H that development on residential 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.
- 2.15 We request that Part H of Policy P4 is deleted, and Policy DM15 is relied upon, as Part H is unnecessary and overly-restrictive.



2.16 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 issues.



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 DELIVERABLE?

POLICY P4: ONGAR

- 3.1 In response to **Question 4**, there is no reason to be concerned that a Concept Framework for a comprehensive scheme cannot be achieved. The landowners and their consultants are working together on a Concept Framework, and technical work has been carried out by both parties to support this. It is confirmed that the sites could be delivered as separate entities, or as a single site.
- 3.2 The parties have signed a Statement of Common Ground (SoCG) which sets out the areas of agreement in respect of the delivery of Sites ONG.R1 and ONG R.2, agreed with the landowners of Sites ONG.R1, ONG.R2 and EFDC. This confirms that the parties are and will continue to work together to produce a single Concept Framework for both sites, which is intended to set the basis for the consideration of the planning applications which will follow.
- 3.3 This hearing statement is accompanied by an illustrative masterplan demonstrating how the sites can be jointly delivered with separate accesses.
- 3.4 As set out in our response to the Regulation 19 publication of the Plan (19LAD0070), a Highways Impact Statement, which was commissioned to enable the client to consider how a safe and suitable access could be delivered from Site ONG. R1 advises that, guided by a risk assessment undertaken by the local fire authority, current guidance advises in favour of two access points for new residential development. No evidence has been provided by either the District Council or the County Council to the contrary.
- 3.5 Provision of two vehicular access points would also enable two points of sale, and therefore quicker delivery of homes on the sites.



- 3.6 It is not justified to require a single, shared vehicular access to serve both sites. Appendix 6 states that it is the Council's 'preference' for vehicular access to the area to be from the High Street, but it is not a requirement set out in Policy P4. Paragraph 182 of the NPPF requires that the Plan is justified, and based on the most appropriate strategy, based on proportionate evidence.
- 3.7 No evidence or policy has been cited which precludes provision of a new access onto the A414; we understand that it is simply the County Council's preference that no new access points are created onto the A414. This seems unreasonable, given that there are several other access points to residential developments along this stretch of road, as well as bus stops and crossing points. We contend that adding a further access point would serve to slow down traffic as it enters and leaves Chipping Ongar, creating a safer pedestrian and cyclist environment.
- 3.8 In response to **Question 8**, the effect on the purposes of the Green Belt as a result of the development of Site ONG. R1 has been tested through the LPSV evidence base. 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 Green Belt Assessments, and Site Selection Reports, with full consideration given to all other reasonable alternatives and taking account of sustainable patterns of development.
- 3.9 For the reasons set out in our response to Matter 4, West Ongar 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.
- 3.10 The Green Belt Assessment 2016 (EB705A) includes sites ONG R.1 and ONG R.2 in parcel DSR 013.3. The level of harm caused by release of parcel DSR 013.3 found to make no contribution to purpose 1, 2, a relatively weak contribution to purpose 3, and a relatively strong contribution to Purpose 4, which seeks to preserve the setting and special character of historic towns.



- 3.11 The assessment identifies three ways in which the site contributes to purpose 4 of the Green Belt; proximity to the Stony Park Conservation Area , proximity to the Historic Town and contribution to the openness of approach to Chipping Ongar.
- 3.12 Stony Park Conservation Area lies to the east side of the High Street, and is gated and walled, with the core of the site set back from the High Street, and much of the southern part of the site separated from the High Street by the Great Stony Arts Centre. We contend that there is limited connection between the site and the setting of the Conservation Area.
- 3.13 A small area of the eastern boundary of the site adjoins part of the Historic Town, as identified in the Essex Historic Towns Supplementary Planning Guidance (1999). The site will be master planned to locate new properties to minimise the impact of the new development on the historic town, and to incorporate a planting scheme which softens the impact of new development and to ensure that the openness of approach from the west is retained.
- 3.14 To respond to the issue of whether the development of ONG. R1 and ONG.R2 would close an important gap between two separate parts of the settlement, the purposes of the Green Belt, as set out in the NPPF, do not refer to the importance of gaps between separate *parts* of settlements, only of separate settlements. We contend that the contribution that the sites make to any gap within the settlement is not strictly a Green Belt issue, but perhaps more one of landscape significance.
- 3.15 In terms of the extent of a physical gap, the gap in development along the High Street extends to only approximately 55m between the northern extent of the properties at The Pavilions and Bowes House. Between the northern extent of properties on Marks Avenue and the A414, the gap extends to only just over 200m across the site.
- 3.16 In terms of the perception of a gap, we contend that this is very limited, as one travels north up the High Street. The re-development of Great Stony Park in 1998 on the eastern side of the road, opposite the site, the continuation of pavements, bus stops and other urban infrastructure such as street lighting and the mature hedging provides no visual perception of a gap, but rather a seamless continuation of the southern part of the town to the northern part.



3.17 Approaching the site from the west, along Epping Road, the site currently offers little sense of a gap between the northern and southern parts of the town; the perception is that of development on the northern side of the road before development starts on the south side.

4.0 SUMMARY

4.1 This hearing statement is made on behalf of Eales White, Kerr, Kerr and McKinney, who support the allocation of West Ongar, and specifically site ONG.R1, subject to comments and amendments relating to matters of detail.