

For and on behalf of
Farmers Club Charitable Trust
19LAD0077

Epping Forest District Local Plan Examination
Response to MIQ's Matter 15 Issue 1

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MATTER 15: Places and Sites (Policies P1-P15)

Issue 1: Are Policies P1-P15 justified, effective and consistent with national policy in the following general areas:

- 1. Does Appendix 6: Site Specific Requirements, constitute policy or supporting text? If policy, is this clear? Is the wording within Part A of each policy P1-P15 sufficient to ensure that the site specific requirements contained in Appendix 6 can be enforced, or should Appendix 6 itself contain a policy?**

- 1.1 The status of Appendix 6 is not clear.
- 1.2 Paragraph 1.46 tries helpfully to provide a guide to the Local Plan and refers to Appendix 6 as providing the site specific requirements for site allocations, implying that the Plan should be read as a whole. Read in conjunction with paragraph 5.15 the reader might understand that Appendix 6 is intended to set out detailed policy.
- 1.3 In respect of the majority of sites the requirements for their development are as set out in Appendix 6. It is wholly unclear whether this is intended to be policy or is merely the Council's desired outcomes – the phrasing suggests to the reader a combination of both.
- 1.4 In contrast, paragraph 2.91 refers to Appendix 6 as containing the definition of Strategic Masterplan Areas but states that the precise nature and detail of these will vary with context, implying that Appendix 6 is no more than a supplement to other work that either can be found elsewhere or will possibly follow the Plan. This is then distinguished from Concept Frameworks as described at 2.101 where Appendix 6 is stated as giving 'specific requirements'.
- 1.5 Appendix 6 generally sets out a description of allocated sites in two parts. Part one is effectively a statistical summary and brief site description. Part two in some cases sets out detailed requirements and in others provides general guidance – or nothing at all where what it might have said can be found within the body of the Plan as policy.
- 1.6 By way of illustration, under WAL.R5 the text suggests that one means to address a particular issue may be through submission of a Construction Management Plan – but as the text is not set out as policy it cannot be construed as more than advisory. In another instance,

ONG.4R, the text advocates taking account of the West Ongar Concept Framework Plan – the implication, should this be regarded as policy, is that its delivery may be constrained to follow the approval of a scheme for a completely separate site.

- 1.7 In relation to the Waltham Abbey North Masterplan area, Appendix 6 contains only the first part, setting out the basic parameters of the allocation. That is because all the guidance that may be pertinent to its delivery is set out in Policy P3 clauses M-P inclusive.
- 1.8 Also concerning Waltham Abbey, the text for WAL.E6 merely suggests that development proposals should 'consider' the need to upgrade/widen Galley Hill Road – this is already severely deficient insofar as the existing Galley Hill Industrial Estate can only be accessed along a section of Galley Hill Lane which has a width of 4m or less for a distance of approximately 200m to its junction with Parklands/Paternoster Hill. The road is also the sole access to Abbey View Products a major glasshouse grower, as well as to other residential and business uses further north. The details of the Waltham Abbey Masterplan Area – as set out in Policy P3 rather than Appendix 6 - also indicate that it should connect to Galley Hill Lane. In the circumstances of Galley Hill Lane it is, in our view, inconceivable that any development could be contemplated without addressing the capacity of the highway to accommodate it, and without setting out in policy how that is likely to be delivered (NPPF paragraphs 8a and 28 refer). Appendix 6 does not assist with that – nor does Policy P3 (see comments on Q6 below).
- 1.9 Our view is that the guidance provided in the second part of the Appendix 6 descriptions could be considered useful guidance but no more than that. They should not have the status of policy unless or until each site is supplemented with a defined policy wording that distinguishes between what is necessary and what is desired in respect of the preparation of a scheme. The alternative would be to incorporate the policy requirements within elements of the area policy (as P3 includes policy requirements for the Waltham Abbey North allocation). This alternative would require each element of the guidance to be properly tested – such as the scope for and ability to deliver necessary highway improvements.
- 1.10 As it stands, the Plan is less than easily understood where development criteria are split between policy within the body of the Plan itself and information contained in the Appendix. It does not make for easy legibility and reinforces the view that matters described in Appendix

6 should not have the weight of policy.

- 1.11 Accordingly, the Local Plan should make clear that Appendix 6 contains guidance unless and, in the alternative, the Council includes within the commentary specific policy wording that distinguishes what the developer must do from what the Council would like to see considered.
- 1.12 Specifically, in respect of Waltham Abbey, for it to have any utility, Appendix 6 should provide clear indication of how unconnected sites will deliver the required infrastructure without constraining delivery of any one site to the timetable of another. Without such explanation the Plan is neither justified or likely to be effective.

2. Are all of the “Infrastructure Requirements” included within Policies P1-P15 intended to apply to every allocated site within each policy? Is this justified with reference to the tests in paragraph 204 of the NPPF?

- 1.13 We do not believe that it is appropriate to apply a blanket infrastructure requirement to each and all allocations within a given local area.
- 1.14 Specifically, and in relation to for example, Waltham Abbey, the schedule at Policy P3 F does not distinguish between employment and residential allocations. It is not appropriate to imply that development of an employment allocation should contribute to schools, health and open space provision. Accordingly, clause P3 H is contrary to bullet 2 of NPPF(1) paragraph 204 – now paragraph 56 of NPPF(3). Nor does it distinguish what may be necessary to make development acceptable in planning terms.
- 1.15 Exactly the same issue applies to all other area policies where there are both residential and non-residential allocations.
- 1.16 Our concern here is in respect to the requirement in P3 F to make contributions which are proportionate. By way of example, the allocation of Site WAL.E6 – to which we have no objection in principle – will require significant improvements to facilitate access along Galley Hill Road. The text in Part 2 of the site description at Appendix 6 refers to the need for such works and seeks to ‘co-ordinate’ this with the development of the Waltham Abbey North area.

Whilst our comments on this in principle are addressed in relation to Q1, it is unreasonable within the terms of the NPPF to seek 'proportional' contributions from other sites for this site to be implemented – at it's most simple it defers the likelihood that the site will come forward until such time as the Council has obtained a 'pool' of contributions. Moreover, we do not believe that the necessary works – needed to alleviate the existing access problems to the existing Galley Hill Industrial Estate – can be delivered without the use of third party land – specifically that owned by The Farmers Club Charitable Trust.

1.17 Accordingly, the paragraphs under the heading Infrastructure Requirement in relation to Waltham Abbey require amendments and we suggest the following:

F. Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan. Specifically, residential development in Waltham Abbey will be expected to contribute ~~proportionately~~ towards the following infrastructure items:

- (i) Expansion of two primary schools within Waltham Abbey Forecast Planning Group;
- (ii) Appropriate provision of health facilities;
- (iii) Highways and junction upgrades;
- (iv) Potential upgrades to existing water infrastructure; and
- (v) Improvements and provision of open space throughout the settlement.

Allocated employment sites will be permitted where it is demonstrated that necessary highways, junction, drainage and water infrastructure upgrades can be provided.

G. The Council will seek the potential relocation and expansion of a secondary school in the local area in order to meet future needs arising from residential development.

H. The Council will only permit planning applications that contribute towards the delivery of ~~these the infrastructure items set out above~~ necessary to enable their development and as set out in the Infrastructure Delivery Plan, unless subsequent iterations of the Infrastructure Delivery Plan or discussions with providers determine that these items are no longer required.

1.18 Consequentially similar changes will be needed throughout the Plan

3. Do the infrastructure requirements within Policies P1-P15 reflect the full need for primary and secondary school expansion? (Reps ECC).

1.19 No comment

4. Do the infrastructure requirements within Policies P1-P15 reflect the full need for improved pedestrian/cycle links? (Reps ECC).

- 1.20 With reference to Q2 above, there is simply no reference to any form of walking or cycling strategy with respect to the District as a whole. Whilst there is reference in the major developments to providing for walking and cycling, the majority of schemes outlined in Appendix 6 are reliant solely on the intention at 3.86 to 'encourage reductions in car use where possible' by 'securing the provision of, or financial support for, bus services, and walking and cycling facilities' and Policy T1, which does no more than say that to promote transport choice 'coherent and direct cycling and walking networks' will be provided.
- 1.21 In short, the Local Plan sets out no coherent proposals to deliver what it states to be a strategy of promoting walking and cycling in substitution of car use, other than within the boundaries of some of the larger allocations.
- 1.22 In the case of Waltham Abbey it neither sets out a framework to ensure that improved pedestrian and cycle access necessary to serve WAL.E6 or the North Masterplan area is incorporated within any development proposal and more importantly, makes no proposals to provide or reinforce any existing networks that might help integrate these sites with the rest of the town.

5. Are the general requirements in relation to flood risk and air quality in each of policies P1-P15 necessary in light of the requirements of Policies DM15 and DM22 respectively?

- 1.23 No, they are not.
- 1.24 Policy DM15 states that the Council will require all development proposals to demonstrate that they avoid and reduce the risk of all forms of flooding and do not increase the risk of flooding elsewhere. Clause D sets out criteria for all applications. Policies DM16-DM19 deal with various other aspects of drainage, water management and use. Policy DM22 sets out the expectations on certain scales and types of development in relation to Air Quality.
- 1.25 As strategic policies within the Plan there it is more than an implication that they affect any development proposal. As such there is no need to repeat their contents in relation to

individual area policies.

- 1.26 Concerning for example, the suite of criteria set out under Policy P3 for Waltham Abbey, clause J requires that an AQ assessment is provided on all sites subject to a Transport Assessment or Transport Statement 'in accordance with Policy DM22'. However, DM22 states at clause B that mitigation measures will be determined, amongst other things, by scale and location, but that an air quality assessment will be required (only) for larger proposals or those with potential to produce air pollution. These seem to suggest different triggers for the need to consider air quality matters. We do not consider that this is a consistent approach; much clearer guidance is needed in respect of the circumstances where an air quality assessment will be needed – and whether Policy DM22 or the sub clauses of the local area policies take precedence.
- 1.27 Concerning flood risk, Policy DM15 sets out a criteria-based approach. Policy P3 L appears to go beyond this by determining that development on residential allocations must be located wholly within Flood Zone 1. This does not allow for the exceptions test which is (correctly) part of the criteria-based approach set out in Policy DM15 B.
- 1.28 The Council's application of either approach has not in any case been followed consistently. Regarding land controlled by The Farmers Club Charitable Trust, the reason given for not allocating Site SR-0020 was that it was subject to flood risk. The analysis by Arup (Stage 3 Assessment for Residential Sites - EB805I) noted that this could possibly be overcome.
- 1.29 In contrast Site SR-0060 was also not recommended to proceed further in EB805I but was subsequently allocated as WAL.E6. The extension of WAL.E6 is in Flood Zone 1 (Local Plan Appendix 6) but any improvement works to Galley Hill Lane will entail development in Flood Zones 2 and 3.
- 1.30 We therefore consider that, having regard to our comments on Q1-Q5, Policy P3 (and the equivalent area policies for elsewhere), be revisited to include the essential policy guidance for the development of residential and non-residential sites and that in all cases those clauses which refer to matters such as flood risk, highways and air quality are simply cross referenced

to the criteria based policies set out in the initial part of the Local Plan. The discussion contained in Appendix 6 can then be read as a supplementary explanation to describe and justify the policy in relation to individual site boundary plans.

6. Where the residential site allocations shown on the Maps are expected to accommodate other uses, such as schools and other services and facilities, should this be made clear on the Map Legends? In the case of schools specifically, is it necessary for the Maps to show a specific land allocation?

- 1.31 They should show schools as they are a key piece of infrastructure. The NPPF in describing the economic role of planning at paragraph 7 specifically refers to identifying and co-ordinating the provision of infrastructure – a point reflected at paragraph 17 bullet 3 and again at paragraph 157 where local plans are required to plan positively for the infrastructure required. This is intrinsically recognised, for example, at Policy P3 F(i).
- 1.32 However, Policy P3 G is neither justified nor likely to be effective where it states that the Council will seek the 'potential relocation of a secondary school' in order to meet future needs. Either relocation is needed, and land should be allocated or identified to be provided as part of a site allocation for other forms of development, or it is not.
- 1.33 Specifically, this clause is in conflict with P3 M(v) which requires the Waltham Abbey North Masterplan to provide for the expansion of a Secondary School (without specifying which school; presumably the King Harold Academy which is nearby but is not part of the allocated area or abutting it).
- 1.34 As it stands the Local Plan is wholly unclear as to what it intends by way of meeting an unstated need for additional or substitute secondary educational capacity in Waltham Abbey. Nor does it provide any clear guidance as to how this issue is to be addressed. Paragraph 6.22 provides no assistance.
- 1.35 With reference to the specification for the Waltham Abbey North Masterplan, the indicative capacity given the net area available would not leave any scope for school provision having regard to other infrastructure requirements listed in Policy P3 N.
- 1.36 If provision for secondary education is required for Waltham Abbey then this should be made clear, a site identified for such provision on the Proposals Maps at Appendix 6, and subjected

to appropriate consultation with the community, including the County Council and The Kemnal Academy Trust as the provider.

- 1.37 Regarding the matters raised in regard to Questions above, the Proposals Map at Appendix 6 also needs to indicate the solution required to improve Galley Hill Lane. As published Policy P3 N(vii) requires the Waltham Abbey North Masterplan to 'make provision for' the potential to widen/upgrade the road and the text supporting WAL.E6 makes the same request albeit in the context of reference in Appendix 6. Neither is reflected on the appropriate plan(s).
- 1.38 It is wholly unclear from the wording that the works needed are necessary to deliver development and whether and how any scheme can be implemented given it will require third party land.
- 1.39 The Farmers Club Charitable Trust is of the view that development of neither site should be permitted without the reconstruction of Galley Hill Lane to provide carriageway width to enable commercial vehicles to pass safely, and appropriate footpath and cycle provisions. They bear in mind that the road is also likely to be the principal desire line from at least part of the Waltham Abbey North area to the King Harold Academy.
- 1.40 The role of the Local Plan should be to identify the infrastructure needed to enable delivery of development and to allocate land for that purpose where it can be subject to public consultation and scrutiny.
- 1.41 The Trust has consistently put forward a scheme which would provide for the necessary improvement of Galley Hill Lane. It is before this Examination in Appendix 4 to our Reg 19 submissions (Appendix D within the Appendix 4 document).
- 1.42 In absence of any formal inclusion of a proposal to address this acknowledged infrastructure requirement the Local Plan is unsound as it is not justified and not effective.

7. Where is Stapleford Airfield? Having regard to paragraph 33 of the NPPF, what is the role of this airfield and does it have any growth or other planning related requirements which should be addressed in the Plan?

- 1.43 We have no comment on this issue.

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