

## MATTER 15

### SUBMISSIONS OF LOUGHTON TOWN COUNCIL

#### ISSUE 1

1. Q1: If “Appendix 6: Site Specific Requirements” is policy, a matter to which LTC defers to EFDC, then in view of LTC Part A of Policy P2 Loughton is sufficient for enforcement purposes.
2. Q2: All “Infrastructure Requirements” included in Policy P2E should not apply to each allocated site. Thus, for example, Jessel Green, if it continues to be allocated, should not have to pay towards health facilities. Nor is it clear, if that is not the intention, which of the P2E items should apply to which site. It is suggested that everything following “IDP” could be deleted.
3. Q3: No comment.
4. Q4: n/a
5. Q5: As far as air pollution is concerned, P2I adds nothing to DM22. P2K does add something to DM15, specifying as it does that residential development must be within Zone 1.
6. Q6: n/a.
7. Q7: n/a.

## ISSUE 2 –P2: LOUGHTON

### GENERALLY

#### OVERVIEW

1. LTC is primarily concerned about the housing allocations in Loughton and in particular about LOU R5 – Jessel Green and LOU R4 – Borders Lane Playing Fields. Together they are said to have a capacity for 371 dwellings. Unlike the other Loughton allocations, those two sites are both greenfield.
2. It is LTC's case that EFDC has not struck an appropriate balance between housing need and loss of OS but instead has planned for the development of valued OS which is manifestly not surplus to requirement.<sup>1</sup>
3. LTC submissions in summary are as follows:
  - (a) Having regard to the adverse impact upon Epping Forest SAC that any new residential development within the 6.2km ZOI or within the 3km radius of the SAC is likely to have, there should be no residential allocations in Loughton. The 1021 dwellings allocated to Loughton should be re-distributed throughout the District preferably to the Garden Communities or to its NE quadrant.
  - (b) Alternatively, the housing allocations of R4 and R5 should be re-distributed throughout the District preferably to the Garden Communities or to its NE quadrant.
  - (c) Alternatively, the housing allocations of R4 and R5 should simply be deleted. According to Table 2.3 of the Plan<sup>2</sup> there should be 4,146 houses provided elsewhere in the District other than around Harlow. Adding the 5% buffer<sup>3</sup> to that figure gives a total of 4,353. But the total Plan allocation outside Harlow

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<sup>1</sup> See para 74 of NPPF.

<sup>2</sup> Page 29.

<sup>3</sup> See para 47 of NPPF.

is 5916. Removing R4 and R5 would still leave the housing allocations well within the required figure.

- (d) Thus, removing R4 or R5 would not inevitably lead to Green Belt land take. The allocations could be re-distributed elsewhere or simply deleted.

### **INTRODUCTION TO JESSEL GREEN**

4. Jessel Green is situated in the centre of the old LCC Debden 'Out County' Estate. It is a highly valued and well used open space. Appendix 2 to the representations of Loughton Residents Association, which helpfully provides some data, is appended to these submissions.
5. The Debden Estate, construction for which commenced in 1947, was intended to house people from the LCC administrative area of London. Jessel Green was central to the planning, design and layout of the original Estate in accordance with Abercrombie's recommended 4 acres of open space per 1000 inhabitants: see the LCC map of 1948, appended hereto.
6. Its development would be harmful to the character and appearance of the area as the 2016 SSR [EB801Gviii] and subsequent SSR Appendix B1.4.2 [EB805Fii] accepted: *"Development could detract from the existing settlement character."*

### **SITE SELECTION - JESSEL GREEN**

7. Neither in the August 2010 Community Strategy nor in the July 2012 "Issues, Options & Community Choices" document [EB131] was Jessel Green shown as suitable for housing development. The latter document<sup>4</sup> called for protection of green spaces at Loughton.

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<sup>4</sup> At paragraph 3.13

8. The 2016 Site Selection Report [EB801 & EB801Gviii)] for the first time showed Jessel Green as a potential site for 321 houses. There was no community feedback because *“The Council did not consult on a growth location which covers or is near to this site.”* The scoring process was flawed. The impact on the SAC warranted a brown double minus. There should have been a neutral, rather than a positive, score for such matters as impact on heritage assets, archaeology and the Green Belt. It is difficult to understand the positive score for *“brownfield and greenfield”*. Under *“Capacity to improve OS”* the comment was: *“Site is suitable, and is within urban area (not in Green Belt), however, is urban open space which would be lost and therefore outside of current policy.”*<sup>5</sup>
  
9. The draft Local Plan of 2016 [EB123] included the allocation of Jessel Green as a housing site with a reduced number of dwellings (195). The 2017 draft Local Plan Consultation Report [EB122] indicated substantial opposition to the Jessel Green site and to the loss of public open space in Loughton, including objection from LTC.<sup>6</sup>
  
10. The SSR 2018 should have removed the site because of its environmental and townscape impact. Instead:
  - Stage 1 assessment [EB805Fii], which should have resulted in a conclusion not to proceed, contained the same scoring errors as the earlier report.
  - The only concession to the overwhelming public opposition to R5 was to reduce the land take by 50%.<sup>7</sup>
  - The Result of Identifying Sites for Allocation [EB805AA], rather than identifying the public opposition, the loss of OS, the impact upon the SAC and the exacerbation of traffic congestion, proposed the site for allocation.<sup>8</sup>

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<sup>5</sup> Probably a reference to policies LL5 & LL6 of the LP.

<sup>6</sup> See in particular the comments at p80. See also EB115A, paragraphs 2.6, 2.9 & 2.13-2.15.

<sup>7</sup> See Capacity and Deliverability Assessment [EB805N] page 937.

<sup>8</sup> Page B1099

11. As the Inspector has already heard<sup>9</sup>, sites with a similar score to Jessel Green and which were subject to similar concerns from the Conservators were removed from the Regulation 19 draft.

### **INCONSISTENCIES WITH THE PLAN**

12. The allocations are inconsistent with the following policies in the Plan:

**SP1:** The housing allocations in Loughton are not sustainable by virtue of their adverse impact upon the Forest SAC.

**SP2A (iv):** The Council has failed properly to follow its own sequential approach. Neither in the case of R4 nor in the case of R5 would development of those sites maintain adequate open space provision within the settlement: see below.

**DM5:** Development of R4 and R5 would not be able either to demonstrate the retention of green infrastructure or to incorporate appropriate provision of new green assets or space.

**DM6B & C:** There would be a net loss of usable public OS which would have a detrimental impact upon the accessibility to OS and which would not be capable of being replaced. There is no justification for housing on R4 or R5.

**T1B & C:** Neither R4 nor R5 would assist in the goal of achieving sustainable transport: see below.

**P2E (v):** On the one hand, requiring improvements to open space throughout the settlement while on the other allocating for development well-used and well-established open space at Jessel Green.

### **ADVERSE IMPACT UPON EPPING FOREST SAC**

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<sup>9</sup> Matter 5, Day 1 Week 3.

13. There is no dispute that the Loughton housing allocations would adversely affect the integrity of the SAC by way of increased recreational pressure and urbanisation: see LTC's submissions on Matter 1, Issue 5.

14. As the author of the 2019 HRA observes (at para 5.30):

*"It should be noted that the following site allocations (also located within 3km of Epping Forest SAC) could result in the loss of areas of existing green infrastructure that are used for recreational activities. The presence of these green areas is likely to divert a level of recreational activity away from the SAC, as such the loss of these green areas, could result in an increase in recreational pressure upon the SAC, which is then compounded by the provision of an increase in net new dwellings. The sites are as follows:*

*▪ SR-0361 (LOU.R5) which from review of aerial mapping appears to comprise existing open amenity green space (Jessel Green) ....."*

#### **OPEN SPACE PROVISION**

15. There are no formal parks in Loughton.

16. The table at paragraph 2.35 of the OS Assessment of June 2012 [EB700] noted that managed open space was quite well-distributed across the District but with gaps in the provision in Loughton. In the submission of LTC that observation was accurate.

17. As to the OS Strategy of November 2017 [EB 703], LTC suggests that the scoring system at paragraph 3.21 may not be entirely helpful when considering an area such as R5. The score of 55% for Jessel Green (p 52) is low and not reflective of the high regard in which it is held in the neighbourhood. The breakdown of that percentage is not shown.

18. At paragraph 7.7, it is suggested that, regarding the quantity of Amenity Greenspace, Loughton has significantly more than the standard requires. In paragraph 7.11, it is said that Loughton has adequate levels of Amenity Greenspace which likely to be maintained until the end of the Plan period. Those comments appear to be based on the table on page 61 which purports to show a current

excess of Amenity Greenspace of 6.08 ha and a future excess (in year 2033) of 4.04ha. However, the Plan envisages a removal of 4.01ha from Jessel Green. That loss does not appear to have been reflected in the figures shown in the table.<sup>10</sup> If that is correct, then the current excess shown there would be materially reduced and there would be marginal future excess.

19. There are other parts of the OS Strategy that bear upon the issue of OS provision in Loughton. At paragraph 8.9, it is said that Loughton would benefit from a multi-purpose Public Park and Garden. However, the suggested upgrade of Roding Valley Recreation Ground to a public park would be insufficiently convenient by way of access or distance to satisfy the requirements of the bulk of Loughton's residents and would impact upon the Roding Valley SSSI. The current shortfall is 26.08 ha and the future shortfall 28.8 ha<sup>11</sup>. Moreover, so far as facilities for children and young people are concerned, there is a current shortfall of 7.8ha and a future shortfall of 8.66ha.<sup>12</sup>
20. In summary, even on EFDC's own case, there is insufficient OS provision within Loughton. Most OS in Loughton is either forest, hilly (Hillyfields) or boggy (Willingale Rd OS). It is difficult to understand where in the town appropriate areas of SANGs could be found that: (a) specifically would be an available alternative to Jessel Green; and (b) generally would not adversely impinge upon the OS Strategy. In those circumstances, LTC suggests that the Council has failed to comply with the advice set out in paragraph 97 of the NPPF.
21. In rejecting Option 4 (lower growth at urban greenspaces), the SA [EB204] was of the view<sup>13</sup> that *"overall the District enjoys good access to open space provision particularly in the South with Epping Forest..."* The reasoning is flawed. Increased access to the SAC is the very consequence that the Conservators wish to avoid.

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<sup>10</sup> See also recommendation 6 - level & quality of amenity greenspace should be monitored.

<sup>11</sup> See page 62 and see also item LOU 25 of IDS – the future provision is essential at a cost of £7.5m.

<sup>12</sup> See page 63 and recommendation 18.

<sup>13</sup> Paragraph 6.55 on page 30.

## TRANSPORT

22. Housing development on R4 and R5 would not assist in promoting sustainable transport. LTC disagrees with the SA that *“development in the south of the District has good access to public transport.”* It does not. However, LTC does agree with the succeeding comment that *“there are existing problems of traffic congestion.... that could be worsened.”*<sup>14</sup>
23. As to public transport, there are numerous references to the Central Line operating at or above capacity in the morning and evening peaks: see for example the January 2019 Transport Assessment Report [EB503], tables 4-5 and 4-6 (page 21) and paragraph 4.6.16. That problem is unlikely to be resolved by the time that the two sites are scheduled for development. TfL appear to be overly optimistic in its view that improvement will eventually occur<sup>15</sup> and/or that Crossrail will reduce demand.<sup>16</sup> At present, there are real questions as to when capacity will be improved; how any improvements will be funded; and the extent to which Crossrail will affect capacity: see LTC’s submissions on Matter 13, Issue 1.
24. Bus services are presently poor. There are somewhat vague references to future improvements to the local bus services, but the present indications demonstrate only a reduction of service. Thus, in March 2017, route 167, which used to run alongside Jessel Green, was curtailed at Loughton Station. In the evenings and on Sundays, both route 167 and route 20 run only at half hourly intervals. In early 2018, route 66 was reduced from a 20-minute service to one of 30/45 minutes.<sup>17</sup> Route 397, which runs alongside R4, ceases after 19.30 each evening.
25. As to road traffic, over 55% of those in work in the District travel to work by car.<sup>18</sup> There is little reason to suppose that the working residents of any developments on R4 or R5 would use a different mode of travel to work, particularly given the

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<sup>14</sup> Paragraph 9.7, page 48; paragraph 9.16, page 50; paragraph 9.160 & 9.162, page 73.

<sup>15</sup> See paragraph 7.4.1

<sup>16</sup> See paragraph 7.4.4.

<sup>17</sup> See tables 4-3 and 4-4 on pages 19 & 20.

<sup>18</sup> Adapted from table 4-1 on page 12



difficulties with the public transport system outlined above. The highway network is currently congested particularly at peak hours at certain junctions.<sup>19</sup>

26. For the likely future traffic position, EFDC relies upon traffic models prepared for Essex Highways. Traffic modelling is not an exact science having regard the assumptions and limitations inherent in such an exercise. In this case, the future scenarios envisage variously some transport improvement leading to modal switch, a package of highways improvements and peak spreading. All are highly speculative both as regards extent and timing: the highways improvements in turn are dependent upon available finance.
27. Housing development at R4 and R5, contributing an additional 371 households (at least), would only exacerbate the present problem. LTC calls out the following for consideration:

(a) The A121-A104-B1393-B172 Wake Arms roundabout

Many Loughton residents driving to London for work use this roundabout to access the M25. Every modelled scenario, even scenario 6<sup>20</sup> which can be considered the future best-case scenario, shows one or more approaches to the roundabout as operating at well over capacity in both peaks but more particularly in the PM peak. Any material highway improvement is severely limited by the proximity of the Forest SAC.

(b) The Chigwell Lane/Langston Road/Oakwood Hill junction

This junction is shown as operating at over capacity in scenarios 2 and 3. The IDP indicates an essential improvement is required there at a cost of between £2m -

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<sup>19</sup> See Appendix A for traffic free-flow (the darkest is the worst) and Appendix D for junction congestion – particularly Wake Arms roundabout and A1168 Chigwell Ln - Langston Rd - Oakwood Hill junction.

<sup>20</sup> Table 11-4 page 89.

£3m. However, even after that improvement is factored into the model in scenario 6, the junction is still shown to be operating at or over capacity in both peaks.

(c) The Rectory Lane/Pyrlles Lane junction and numerous feeder junctions along the A1168 Rectory Lane and Chigwell Lane;

As far as these junctions are concerned, the model may not be entirely accurate since it shows these junctions as performing satisfactorily now and in the future. However, the experience of Loughton residents is that they do not do so at present and are unlikely to do so in the future. A large percentage of vehicular traffic enters and leaves Debden Estate via Rectory Lane (which continues eastwards as Chigwell Lane). It is already congested partly due to traffic generated by the new retail park on Langston Road, which was not modelled. Development of R5 would inevitably put unacceptable traffic pressure on the Rectory Lane/Pyrlles Lane junction and further exacerbate the problems on Rectory Lane.

28. Any significant increase of traffic at those locations is likely to lead to a concomitant increase in atmospheric pollution including particulate concentrations.

### **INSPECTOR'S QUESTIONS**

#### **General**

29. **Q1:** Junction 5 of the M11 is congested, particularly in the PM peak. It was designed in about 1972 to 1970s traffic levels. ECC has recently promoted a safety scheme (LEPP181001) to reduce capacity on the A1168 so as to prevent collisions caused by tailbacks of Chigwell bound traffic exiting the M11. A cabinet decision to do so was called in by the 3 local county councillors, but the call in was rescinded because they accepted that there was a demonstrably high incidence of serious collisions.

30. **Q2:** Yes.

Site Specific

31. **Q3:** No. The surrounding housing is all low rise (virtually all two storey), as the Inspector will note on her site visit. The quantity of development proposed simply could not be accommodated without high-rise development in excess of three storeys. Such development would be contrary to Policy DM9 in that it would not relate positively to its context; would not have any regard to building heights; would not have any regard to the form, scale or massing prevailing around the sites; and would not respect the rhythm of the neighbourhood.

32. **Q4:** (a) Yes: see paragraphs 4 – 6 above.

33. (b) See paragraphs 13 – 19 above.

34. (c) The application to register was made by LTC on 6<sup>th</sup> December 2013. It was duly accepted by ECC, the registration authority. EFDC lodged an objection. The application has yet to be determined. If registered, Jessel Green would be immune from development. It is suggested that this matter is not material to the Inspector's considerations.

35. (d) EFDC will answer.

36. (e) See paragraphs 7 – 10 above.

37. **Q5:** The natural GB boundary of the Pyrles brook would be breached. Views from Theydon would be affected.

Loughton Town Council  
Loughton Library and Town Hall  
Traps Hill  
Loughton  
IG101HD