

EPPING TOWN NEIGHBOURHOOD PLAN REGULATION 16 PUBLICATION REPRESENTATIONS ON BEHALF OF WATES DEVELOPMENT LIMITED OCTOBER 2024

Introduction

1. This response has been prepared by Vincent and Gorbings on behalf of Wates as landowner of Land at Stonards Hill in respect to the Regulation 16 Epping Town Neighbourhood Plan (ETNP). For the avoidance of doubt, the land ("The Site") being considered as part of this submission is the land north of tube line, east of Epping, south of Theydon Grove and west of Stonards Hill road (see plan attached at **Appendix 1**).
2. The Land at Stonards Hill is approximately 12 ha, located on the eastern side of Epping Town, and has no public access as evidenced by road signage and the definitive map.
3. The Site was included as an allocation for residential development in the Regulation 18 Epping Forest District Draft Local Plan consultation in 2016. The masterplan submitted as part of the promotion of The Site proposed circa 130 new homes including 40% affordable, alongside a proposed Country Park (c. 8.7 ha) in the north-east portion of the site which comprises 2/3 of the site area. This proposal would have provided a new area of public open space, within easy walking distance of the town, and providing a new facility for both existing and proposed residents on land that currently has no public access.
4. The Site is sustainably located being within easy walking distance of the town centre and railway station, reducing the need for residents to use cars. The main access would be by a carriage drive from Stonards Hill, ensuring that those that do need to use their cars are directly encouraged away from the town.
5. Representations to the ETNP Regulation 14 Consultation were submitted in 2018 on behalf of Wates concluded that the ETNP had not been duly prepared in compliance with the procedural requirements, nor did it meet the Basic Conditions and other legal requirements for neighbourhood plans and required fundamental modification to achieve this. These are included as **Appendix 2**.

Local Plan Background

6. The Regulation 19 Plan and Submission Version (2018) of the Plan subsequently removed the Stonards Hill allocation, together with a number of other Green Belt releases at Epping. New development was instead accommodated within two remaining sites in the Green Belt adjoining the south of Epping, which became known as the "South Epping Masterplan Area" (SEMPA), with a potential yield of 900 units.
7. Through Examination, Main Modifications reduced the SEMPA allocation to 450 units across two allocation sites in recognition of the numerous constraints. The Epping Forest District Local Plan 2011 to 2033 was adopted at an Extraordinary Meeting of the Council on 6 March 2023.



8. Land at Stonards Hill remains designated as Green Belt within the adopted Local Plan, with no other policy designations applied. The Site is not listed as an Area of Outstanding Natural Beauty (AONB), Site of Specific Scientific Interest (SSSI), National Nature Reserve (NNR), Special Protection Area (SPA), etc.
9. As a result of the removal of a number of sites from the now adopted Local Plan, the Inspector was concerned as to the ability of Epping Forest District Council (EFDC) to meet its identified housing need within the Plan period. Through the modifications process, the policy dealing with the review of the plan was modified. This indicates that review will normally take place within 5 years of the plan's adoption. However, it states that an early review will be commenced promptly and relevant policies will be updated if the Authority Monitoring Report demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for three consecutive years; or the Council cannot demonstrate a five-year supply of deliverable housing land against the requirements established through the Local Plan and Housing Implementation Strategy.

National Planning Policy Framework

10. The current adopted version of the NPPF is dated December 2023. There are a number of references within this to the purpose, preparation and weight to be afforded to Neighbourhood Plans. The most relevant guidance in this instance is as follows:
 - Paragraph 13 – Neighbourhood Plans should support the delivery of strategic policies contained in local plans.
 - Paragraph 28 - Neighbourhood Plans should not undermine strategic policies within the development plan.
 - Paragraph 67 – strategic policies on housing delivery should only be re-tested at the neighbourhood plan examination if there has been a significant change in the circumstances that affects this requirement.
11. Following the election on the Labour Government, a Ministerial Statement and consultation on changes to the NPPF was published and has recently closed. The main focus of these proposed changes is to help the Government to deliver on its manifesto ambition to deliver 1.5m homes in England over the next 5 years. Reforms to policy include:
 - The introduction of the concept of 'grey belt' within the green belt, together with a sequential approach to Green Belt release; and a revised definition of inappropriate development in the Green Belt.
 - The idea that housing need can expressly justify exceptional circumstances for the release of Green Belt land.
 - Proposing a new standard method (SM) calculation based on existing stock, to ensure local plans are ambitious enough to support the Government's manifesto commitment of 1.5 million new homes in this Parliament.



- Making the SM for assessing housing needs mandatory, requiring local authorities to plan for the resulting housing need figure, planning for a lower figure only when they can demonstrate hard constraints and that they have exhausted all other options.
 - Reverse other changes to the NPPF made in December 2023 which were detrimental to housing supply.
12. Based on calculations produced by the Government¹, Epping Forest DC's Housing Need using the proposed SM would increase to 1,210 compared to 725 under the current SM.
13. There are likely to be tweaks and further changes to the NPPF prior to its adoption, however the direction of travel is clear, and it is therefore likely that EFDC will need to plan for an increased OAN for housing moving forward. This should be considered as part of the current draft Neighbourhood Plan, with the changes to the NPPF and Standard Method considered to be a significant change in the requirements for housing delivery.

Regulation 16 Epping Town Neighbourhood Plan Commentary

Alignment with Strategic Policies

14. On a broad point, given the likely changes to the NPPF and the possibility of an early review of the Local Plan it is considered prudent that the Neighbourhood Plan considers these likely impacts on Epping. Paragraph 67 of the NPPF 2023 allows for the retesting of housing figures as part of the ETNP examination where significant changes in circumstances are relevant. The proposed changes to the SM and the likely NPPF changes are considered to fall into this category, and the ETNP should take the opportunity to plan for these changes.
15. It is also noted at paragraph 28 of the 2023 NPPF that Neighbourhood Plans should not undermine strategic policies within the development plan. The requirement for an early review is set out within Chapter 2 of the adopted Local Plan, which contains the Strategic Context and Policies. It is therefore considered that the ETNP should not limit the potential of previous draft housing allocations to be reconsidered and be brought forward as part of the LP early review. In the case of Stonards Hill, designating the site as a Local Green Space would significantly hinder this.

Policy 2 – Protect and Enhance Open Space within the Parish / Map 1 Proposals Map – Local Green Space Designation

16. Within the draft Neighbourhood Plan, Policy 2 and Map 1 designates The Site as 'Local Green Space' and partially falling within a 'Wildlife Corridor' designation.

¹ <https://lichfields.uk/blog/2024/july/30/a-new-standard-method-stocking-up>



17. The concept of Local Green Space was introduced in 2012 and is addressed in paragraphs 105 – 107 of the 2023 NPPF.
18. Para. 105 of the NPPF addresses the designation of LGS, and states that any designations should be consistent with local planning of sustainable development and complement investment in homes, jobs and other essential services. LGS should be capable of enduring beyond the end of the plan period.
19. Furthermore, para.106 states that LGS designations should only be used where the green space is:
 - a) Reasonably close proximity to the community it serves;
 - b) Demonstrably special to the local community and holds a particular local significance, for example, because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and
 - c) Local in character and is not an extensive tract of land.
20. The NPPG provides further guidance on Local Green Space designations. It states (at para 007 Ref ID: 37-007-20140306) that designating any LGS will need to be consistent with local planning for sustainable development in the area. It goes on to state that plans must identify sufficient land in suitable locations to meet identified development needs and the LGS designation should not be used in a way that undermines this aim of plan making.
21. The NPPG (at para 010 Reference ID: 37-010-20140306) further goes on to state that where land is already protected by Green Belt policy, consideration should be given to whether any additional local benefit would be gained by designation as LGS. A suggested circumstance where an LGS designation may be appropriate is where an area is of particular importance to the local community.
22. The NPPG provides guidance on what types of green area can be identified as LGS. It states (at para.013 Ref ID: 37-013-20140306) that the green space will need to meet the criteria set out in paragraph 100 (now 106 of the NPPF, as set out above).

Consideration of The Site against NPPF / NPPG Local Green Space criteria

23. Table 3 to Annex L (Consultation Responses) of the ETNP Evidence Base acknowledges Vincent and Goring's representations (Comment 59) to the Regulation 14 plan on behalf of Wates in relation to their objection to the proposed Local Green Space designation. The recommendation in response was simply to 'Add reasons for designation to Policy 2'.
24. Neither the ETNP nor the evidence base contained on the District Council website provides any justification or technical evidence to support the designation of The Site as a LGS against the guidance within the NPPF or NPPG. The only reference made to the site is within the 'Green Open Spaces Protection Epping Parish September 2021' (Green open spaces protection designation) which has been submitted as an evidence file for the Neighbourhood Plan. The document lists 'Land to west of Stonards Hill: behind Theydon Grove' under the heading 'Other land to Protect' in Section C (Land owned/managed by others). However, no assessment of The Site (description, quality of facilities, NPPF Criteria, etc.) is provided.



25. In their comments to the ETNP Regulation 14 Consultation (Reg 16 Evidence Base Annex N), Epping Forest District Council points out that further detailed justification and evidence for Local Green Spaces (Policy 2) would be required.

26. Specifically, the comments state that:

“For Local Green Spaces, this could be in the form of a supporting document – rather like a ‘Background Paper’ - which sets out the case for local green space designations, includes robust and compelling evidence, and potentially a ‘checklist’ type exercise against the requirements set out in national policy and guidance.”

27. When considering the LGS criteria set out in paragraph 106 (formerly para 77 in 2012 NPPF), EFDC commented that it was not clear what the evidence is to designate the proposed LGS in relation to the above points, and that they were *“concerned that some of the areas, such as at Stonards Hill, could be considered ‘extensive’ in area”*. As noted above, no assessment of The Site (description, quality of facilities, NPPF Criteria, etc.) has been provided within the ETNP or evidence base. Therefore, there is insufficient evidence to justify the policy designation.

28. Furthermore, EFDC advised that ETC should consider utilising the District Open Space Strategy 2017 (main open space evidence informing the District Local Plan) as it may provide useful evidence for this policy. Although it is acknowledged that the District Open Space Strategy 2017 has been referenced in Policy 2 of the Regulation 16 Plan, it does not justify the policy designation on the site nor has it been utilised as intended. This latter point is explored further in the following section.

29. In the absence of any analysis provided as part of the EFNP, the following commentary considers the suitability of the site for the LGS designation against para 106 of the NPPF:

- a) Reasonable proximity to the community it serves – whilst it is understood that a site can be designated as an LGS even if no public access is afforded, the very reason for its proximity is surely on the basis of how accessible (and useable) it is to the public, which is not relevant in this instance. However, this could be delivered through a comprehensive masterplan to deliver both new homes and a Country Park. Designating the site as an LGS would prevent this.
- b) Special to the local community - This point is broken down into several parts, but it is considered that none apply to this site. It has not been demonstrated that it has any particular local significance, emphasised by the point that it is not publicly accessible. In addition, it has no demonstrable historic, community or wildlife value, and it does not perform as a recreational asset. Also in terms of tranquillity, it is bordered by busy roads and existing houses surrounding the site have an urbanising influence over the land.
- c) Local character - The Site is part of a larger landscape character area defined by wooded ridges and valleys as described within the EFDC Landscape Character Assessment 2010. This character area stretches for a considerable distance to the east and south of Epping. The site does not represent any particularly significant or unique landscape character features that are not accessible within the wider character area. No evidence has been put forward to counter this view as part of the ETNP. The Site is also deemed to be a considerable tract of land (as suggested by EFDC Reg 14 comments), which has the potential to assist in meeting identified housing needs moving forward.



30. Paragraph 106 is worded so that all the above criteria must be met in order to be designated. It has been demonstrated that this is not the case with Land at Stonards Hill.
31. The Local Green Space designation has perhaps been triggered by the draft allocation put forward by Wates as part of the emerging Local Plan, whereby a masterplan to deliver new homes and a Country Park was prepared, but ultimately not taken forward by EFDC. At present, none of this site is open to the public, and the only way this will be delivered is as part of the comprehensive masterplan put forward by Wates. If the LGS designation is carried forward, none of this will be realised. This is exactly what the NPPG guidance seeks to avoid. The NPPF 2023 at paragraph 105 states that any LGS designation should be consistent with and complement investment in homes etc. The NPPG specifically notes that LGSs should not be used as a tool to undermine future development, particularly when land is already protected through the Green Belt designation. The NPPG is also clear that any LGS designation should be capable of enduring beyond the current plan period, and given the early review of the Local Plan, designating this land as a LGS would potentially hinder growth plans, and would not endure beyond the plan period.

Amenity / Publicly Accessible Open Space in Epping

32. In seeking to designate the LGS, Policy 2 of the ETNP states that the policies regarding green space and new development have regard to the 2017 Open Space Strategy: Final Report November 2017 produced by Epping Forest District Council (Evidence base document to the adopted Local Plan). It was suggested by EFDC in their Regulation 14 comments that this Report may provide useful evidence for this Policy.
33. The EFDC Open Space Strategy 2017 notes that there are 12 amenity greenspace sites in the town of Epping, six being classified as good, and six being classified as average, with the only significant issue being the lack of seating or litter bins. In terms of quantity, it was concluded that there is sufficient provision within Epping at present, but it notes that further provision or improvement of links to provision will be required during the plan period to take account of the anticipated rise in population (Recommendation 5). Epping was also noted as having a generous quantity of natural and semi-natural greenspace, with excellent accessibility.
34. The Neighbourhood Plan's reference to the Open Space Strategy seems to be conflating two different issues. It is understood that LGS does not have to be publicly accessible. However, the fact that the Neighbourhood Plan references the recommendations of the EFDC Open Space Strategy 2017 as a reason for identifying the LGS is incorrect, as the designation of the site at Stonards Hill as an LGS will not deliver publicly accessible open space. Public open space should be delivered by the sites identified as part of the South Epping Masterplan, as it is this additional population that is driving the additional identified need within the Open Space Strategy.

Policy 2 / Map 1 - Wildlife Corridor Designation

35. Policy 2 identifies priority areas and wildlife corridors where it is considered important to improve and enhance open space provision. A wildlife corridor is considered to form a separate function to open space provision, which is more about access for people, rather than suitable habitat for biodiversity. A wildlife corridor is shown traversing The Site on Map 1, however this is not listed as a site within Policy 2, which provides a list of intended wildlife corridors.



36. There is no definition describing what a 'wildlife corridor' is within the ETNP, and there is no evidence to suggest why The Site should be designated as part of one. Wates are not aware of any wildlife surveys that have been undertaken on The Site to inform such a designation. In their comments to the ETNP Regulation 14 Consultation (Reg 16 Evidence Base Annex N), Epping Forest District Council also points out that further detailed justification and evidence for Wildlife Corridors (Policy 2) would be required.

37. Specifically, the comments state that:

With regard to the Wildlife Green Corridors, it is suggested that you engage with the Country Care Team at EFDC and/or Essex Wildlife Trust to see what evidence currently exists with respect to biodiversity and habitats around Epping, to help define the wildlife corridors and the wording of the policy”.

38. Table 3 to Annex L (Consultation Responses) of the ETNP Evidence Base recommends the deletion of the 'wildlife corridor' designation in response to Epping Society's comment that they will not achieve their apparent purpose – clearly this has not been done.

39. No additional evidence has been put forward to justify the Wildlife Corridor. Therefore, it is requested that this diagrammatic overlay be removed from The Site.

Paragraph 4.3 - Expansion of Epping Forest

40. Paragraph 4.3 largely comments on protection of trees. The last paragraph of this section states that: *'Policy 2 protects and enhances important areas not otherwise protected, and identify green areas such as hedgerows and verges around the town linking The Lower Forest with the more southerly extent of Epping Forest. A possible expansion of the Forest could take in land north of tube line, east of Epping adjoining Stonards Hill'*. No evidence or justification has been put forward to support this 'suggestion' and it is therefore requested that this reference is removed.

Conclusions

41. The strategic policy within the adopted LP to undertake an early review of housing delivery would be undermined by the allocation of Land at Stonards Hill as a Local Green Space. This is contrary to paragraphs 13 and 28 of the 2023 NPPF.

42. The proposed changes to the NPPF and SM represent a significant change in circumstances in relation to housing delivery since the Local Plan was adopted that would trigger the need to reconsider housing figures as part of the ETNP. This is in accordance with paragraph 67 of the 2023 NPPF.

43. The Regulation 16 ETNP fails to take on recommendations of EFDC Regulation 14 Comments (Annex N) or Regulation 14 Consultation Responses (Annex L), specifically in relation to providing sufficient evidence to justify Local Green Space and Wildlife Corridor policy designations.

44. Allocation of Land at Stonards Hill as an LGS is unjustified in that it is not supported by evidence and does not meet the tests set out at paragraph 106 of the 2023 NPPF.



45. Allocation of Land at Stonards Hill as an LGS is further contrary to guidance set out within the NPPG, in that it would result in hindering future growth within Epping and the wider District; would not endure beyond the plan period; and is an unnecessary layer of protection given its Green Belt status.
46. The designation of the Wildlife Corridor and the notion that the site should form part of a possible expansion of Epping Forest is not supported by any substantive evidence.
47. The Site is sustainably located being within easy walking distance of the town centre and railway station.
48. Given the direction of travel with housing delivery, Policy 3 should be revisited to consider safeguarded land for future development, including Land at Stonards Hill.

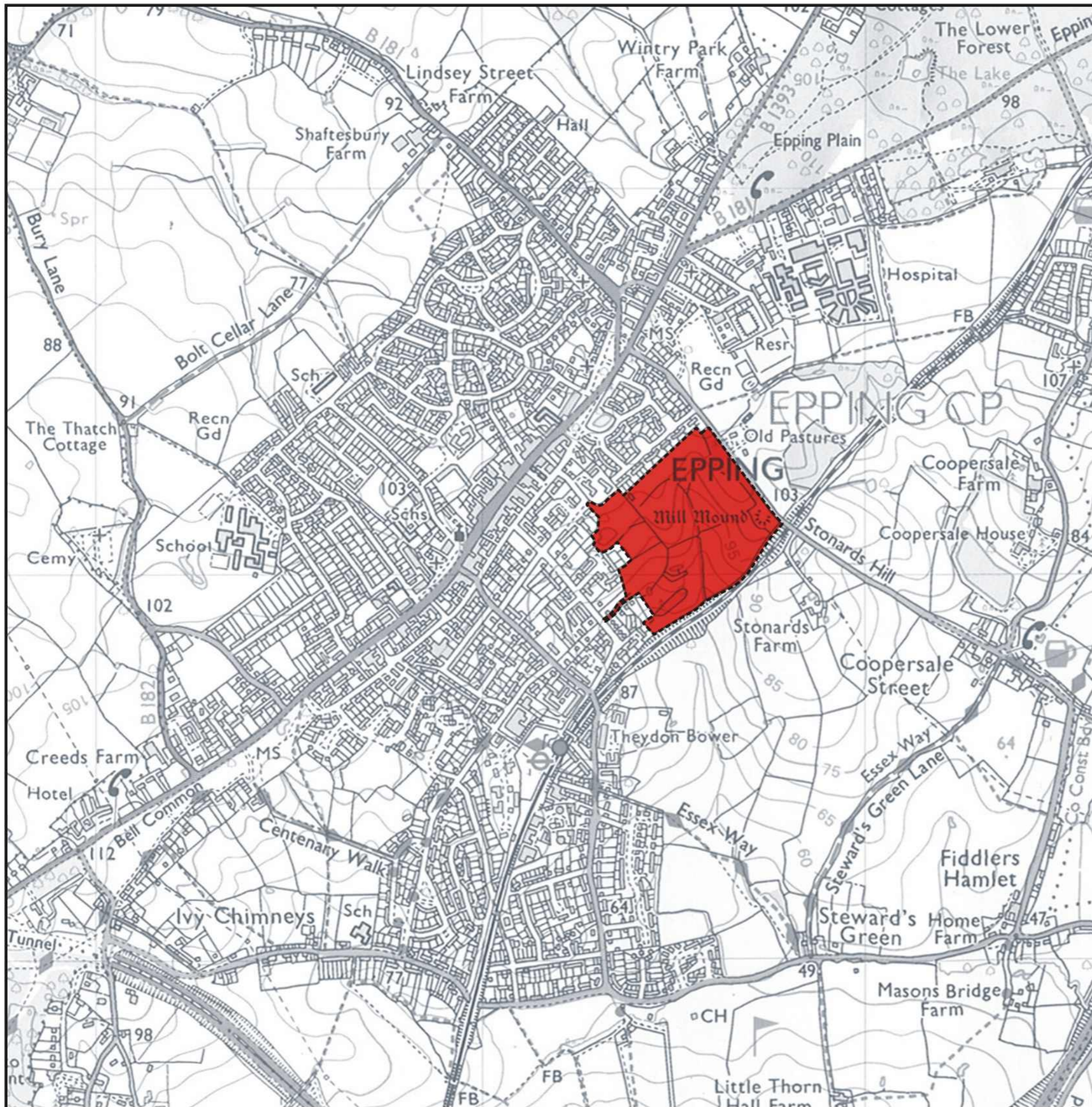
Recommended changes to the draft ETNP

49. Remove any reference within the ETNP to Land at Stonards Hill being a Local Green Space, Wildlife Corridor, and potential expansion of Epping Forest.
50. Undertake a review of housing delivery requirements within Epping to reflect the direction of travel with national policy, and early review of local need.
51. As a consequence of this, consider potential additional sites for development within Annex 1 and identify safeguarded sites within Policy 3 and on the Proposals Map.



Appendix 1: Site Location Plan





PROJECT TITLE
 Land at Stonards Hill
 EPPING

DRAWING TITLE
 Site location plan

SCALE	DATE	CHECKED
1:10000	MARCH 2006	
	DRAWN	DATE
	HNA	

PROJECT No.
 4580



001

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Appendix 2: ETNP Regulation 14 Representations



EPPING TOWN NEIGHBOURHOOD PLAN CONSULTATION

REPRESENTATIONS ON BEHALF OF WATES DEVELOPMENTS LIMITED

July 2018

Summary

Wates consider that the Epping Town Neighbourhood Plan (ETNP) as presently drafted fails to meet the legal tests and 'basic conditions' set out in statute and guidance, for a number of reasons :-

- It does not and cannot accord with national and strategic planning policies that are presently in force;
- Strategic decisions on the Local Plan including the scale of housing required and the acceptability of strategic Green Belt releases must be progressed and resolved to be sound prior to the ETNP progressing;
- The consultation process does not offer the community any choices with regard to the proposed allocations of land and fails to reflect the views of the community expressed through the Local Plan consultation;
- It does not meet the legal requirement to accord with EU obligations due to the lack of Habitats Regulation Assessment (HRA); nor has any Strategic Environmental Impact Assessment been undertaken;
- There is a high probability that HRA will show that Epping South allocation adversely effects the integrity of Epping Forest SAC meaning that allocation will either be undeliverable or will need to be substantially reduced in scale; the Epping Forest Conservators object to the Epping South allocation; the unacceptability of the Epping South allocation is made more likely by the recent *People over Wind* court judgement;
- The proposed Green Belt changes do not accord with the evidence base of the Local Plan;
- The proposed housing allocation to Epping South is unsustainable and given it represents 70% of the entire allocation to Epping Town, renders the whole ETNP unsustainable;
- The lead in time for Epping South, together with the complexities of many of the other sites within the settlement, will frustrate any early delivery of housing, contrary to the objectives of national policy;
- The allocation of land at Stonards Hill as Local Open Space is unsound and undeliverable;

- Land at Stonards Hill should be allocated for housing and a country park, allowing early delivery of housing, public open space and biodiversity improvements in a highly sustainable location.

Introduction and background

1. These representations to the Epping Town Neighbourhood Plan (ETNP) have been prepared by Vincent + Gorbings on behalf of Wates Developments Limited (“Wates”).
2. Wates have an option on land of approximately 30 acres (12 hectares) on the eastern side of Epping owned by the Silley family, who have played a central role in Epping’s development over the last 100 years, responsible for the Stonards Hill Recreation Ground, the Hemnall Social Club building and the development of the attractive and desirable Theydon Grove estate. Wates Developments is the UK’s leading family-owned development company, now in its fourth generation of family ownership, and like the Silley family are committed to leaving a positive legacy for the communities in which they work. As testament to this approach Wates consider that the land at Stonards Hill is an excellent location for a sustainable new neighbourhood of 130 homes alongside a new 20-acre Country Park. Wates has for many years promoted the site through the Local Plan and continues to do so.
3. Wates are keen to engage with the Town Council through the Neighbourhood Plan but consider that that progressing the ETNP now in the situation where the Local Plan (consistency with which is a key test of acceptability) has yet to be submitted to the Secretary of State (let alone examined or found sound), is fundamentally flawed. This is particularly so when key strategic issues remain open to scrutiny including the overall housing requirement to the District, the allocation to Epping and the most appropriate locations to release the Green Belt. For this and a number of other reasons which are enumerated in detail in this statement, we consider that the ETNP should at least be held in abeyance whilst strategic issues are resolved; if this plan or a variant of it were submitted for Examination now, any Inspector would conclude that it should not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
4. Wates have considered the ETNP on the same basis as any Inspector would do, namely compliance the approach set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”). Any future examiner must consider whether the Plan meets the ‘Basic Conditions’; and whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”). Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).
5. The ‘Basic Conditions’ are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
 - Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;

- Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations; and
 - Meet prescribed conditions and comply with prescribed matters.
6. Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects. As we set out below, no such assessment has been undertaken and, indeed, the plan as drafted is very likely to have an adverse effect on the integrity of a European Site (namely Epping Forest SAC). Moreover, the recent legal case known as 'People Over Wind' has fundamentally changed the basis on which such Habitats Regulation Assessment should take place and in so doing is likely to fundamentally undermine the allocations within the EFLP (particularly South Epping), allocations which are presently embraced in the ETLP.

Issue 1 : Compliance with the Local Plan and timing of the ETNP as against the EFLP : prematurity

7. Para. 13 of the National Planning Policy Framework 2018 ('NPPF') makes clear that neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies.
8. The ETNP does not accord with the Local Plan as the adopted Local Plan that is in force at this time is the Local Plan that was adopted in 1998 alongside the Local Plan Alterations, which replaced parts of the 1998 Local Plan in 2006.
9. However, it is appreciated that the weight accorded the Adopted Local Plan is limited given its age, plan period and the fact that it does not make any allowance for the significant amount of development that is now required in the EFDC area. However, neither can any significant weight be accorded the *emerging* Local Plan when formulating the ETNP. The Local Plan has yet to be submitted to the Secretary of State and does not form part of the statutory development plan. At the time of its approval by Full Council in December 2017 it was intended to submit the Plan to the Secretary of State for Examination by 31st March 2018 and an examination was expected in Autumn 2018. Given the delay in the submission it is unlikely that the Local Plan will be examined until at least early/mid 2019 and the reporting, modification and adoption will follow thereafter with final adoption being unlikely to take place until at least late 2019, more likely early 2020.
10. Until the draft Local Plan has been fully examined, its strategic policies, with which the ETLP must comply to meet the basic conditions, may well change. There has been considerable objection to the Local Plan at Regulation 19 stage in respect of the total amount of housing to be provided within the District as a whole, its distribution to the settlements within the District (particularly Epping), the locations where Green Belt should be released, and the strategic allocations that form the key building blocks of the District Council's housing trajectory, including South Epping which attracted the second highest level of objection of all sites. The ETNP takes these strategic policies

as the starting point for the Plan as though they are fixed when this is clearly *not* the case. Indeed, the ETNP is misleading the local community to suggest that these matters are settled and form the basis for the strategic vision and allocations within the ETNP.

11. Whilst it is accepted that Planning Practice Guidance advises in principle that neighbourhood plans can be developed before or at the same time as the local planning authority is producing its Local Plan it also advises that a draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. It goes on to state that a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan *“although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”* Whilst preparing a neighbourhood plan in advance or in parallel with an emerging Local Plan may be possible, in the circumstances in Epping Forest District where such a fundamental change in strategic planning context is being proposed through the Epping Forest Local Plan it is simply not credible to expect that an Inspector would find the plan in conformity with such significantly changed strategic policies when those policies are still subject to examination.
12. The NPPF (2018) makes clear that *“Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”* (para. 29). Until such time as the level of development to be accommodated within the NP area and the strategic allocations and Green Belt boundary changes are found sound at Local Plan level, the Neighbourhood Plan cannot, and should not be progressed. It is entirely premature to make what are such strategic planning decisions in a neighbourhood plan.

Issue 2 : Neighbourhood Plan Preparation and Consultation

13. Wates does not believe that the consultation undertaken to date to prepare this draft of the Neighbourhood Plan has been sufficient to seek views on alternatives to the proposals set out in the document. The plan sets out at para. 2.3 that ‘extensive local consultation to support the preparation of this Plan was undertaken to identify topics and issues during September and October 2015 before the Neighbourhood Plan was prepared.’ This was a ‘high level’ consultation and was then subject of a further questionnaire consultation about issues that were important to people living in Epping.
14. However, at no time were the community asked about site allocations to accommodate development within Epping and the alternatives to those now shown in the draft Plan. These sites very much follow the representations of the Town Council to the Regulation 18 consultation of the Draft Local Plan. The Town Council’s representations led in turn to changes to the Draft Local Plan and resulted in the allocations now proposed in the Submission Draft Local Plan, including a reduction in the overall housing numbers to Epping and the expansion of the allocation to South Epping. It was through this process that Wates’ site at Stonards Hill was removed as an allocation.
15. These changed allocations are now presented in the Neighbourhood Plan but the local community has had no opportunity to express their views through the Neighbourhood Plan production process or to contribute to the position now established with regard to

alternative allocations. In our submission, the Neighbourhood Plan needs at the very least to indicate the alternative site allocations and why these have been ruled out. In that way, the community would have a proper opportunity to consider whether the allocations now proposed in the NP are reasonable and supported as against other alternatives. The ETNP does not present any choices to the local community in terms of site allocations within Epping and in that way the consultation process being undertaken now is flawed.

16. Indeed, the *only* consultation opportunity that the local community has had where they were able to express a comment on the *alternative* sites (including those that have been ruled out) was at the time of the 'Community Choices' undertaken by the District Council consultation in 2013 during which the public expressed their own views about the various potential greenfield allocations around Epping. By way of example, the Stonards Hill site ranked second out of the 8 sites considered, with 54% of respondents supporting the site, compared to only 40% supporting the land which has now been allocated at Epping South.
17. The Local Plan allocations (now reflected in the ETNP) were the subject of consultation through the District Council's Regulation 19 consultation in December 2017. The report of this consultation¹ revealed that comments on the two South Epping component sites yielded 66 and 56 responses respectively, the second and third highest number of responses of all sites allocated within the Local Plan. It is therefore clear that there is a significant level of objection to Epping South.
18. Further consultation as to the alternative options to the concentration of development at South Epping should be undertaken to allow for meaningful engagement. If this is not undertaken, the neighbourhood plan consultation process will not have met the legal requirements or have had regard to the advice in the PPG on plan preparation, and will not be procedurally compliant. Again, if the plan goes forward on this basis we consider that no Inspector will suggest that the plan should proceed to a referendum as it does not meet the necessary legal requirements.

Issue 3 : EU Obligations : HRA and SEA

19. At this stage, the ETNP has not been the subject of either Habitats Regulations Assessment (HRA) or Strategic Environmental Assessment (SEA). In the absence of these documents as part of the evidence base in preparing this draft Plan, the Plan clearly does not meet the basic condition of meeting EU Obligations.

Approach to avoiding impact on the SAC

20. Epping Forest District Council (EFDC) has a duty as the 'competent authority' under the Habitats Regulations to protect Epping Forest Special Area of Conservation (SAC) from the effects of development. This must be addressed by ensuring new development does not have an adverse impact on the special interest of the SAC. A core principle of government policy (NPPF, 2018) is the protection and enhancement of biodiversity and protected sites is the application of the mitigation hierarchy with avoidance of adverse impacts of primary concern, followed by mitigation measures,

¹ <http://www.efdclocalplan.org/wp-content/uploads/2018/05/EB115A-Appendix-I-Report-analysing-responses-received-EFDC-2018.pdf>

and as a last resort, the application of compensatory measures. The allocations in the Local Plan (and hence for consistency, those in the ETNP) must follow this approach.

Impact on the SAC

21. Wates made a robust case with regard to the impact of the allocations in the Submission Draft Local Plan, demonstrating that the allocations around Epping in that plan had failed to give sufficient weight to the impact of development on the Epping Forest SSSI and SAC in the allocation process, and lacked any positive proposals for provision of 'Suitable Accessible Natural Green Space' (SANGS). This shortcoming is now replicated in the ETNP. The allocations in the Submission Draft Local Plan lack any commitment to the provision of sufficient public open space to mitigate the recreational impacts of the volume of housing on the Forest, even if such an approach were legitimate.
22. We consider that this is likely to frustrate the delivery of some developments, particularly those in closer proximity to the Forest and goes to the heart of soundness of the Local Plan and the compliance of the Neighbourhood Plan with relevant legal obligations. This is particularly so for the allocation at Epping South. The Epping South Masterplan Area is 600m by road from the SAC and the western limit just falls within 400m from the nearest point of the SAC as the crow flies. For the Thames Basin Heaths SPA Avoidance Strategy 400m represents the inner exclusion zone where there is a presumption against new residential development as the impact on the SPA is likely to be such that it is not possible to conclude no adverse effect on the SPA. The proximity of the Masterplan Area makes it within easy to relatively easy walking distance of the SAC.

Position of Epping Forest Conservators

23. Indeed, the representations at the Regulation 18 consultation of the Local Plan included objections by the Conservators of Epping Forest to the scale of development at Epping South and the potential recreational pressures that would result given the proximity of the site to the Forest. Yet, in direct conflict with this concern, the Submission Draft Local increased the level of development in this location. This brings into serious question the capacity of the development, particularly given other constraints such as the need to maintain a buffer to the M25, overhead power lines, and the need for other infrastructure.
24. The response of the Conservators to the Local Plan Regulation 19 consultation was equally robust in stating that *"[We] have previously expressed concern and disagreed with elements of the Regulation 18 Local Plan. Many of these concerns remain with the Regulation 19 Submission Plan and are reiterated in detail below. A key issue is that there is no formal, policy commitment to a Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC)."*
25. Their representation then provides a detailed critique of the Epping South proposal :-

"..of real concern to the Conservators are the Epping South proposed developments (EPP.R1 & EPP.R2) in the GB, with the proposed increased density and doubling of housing numbers to a minimum of 950. We do not consider these to be justified because of the likely adverse effects on traffic congestion and air pollution at road

junctions close to or adjacent to Forest Land. The doubling of the housing numbers would seem to call into question the availability of sufficient green space at these sites for them to "consume their own smoke". These two developments are likely to have significant adverse impacts through the increased recreational pressure on the Forest, including the SAC, and also on the nearby Forest Buffer Lands at Great Gregories.

..... Our specific concerns with this Policy P1 relate to the access to the highway and the impact on nearby highway junctions and parking. The access required for the proposed western section of Epping South seems likely to have a direct physical impact on Forest Land owned by The Conservators and protected under the Epping Forest Act 1878. The Conservators have not been consulted about this."

26. In our view, even prior to the *People over Wind* case (see below), the Epping South site was unsound; this unsoundness is now perpetuated through the ETLP.
27. Accordingly, there is a strong likelihood that once an HRA of the ETLP is undertaken, it will be concluded that the plan as a whole will adversely affect the integrity of Epping Forest SAC.

Impact of the 'People Over Wind' case

28. This is particularly so given the recent *People Over Wind*² judgement; indeed this judgement brings into question the approach of both the Draft Local Plan and, given its intention to replicate the Local Plan strategic allocations, the ETLP. The change in position can be summarised as follow. It has been standard working practice for plans or projects that may affect European nature conservation sites such as Epping Forest to include incorporated mitigation measures from the initial stages of the Habitat Regulations Assessment (HRA) process. In many cases this screening stage (or Likely Significant Effects) negates the need for projects to proceed onto a full appropriate assessment. Projects such as housing ensure strategic mitigation measures are incorporated into the planning proposals to prevent likely significant effects upon these high value sites, albeit as indicated by the Conservators, it does not seem feasible for this to be achievable at Epping South, given the unit numbers proposed and the size of the site.
29. However, the *People Over Wind* case has ruled that mitigation cannot be taken into account when considering the screening test for Likely Significant Effects. Therefore, many developments cannot now be screened out. Indeed, it throws into question the legality of the strategic mitigation approach which is embodied in the Draft Local Plan and is effectively replicated in the ETNP.
30. Moreover, this judgement now changes the basis on which the Strategic HRA of the Local Plan should be undertaken. The only neighbourhood plan in Epping which has been submitted for Examination is the Chigwell Neighbourhood Plan. An HRA Screening Report published with this Plan indicates that the primary issues to be considered at a Neighbourhood Plan level are air pollution and public access / recreation. The Screening Report relies on the fact that "*These matters have been*

² *People Over Wind and Peter Sweetman v Coillte Teoranta*, Case C 323/17, 12 April 2018, the text of which can be found at <http://curia.europa.eu/juris/document/document.jsf?text=&docid=200970&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=619449>

analysed thoroughly at Local Plan level, as detailed in the latest published version of the 'Habitats Regulations Assessment Screening of Epping Forest District Council Regulation 19 Local Plan' prepared by AECOM and published in December 2017. This is supported by a Memorandum of Understanding between EFDC and NE (City of London Corporation [Conservators of Epping Forest] (February 2017))."

31. However, the *People over Wind* case is such that the Local Plan HRA is no longer fit for purpose and any agreement with NE or the Conservators is no longer of any weight. Neither of these documents can now be relied upon in order to consider the impact of the ETNP on Epping Forest SAC and in any event from their Regulation 19 representations it is clear that the Conservators do not support the Epping South proposal. We strongly agree that the proximity and scale of development at Epping South now proposed is very likely to result in an adverse impact on the integrity of the SAC and as a result the ETNP will fail to comply with EU obligations and therefore will not be legally compliant in this regard. This will force the reconsideration of allocations at Epping.
32. Indeed, the *People Over Wind* case means that the approach of **Policy 1** of the ETNP to providing potential Forest exchange land is flawed, particularly as this includes promoting land at Stonards Hill, which is under the control of Wates, as new public open space (see below).

Avoiding impact on the SAC : new homes and a country park at Stonards Hill

33. In contrast, Wates proposal for approximately 130 units at Stonards Hill, together with a Country Park of circa 20 acres allows for the development of a strategy rooted in avoidance which, as required by the NPPF (2018) is the first (and most favourable) stage of the mitigation hierarchy. This approach comprises two factors: (a) distance from the SAC (alone and in comparison with other sites) and (b) the ability to provide suitable alternative natural greenspace (alone and in comparison with other sites).
34. In order to avoid effects from traffic and visitor pressure, the Stonards Hill Site is preferable over the South Epping Masterplan Area indicated on Map 1 of the draft neighbourhood plan. In comparison to Epping South (which as noted above is 600 m by road from the SAC and the western limit just falls within 400 m from the nearest point of the SAC as the crow flies) the Stonards Hill site is 3km from the SAC. As such, whilst still within 6km of the SAC, Stonards Hill is significantly further away from the SAC compared to the proposed alternative site which abuts the inner exclusion zone (using the distance applied to the Thames Basin Heath SPA/SAC).
35. As recognised in the *Epping Forest Special Area of Conservation (SAC) - Interim position statement* (EFDC, 10 May 2018), a Mitigation Strategy to protect the SAC "could include access management strategies, habitat management, provision of new Natural Green Space and sustainable transport choices." The Stonards Hill site provides a large (approximately 20 acre) area which would be managed for ecology and recreation whilst at the same time providing land for housing. Although it is acknowledged that the Habitat Regulations Assessment for Epping Forest (Habitat Regulations Assessment (Dec 2017) does not specify the level of greenspace required to mitigate impacts, the size of the area at Stonards Hill (approximately 2/3 of the site) is such that it would be suitable for new residents on the development site and

residents from established urban areas of Epping (such as Theydon Grove), thus reducing visitor pressure on the SAC from existing communities affecting the SAC.

36. The existing character of the greenspace at Stonards Hill is such that it lends itself to the quick establishment of a high quality recreational area offering considerable gains for biodiversity. It is unlikely that the Epping South Masterplan Area is capable of delivering the same calibre of greenspace owing to its lack of existing diversity of semi-natural habitat and its proximity to the M25. The proposed wildlife corridor in the Neighbourhood plan is very vague in terms of extent and is largely comprised of arable land or land adjacent to the M25. As such any green space provision designed to draw recreational development away from the SAC is likely to be less attractive than the proposed country park at Stonards Hill.
37. Map 1 of the Epping Town Neighbourhood Plan (v10) shows the Stonards Hill site as a 'Local Green Space' and 'proposed wildlife corridor'. Currently the site provides some ecological connectivity within the landscape particularly in relation to the railway along the southern boundary of the site. However, if partially developed as housing and partially a country park, this would enable the development to:
 - Maximise ecological connectivity within the landscape (e.g. the railway corridor and the Lower Forest).
 - Provide sympathetic habitat to the SAC in terms of parkland habitat and areas of unimproved grassland.
 - Provide public access to a high quality greenspace (for both residents and the local community) that is currently not accessible and for which there are no plans to provide public access.
38. Large parts of the site are currently subject to annual management which does not maximise it's ecological or recreational value (e.g. haylage cut of improved grassland). In addition the site provides no public access, yet if developed, a country park would enable informal recreational space for the wider south Epping community to be included.
39. In summary for the reasons given above it is considered that the proposed partial development of Stonards Hill with an associated country park represents a positive approach to meeting local housing needs whilst protecting Epping Forest SAC. If allocated on its own or in combination with a reduced housing provision at Epping South, Stonards Hill will deliver housing, access to the retained Local Green Space identified in the Neighbourhood Plan and a high quality and attractive alternative natural green space. As such it is considered to have considerable advantages over the Masterplan area in relation to protection of Epping Forest SAC.

Strategic Environmental Assessment

40. In addition, no Strategic Environmental Assessment for the ETNP has been published at this stage. For the same reason that HRA assessment will be necessary, it is likely that the plan as drafted will result in significant environmental effects that would require

assessment in line with the EU Directive and the Environmental Plans & Programmes Regulations 2004.

Issue 4 : Policy 1 : Green Belt boundary changes

41. Policy 1 and Map 1 describe changes to the Green Belt boundary by virtue of the allocation of the land at South Epping for housing development and its removal from the Green Belt. In contrast, Wates land at Stonards Hill remains within the Green Belt and is designated as Local Open Space (considered further under Issue 5 below).
42. We have set out above why the Epping South allocation is unsound due to its impact on the integrity of Epping Forest, a position supported by the Conservators. However, even in purely Green Belt terms the proposed changes to the Green Belt boundary at Epping South are not supported by the evidence base of the Local Plan and are not sound when compared to release of land at Stonards Hill,
43. The EFDC Green Belt Review Stage 1 was completed in September 2015. It undertook a high level review of Green Belt land across the District to identify the contribution of the Green Belt towards national Green Belt purposes as set out in the National Planning Policy Framework. The review divided the district into land parcels. Following the high level review, a number of constraints were applied, including Strategic Flood Risk Assessment; Special Protection Areas; Special Areas of Conservation; Sites of Special Scientific Interest; Local Nature Reserved and City of London Corporation Epping Forest Buffer land. The review resulted in broad areas being identified as areas worthy of further assessment at Stage 2 and each being scored against the national Green Belt criteria. The land at Stonards Hill was defined as parcel DSR-047 and scored '5' – one of the lowest scores of all of the parcels assessed. On all but one of the four purposes of the Green Belt, the site scored "0" – i.e. it made no contribution and development would therefore have no adverse impact.
44. In terms of the contribution of the land to the purposes of the Green Belt, it was concluded that the site made no contribution to checking unrestricted sprawl; that it's development would not lead to towns merging as "strong defensible boundaries that would prevent Epping and North Weald Bassett from merging are created by the road Stonards Hill to the north-east and the EOR [railway] to the south east" with the distance to the nearest settlement being established as 1.9km. It was further concluded that the site makes no contribution to preserving the special character of Epping "Given that it has no physical or visual relationship with the historic core of Epping." The only contribution identified was that the undeveloped status of the land assisted in safeguarding the countryside from encroachment.
45. The Stage 2 assessment in August 2016 broadly agreed with the Stage 1 findings, although considered a 'weak' impact on the merging of neighbouring towns due to the narrowing of the gap with the village of Coopersale; and a 'weak' contribution to preserving the setting of the town due to its historic relationship with the Theydon Grove Estate. The overall impact of development on the Green Belt was considered to be 'high'.
46. This conclusion should be compared to the sites that have now been allocated for development in the Local Plan and now the ETLF at South Epping. The land at South

Epping West (now part of the South Epping masterplan area) scored 9 at the Stage 1 assessment (compared to 5 at Stonards Hill – a higher score being worse) and the Stage 2 assessment concluded that the resultant harm to the Green Belt from development would be ‘very high’ – i.e. greater than the land Stonards Hill. The development of both the northern part and southern part of the land on the eastern side of the South Epping masterplan area was also considered to have a ‘very high’ impact on the Green Belt.

47. In terms of the impact on the Green Belt therefore, the evidence base shows clearly that development of the land at Stonards Hill would have less impact on the Green Belt than the South Epping area.

Issue 5 : Policy 2 - Designation of land at Stonards Hill as Local Green Space

48. Wates object strongly to the designation of the land at Stonards Hill in Policy 2 and on Map 1 as Local Green Space. It would appear that this proposal is at least in part seen as strategic mitigation for the impact of development at Epping South on the integrity of the Epping Forest SAC.

49. Local Open Space will not be delivered at Stonards Hill unless it forms part of the comprehensive vision promoted by Wates which includes circa 130 units and a 20 acre country park. Wates would make the following comments :-

- The site is not presently public open space
- The site is in private ownership
- Any use of the site by members of the public is unlawful trespass
- The owners have repeatedly sought to prevent access including placing signs to the effect that the land is private; these have been vandalised or removed.

50. Even if the land were not to be allocated for housing and a country park (as proposed by Wates) at this stage, this would not result in the land being made available for public open space. The land has been in private ownership for decades and the land would be retained and farmed; promotion of the site for housing and a country park would continue in the medium to long term, as it has done for the last 15 years.

51. In contrast, as part of a comprehensive scheme with approximately 130 units on 10 acres of land, Wates are proposing to use the majority of the site to create a substantial new Country Park of over 20 acres, coinciding with the higher areas of land to the east. The existing trees, hedgerows and woodland areas in this part of the site would be kept and enhanced with new planting, and the grassland areas improved to create species-rich wildflower meadows, enhancing the range of habitats and diversity of species on-site. Informal walking and cycle routes would be created across the Park to enable public access, and new recreational facilities provided for Epping residents including a children’s play area, informal kickabout areas, allotments and a community orchard. The Park could help to alleviate pressure on Epping Forest, and a management plan would be agreed with Epping Town Council to ensure its retention as open space.

52. However, only if the modest development proposed by Wates is allowed for in the ETLP will these benefits materialise.

Issue 6 : Policy 3 and Policy 5: Consistency of housing allocations with national policy and sustainability requirement

Boosting the supply of homes

53. The National Planning Policy Framework (2018) makes clear that “*To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.*”
54. Wates consider that fundamentally the ETLP does not accord with national policy in this regard as :-
- The concentration on South Epping (70% of the provision of the plan) is unsustainable, doubtful in its deliverability and will not in any event yield any homes for some years; and
 - Many of the brownfield sites within the ETLP also face significant challenges to delivery.

Epping South

55. Provision of housing in the ETLP relies on South Epping delivering over 70% of the housing within the Neighbourhood Plan area. Wates consider the location of this site, its impact on Epping Forest SAC, its unproven deliverability, and the likely significant delay in any homes being delivered at this site to meet the urgent need for such homes in the area renders the ETNP unsustainable, a key test of the Basic Rules.
56. **Distance from local facilities** : the site is on the southern edge of Epping and is distant from the town centre. At its very nearest (the southern end of Bower Hill) the eastern part of the site is 1.4km from the town centre. The route is uphill and unlikely to be attractive to pedestrians. The distance is greater to the western part of the allocation and distances from within each part of the development will clearly be greater. The railway station is approximately 750 – 1km distance from the edge of each of the development areas.
57. This has to be compared with the option of development at Stonards Hill. The site was the best located out of all proposed allocations in the Draft Local Plan outside of the existing settlement boundary, as it has excellent and direct sustainable links to the town centre (the High Street is less than 5 minutes’ walk) and local public transport. It is approximately a 400m (5 minute) walk to Epping Underground station and a 600m (8 minute) walk to the nearest bus stops
58. **Deliverability** : moreover the sustainability of the Epping South is further brought into question due to the difficulties of deliverability. Prior to its most recent allocation in the Submission Local Plan, the land now embraced in the Epping South allocation had been considered as discrete land parcels, reflecting the history of land promotion through the SLAA and the consideration of the land in the Site Selection Methodology process. Together, the Epping South masterplan area comprises 7 different (and in some cases overlapping) land parcels assessed in the SSM. Even within the land

parcels, the SSM describes three of these land parcels as themselves being in multiple ownership. We consider that this will at best delay and at worse preclude the delivery of the South Epping Strategic Masterplan which the SLP (and now the ETLP) requires to ensure the comprehensive delivery of the development. There is nothing in the evidence base of the Local Plan or in the which indicates that a comprehensive scheme can or will be brought forward.

59. **Impact on the Green Belt** : as discussed above, the Epping South allocation performs worse than Stonards Hill in terms of its impact on the Green Belt. The Stage 2 Green Belt study concluded that the impact of development on the Green Belt at Epping South (West) would be ‘Very High’ (compared to High at Stonards Hill) and made the following comments:-

“The parcel lies within the gap between Epping and Theydon Bois, which is approximately 1.2km wide at this point. Other features provides separation between the two towns (the M25 and land further south outside the parcel, including the woodland block). Development within the parcel would reduce the size of the gap and may increase the visibility/sense of relationship between the two towns due to the elevated and undulating topography within the parcel.

The parcel consists of an agricultural field and is currently undeveloped apart from a pylon. The existing Green Belt boundary is strong, with a clear definition to the urban edge of Epping provided by a vegetated stream. Despite the presence of the M25 as a potentially strong barrier feature, the elevated and undulating topography means that new development within the parcel is likely to be visible from the wider countryside.”

60. Similarly, development of the land in the northern part of Epping South (East) was also considered to have a Very High impact on the Green Belt.

“The parcel consists of agricultural fields and a playing field, both surrounded by strong tree/ hedgerow boundaries and is primarily undeveloped with the exception of a car park and building associated with the golf course in the far eastern part of the area. The existing Green Belt boundary with Epping’s urban edge is strongly defined by trees and Brook Road. The outer boundary of the parcel is also quite strongly defined (in the south east but less so in the south west) by trees along a stream, and topography, which rises to the south (outwards) and south east – forming a high point in the south eastern corner of the parcel. If the parcel were to be developed, the western boundary would require significant strengthening. Development within the parcel is therefore likely to result in a sense of encroachment into the wider countryside.”

61. **Scale of development** : we consider that the scale of development proposed at Epping South is unachievable. There is no evidence that 950 units can be accommodated on the land given the constraints that exist such as the need to maintain a buffer to the M25, overhead power lines, and the substantial areas of land that will be required for significant community infrastructure. This is in addition to the lack of ability of the development to property provide SANGS to mitigate the impact on Epping Forest as described above, without which the development will clearly be unacceptable (indeed even with it, following People Over Wind). Moreover, the development, being at the edge of settlement with a strong and defined character, is likely to require sensitive design and an appropriate density – with an emphasis on a

high quality suburban character – and this will conflict with the level of development proposed.

62. **Timing of delivery** : given the scale of development, and given no evidence of progress, new homes will not be delivered at South Epping for at least five years, given the time taken for the Local Plan to be found sound, planning applications, and the significant level of infrastructure set out in paragraph 5.8 of the ETLP that will need to be funded and delivered to allow the development to proceed. Such a timescale is common for large sites as evidenced by the study by Nathaniel Lichfield and Partners “*Start to Finish : How Quickly do Large-Scale Housing Sites Deliver? November 2016*”³
63. For the above reasons the strategy of concentrating 70% of the development within the Epping South is unsustainable.

Other sites within Epping Town

64. For various reasons, the sites proposed for housing within the town are complex and are not certain to be delivered; at best delivery is likely to be delayed and the urgent need for housing to meet the needs of Epping will be frustrated.
65. Epping Railway Station : the redevelopment of the railway station car park to provide housing as part of a comprehensive package of works – details of which are set out in **Policy 5** - will need to consider re-provision of parking, maintaining access to the station for buses and other traffic, and considerable reconfiguration of access arrangements; given the need to provide decked car parking the scheme will include significant abnormal costs. From experience of delivering development at transport interchanges and negotiating with organisations such as Transport for London, we consider that this proposal will at the very least take some years and may well be of questionable deliverability.
66. The St John’s development to the rear of High Street is also a complex mixed use development and will take time to deliver. Indeed, at the recent Full Council meeting on 2 May 2018 it was confirmed that no development agreement had yet been signed, and in commenting on the situation as reported in the local media it is clear that the development will not be delivering new homes for at least two years, and that viability has been a major challenge.⁴
67. The Cottis Lane and Bakers Lane Park will require cessation of a public car parking use and its re-provision in a multi-storey car park. The decision to look at the feasibility of this proposal was made by EDC Cabinet as long ago as 2007 yet no development has been forthcoming in the ensuing 11 years.
68. Delivering housing on the Epping Sports Centre requires its re-provision on the St Margaret’s Hospital as part of a mixed use development (including further homes). Delivery of housing on either of these sites is far from certain and if delivered, is some years off. As the Plan sets out at para. 9.5

³ <https://lichfields.uk/media/1728/start-to-finish.pdf>

⁴ http://www.guardian-series.co.uk/news/16198947.Major_cinema_shops_and_houses_redevelopment_still_more_than_two_years_from_completion/

“The development of the St Margaret’s hospital site needs to be phased in relation to a new hospital at Harlow and the commitment, with site and funding secured for a health hub to serve the future needs of the Epping community”

69. The complexity of delivery, uncertain viability, and inevitable delay in bringing forward these brownfield sites increases the significant reliance of the whole ETNP on South Epping. However, as already stated above, South Epping will take some years to deliver. In the meantime the urgent need to deliver new homes in the town increases,
70. **Policy 3 is therefore contrary to national policy which seeks to boost the supply of housing, is unsustainable and unsound and will not meet the urgent need for new homes in Epping.**
71. To accord with national policy and make the ETNP sustainable, land needs to be identified that can deliver new homes immediately and in locations where the Local Plan evidence base (including the Green Belt study) has indicated that development is acceptable. Wates are strongly of the view that a development of 10 acres coupled with a 20 acre country park at Stonards Hill will be sustainable, immediately deliverable and will realise the new public open space that the ETNP seeks.
72. The Stonards Hill site is in one ownership and is under option to Wates, a family development company that has a track record of delivering development in close collaboration with the local community. Wates will partner with a single housebuilder to provide a sustainable new neighbourhood and country park. The site would be delivered in the next 2/3 years– helping to address the manifest back log of housing that presently exists – in a sustainable location close to the town centre. There are no technical impediments to it delivery and a full suite of technical work has been undertaken.
73. Crucially, the vision for the land at Stonards Hill proposals 20 acres of new public open space in the form of a country park on land over which there is no right of way or access. As highlighted above, unlike other proposals (such as the land at Epping South) far from contributing to the additional recreational pressures on Epping Forest, the site will make a positive contribution to mitigating the wider development impacts of the Plan as a whole.
74. Considering the evidence base of the Local Plan further, the history of the positive contribution of the site to meeting housing needs in the area is as follows.

Strategic Housing Land Availability Assessment 2012

75. The Stonards Hill site (then with the number “SR-0071”) was considered in the Strategic Housing Land Availability Assessment in 2012. The site assessment assumed that the site had a yield of 300 – i.e. the entire site from the edge of the urban area to Stonards Hill would be developed. Despite the level of development assumed (far more than was then proposed in the draft Local Plan), the SLAA considered the site as “Suitable” (outside of the current policy constraint of the Green Belt), available, achievable and deliverable. The overall summary of “Key factors affecting the site” in the summary tables within the assessment concluded that *“The site is suitable, but is*

within the Green Belt. A number of TPO's spread throughout the site and development may involve loss of trees but could be achievable with a very sensitive masterplan."

Strategic Housing Land Availability Assessment 2016

76. The SLAA was published again in an updated form in July 2016. The assessment of the site was reviewed but no changes were made to the conclusions; the site was again considered suitable, achievable and deliverable. The summary assessment added a comment that *"The site is currently subject to an Option Agreement with Wates Developments Ltd but could be available for development in the future."*
77. The SLAA was carried out in parallel with a Green Belt review.

Stage 1 and Stage 2 Green Belt Review

78. The Green Belt Review Stage 1 was completed in September 2015. It undertook a high level review of Green Belt land across the District to identify the contribution of the Green Belt towards national Green Belt purposes as set out in the National Planning Policy Framework. The review divided the district into land parcels. Following the high level review, a number of constraints were applied, including Strategic Flood Risk Assessment; Special Protection Areas; Special Areas of Conservation; Sites of Special Scientific Interest; Local Nature Reserved and City of London Corporation Epping Forest Buffer land. The review resulted in broad areas being identified as areas worthy of further assessment at stage 2 and each being scored against the national Green Belt criteria. The land at Stonards Hill was defined as parcel DSR-047 and scored '5' – one of the lowest scores of all of the parcels assessed. On all but one of the four purposes of the Green Belt, the site scored "0" – i.e. it made no contribution and development would therefore have no adverse impact.
79. In terms of the contribution of the land to the purposes of the Green Belt, it was concluded that the site made no contribution to checking unrestricted sprawl; that it's development would not lead to towns merging as *"strong defensible boundaries that would prevent Epping and North Weald Bassett from merging are created by the road Stonards Hill to the north-east and the EOR [railway] to the south east"* with the distance to the nearest settlement being established as 1.9km it was further concluded that the site makes no contribution to preserving the special character of Epping *"Given that it has no physical or visual relationship with the historic core of Epping."* The only contribution identified was that the undeveloped status of the land assisted in safeguarding the countryside from encroachment.
80. The Stage 2 assessment in August 2016 broadly agreed with the stage 1 findings, although considered a 'weak' impact on the merging of neighbouring towns due to the narrowing of the gap with the village of Coopersale; and a 'weak' contribution to preserving the setting of the town due to its historic relationship with the Theydon Grove Estate. The overall impact of development on the Green Belt was considered to be 'high'.
81. However, this conclusion can be compared to the sites that have now been allocated for development. The land at South Epping West scored 9 at the Stage 1 assessment

(compared to 5 at Stonards Hill) and the Stage 2 assessment concluded that the resultant harm to the Green Belt from development would be 'very high' – i.e. greater than the land Stonards Hill. The development of both the northern part and southern part of the land at South Epping East was also considered to have a 'very high' impact on the Green Belt.

82. In terms of the impact on the Green Belt therefore, the evidence base shows clearly that development of the land at Stonards Hill would have *less* impact on the Green Belt than the South Epping allocation.

Arup Site Selection Process

83. The Arup site selection process considered the suitability of the Stonards Hill site. At the Stage 1 analysis it was concluded that there were no high level constraints that would prevent development.

"No on-site restrictions or constraints have been identified and there are no other constraints that have been judged as insurmountable."

84. The Stage 2 (suitability) and Stage 3 (deliverability) assessments were then undertaken. Again, the site scored well and, providing development was limited to the south west, the assessment concluded the site should be allocated. The suitability assessment scored 7 of the 32 criteria positively, 13 as neutral and 11 as negative. This can be compared to the two Epping South sites; the Epping South (East) site scored only 3 positively, 17 as neutral and 11 as negative, whilst Epping South (West) scored only 2 positively, 18 as neutral and 11 as negative.

85. When the stage 3 (deliverability assessment) was undertaken, the Stonards Hill site again scored more favourably than the Epping South (west) site and equal with the Epping South (East) site. Out of the 20 criteria, Stonards Hill scored 9 criteria positively, 8 as neutral and 3 as negative, the same scoring as for Epping South (East). However, Epping South (west) scored only 5 criteria positively, 10 scored neutral and 5 scored negatively.

86. The deliverability assessment concluded on Stonards Hill:-

"This site was identified as available within the next five years. It has been marketed and has no identified constraints or restrictions which would prevent it coming forward for development. The site should be allocated."

87. On the basis of this comprehensive evidence base, the site was allocated for development in the draft Local Plan.

88. The site was been removed at the Submission Stage of the Local Plan, and no evidence was provided as to why this is the case.

Conclusions on the acceptability of the Stonards Hill site given the evidence base

89. Throughout the comprehensive site assessment and Green Belt review process that the District Council undertook in preparing their Local Plan, the Stonards Hill site scored well in comparison to other options (particularly Epping South) – See Table 1 below - and was allocated in the Draft Local Plan in November 2016 under policy Draft

Policy P 1 – Epping (site SR-0071) with a yield of 115 homes. There was no justification for its removal in the Submission Local Plan which is unsound in this respect. If, as presently drafted, the ETNP replicates the proposals of the SLP allocations it too will be unsound, unsustainable and will not meet the Basic Rules for testing the acceptability of Neighbourhood Plans.

Table 1 : Summary of consideration of Stonards Hill compared to Epping South in the Local Plan evidence base

	Stonards Hill SR-0071)	Epping South (East) (SR-0113A)	Epping South (West) (SR-0069/33)
SLAA -	Available, Achievable, Deliverable	Available, Achievable, Deliverable	Available, Achievable, Deliverable
Green Belt Review – purposes of the Green Belt			
1. Unrestricted sprawl	No contribution	No contribution	No Contribution
2. Preventing coalescence	Weak	Relatively weak	Moderate
3. Safeguarding countryside	Relatively strong	Strong	Strong
4. Preserving special character	Weak	Relatively weak	Relatively
5. Assisting in urban regeneration	Not assessed	Not assessed	Strong Not assessed
Site Selection Methodology			
Site suitability assessment (32 criteria)			
No. of (++) scores	1	1	1
No. of (+) scores	6	2	1
No. of 0 scores	13	17	18
No. of (-) scores	7	9	8
No. of (--) scores	4	2	3
N/A criteria	1	1	1
Site deliverability assessment (20 criteria)			
No. of (++) scores	0	0	0
No. of (+) scores	9	9	5
No. of 0 scores	8	8	10
No. of (-) scores	3	3	5
No. of (--) scores	0	0	0

Wates' vision for the Stonards Hill site

91. Prior to and since the publication of the draft Local Plan, encouraged by discussions with District Council officers through the Developers' Forum, Wates have instructed a comprehensive suite of technical studies and prepared a Vision Statement to demonstrate how the land can be successfully brought forward for a development of new homes alongside an extensive Country Park. This Vision Statement is attached to these representations.
92. Detailed technical work has been undertaken on the key issues that will need consideration in bringing forward the site to deliver this vision; namely:-
 - Ecology
 - Trees
 - Landscape capacity and impact
 - Access and highways
 - Utilities including drainage
93. This technical work has informed a design exercise to illustrate Wates' proposed vision for a new area for the community at Epping involving the creation of a significant new country park with access for all in very close proximity to the town centre. This provides an opportunity to ensure that much needed housing is delivered with a public legacy for the future involving access to the countryside.
94. The country park, 20 acres (8.7ha) in area, will involve openly accessible land, orchards, allotments, and a network of paths linking the site to the wider countryside, managed for its recreational and biodiversity value. Alongside, the new neighbourhood would include around 130 new homes, including 40% affordable housing and homes aimed at first time buyers and downsizers, set in a high quality environment. Wates propose that the homes will be designed to reflect the local vernacular and will nestle within the undulating landscape with trees and hedgerows carefully and attractively integrated into the scheme.
95. The site is within easy walking distance of the town centre and railway station, reducing the need for residents to use cars. The main access would be by a carriage drive from Stonards Hill, ensuring that those that do need to use their cars are directly encouraged away from the town.
96. The Vision Statement provides compelling evidence as to the soundness of the allocation previously proposed by the District Council.

Summary and conclusion

97. The ETNP as drafted does not meet the tests of acceptability set out in statute for the following reasons :-
 - It does not accord with national policy which seeks to boost the supply of new housing, particularly given its reliance on Epping South but also given the various complexities of the brownfield site proposals within the Plan;

- It does not accord with strategic policy and is premature in this regard; it is not consistent with the development plan that is in force, nor should it be given that this plan is out of date; but the fundamental change in strategic context – including the overall level of housing proposed and the allocation to Epping – must be found sound at District level before the ETNP progresses any further;
 - It does not meet the minimum legal requirements of a Neighbourhood Plan as it gives no choice to the community as to the proposed development allocations, with the allocations that are proposed being the ones suggested by the Town Council to the District Council without any consultation with the local community and which in any event do not accord with the preferences expressed by the community when earlier stages of consultation were undertaken by EFDC;
 - It does not meet EU obligations. No HRA or SEA has been provided at this stage and it is likely that any HRA would indicate that South Epping harms the integrity of the Epping Forest SAC, particularly given the robust objections of the Conservators of Epping Forest which will only be given more weight by the *People over Wind* case;
 - It is fundamentally not a sustainable plan since the key housing site that provides for 70% of all housing in the plan period is itself unsustainable.
 - It is undeliverable, give the HRA issues identified above and given that some policies – particularly the allocation of Wates' site as public open space – are suggested without any consultation or agreement of the landowners.
98. In short, the ETNP has not been duly prepared in compliance with the procedural requirements. It does not presently meet the Basic Conditions and other legal requirements for neighbourhood plans and needs fundamental modification to achieve this. No Inspector considering this plan would recommend that the Plan proceeds to referendum.
99. At the very least this Neighbourhood Plan should be held in abeyance until the District Plan makes progress and is found sound.

Attachment to the representations : Land at Stonards Hill, Epping : Vision Statement

Vincent + Gorbing

On behalf of Wates Developments Limited

30 July 2018