



REPRESENTATIONS TO  
EPPING NEIGHBOURHOOD  
PLAN  
REGULATION 16

PREPARED ON BEHALF OF:  
Croudace Homes

KLW LTD.  
RIDGERS BARN,  
BUNNY LANE,  
ERIDGE,  
NR. TUNBRIDGE WELLS,  
KENT,  
TN3 9HA

 [REDACTED]

REF 24/095

 [REDACTED]

DATE 15<sup>th</sup> October 2024

## Policy 2 and Map 1

These representations are submitted on behalf of Croudace Homes who are the landowner of the site identified below and known variously as Land east of Stonards Hill or 'Old Pastures.' (which is also the name of the adjoining house on Stonards Hill, which is in separate ownership). This land is included in the Neighbourhood Plan as a Local Green Space and Wildlife Corridor under Policy 2 and Map 1 of the Regulation 16 draft Neighbourhood Plan. The landowner objects to these designations for the reasons outlined below.



The site is agricultural land and includes some woodland. Policy 2 of the Neighbourhood Plan explains that Local Designated Green Spaces are identified in line with paragraph 101 to 103 of the NPPF. The policy also maintains that the designation of Local Green Space has had regard to the Open Space Strategy 2017, produced by Epping Forest District Council.

It is noted that the correct paragraphs of NPPF to which the Town Council should refer are paragraphs 105 to 107 of the NPPF (December 2023).

Having reviewed both the NPPF and Open Space Strategy 2017 it is our view that none of the criteria apply to the Stonards Hill site and that it should be removed from Policy 2 and Map 1.

Paragraph 105 of the NPPF encourages designations of Local Green Space where green areas are of particular importance to communities, but their designation must be consistent with sustainable development and investment in homes and jobs. In paragraph 106 there are further criteria which governs what land should be designated as Local Green Space. Firstly, the green space should be close to the community it serves; demonstrably special for its beauty, historic significance, recreational value or tranquillity and richness in wildlife; and finally, it must be local in character and is not an extensive tract of land.

One of the main criteria for a Local Green Space is that it must serve the local community. However, the land in question is private land with no public rights of way across it. It therefore cannot serve the local community as a matter of fact. In 2014, the owners registered a CA16 Notice with Essex County Council confirming that there were no legal rights of way over the land. This submission was in response to an unsuccessful attempt by local groups to secure Village Green Status.

In relation to the other criteria of paragraph 106, no evidence has been put forward by the Town Council which demonstrates that this land is of historic importance. There is no heritage assessment to justify the specific protection of the land. In relation to natural beauty, the land is not subject to any National Landscape or more localised beauty designations and neither does the land have any lawful recreational value because rights of access do not exist. There is no evidence which explains why the land has wildlife or ecological value. In the absence of any firm evidence and given the private nature of the land ownership, we do not agree that the scheme complies with the criteria under paragraph 105 to 107 of the NPPF.

The site has been promoted in the past for housing development. It is a sustainable edge of settlement site and consequently, there is no certainty that the site could endure in the longer term as a Local Green Space. The land may be needed in the future to deliver more homes and so to add another layer of policy control beyond its Green Belt status would be counter to paragraph 105 of the NPPF in our view.

Paragraph 107 of the NPPF explains that policies for managing development within Local Green Spaces must be consistent with those policies for Green Belt. Whilst this may well be the case here, this of itself is insufficient to justify the proposed land designations.

Reference is made by the Town Council under Policy 2 to the Open Space Strategy 2017, which is now 7 years old. Policy 2 references recommendations 5, 12, 16,24,25,26, 29 and 33.

Having examined closely the Open Space Strategy, we note that Table 6.1 explains that Epping already has excellent access to Natural and Semi Natural Greenspaces (see section 10 of this report) and what it is short of is Public Parks and Gardens and Amenity Greenspace to take into account rises in population – all of which are land uses which require public access that is not available with the Stonards Hill site.

At paragraph 13.7 of the Open Space Strategy, it is noted that Amenity Greenspace is at 94% of the FIT guideline levels across the District. However, recommendation 5 on page 45 of the Open Space Strategy recognises that provision is currently sufficient in Epping but will need to increase to address population increase. As noted above, recommendation 12 seeks to increase park and garden provision in Epping but a specific site at Tower Hill or a site owned by the Town Council is identified as a solution. The site at Stonards Hill is private land and is not available for this purpose. The other recommendation noted in Policy 2 all relate to children's play areas, signage and strategic allocations and so would be unrelated to the site at Stonards Hill.

Having reviewed the Open Space Strategy 2017, we find no compelling justification as to why the site at Stonards Hill should be identified as a Local Green Space to meet a Park and Garden or Amenity Greenspace deficit.

Moreover, whether or not the Neighbourhood Plan identifies the site as Local Green Space, it cannot change the underlying fact that there is no lawful public access to the site. The designation would, however, give the unhelpful impression to the public that access is allowed, which is not the case.

Map 1 of the Neighbourhood Plan identifies a wildlife corridor running through the site at Stonards Hill. The evidence base attached to the Epping Neighbourhood Plan includes an evidence file entitled 'Green open spaces protection designation'. This tabulates the conclusions of the Town Council. Under Section C of that report the site is identified as Old Pastures, Stonards Hill. The table describes the site as having: "Huge ecological and habitat benefit in terms of a rich and diverse range of flora and fauna"

The table goes on to specify the site as having beauty, tranquillity and recreational value as reasons for designation/protection.

As noted above, the land has no public access and any access that does occur is unauthorised. The site therefore has no legitimate recreational value. The site is not part of a National Landscape designation nor any localised designations in the adopted Local Plan. It may well be described as tranquil to a degree but is on the edge of the settlement with a road running along its western boundary and a recreation ground to the north. In terms of the advice in NPPF, its tranquillity is limited in our view. There is no evidence presented by the Town Council as part of its "evidence files" that any ecological surveys or habitat assessment have been carried out to justify the claimed ecological benefit and range of flora and fauna present. Paragraph 31 of the NPPF (December 2023) states that policies should be underpinned by relevant and up-to-date evidence. It should be adequate and proportionate. We have not uncovered any survey evidence to warrant a wildlife corridor designation on the site or to substantiate the claims made in the evidence file noted above. Merely stating "huge ecological and habitat benefit" is neither proportionate nor adequate.

We attach an Examiner's report into the Wantage Neighbourhood Plan published in 2016 by the Examiner John Parmiter. Some of the issues contained in that Examination are relevant to this Neighbourhood Plan. Section 9 of that Examination report is a warning signal in relation to the evidence base for a policy. Examiners are not content to allow Plans which are overly negative or not based on sound evidence.

The town council did not directly engage with Croudace as landowners on the status of the land at Stonards Hill as part of preparing the Neighbourhood Plan. Currently Policy 2 and Map 1 fall into this category. We therefore recommend that Old Pastures/Land at Stonards Hill is removed from Policy 2 and Map 1 both in terms of the Wildlife Corridor and Local Green Space designation.

### **Provision of Homes, Policy 3 and Annexe A**

Paragraph 1.1 of the Neighbourhood Plan explains that the Neighbourhood Plan provides a framework for the growth of the town, which provides homes for the future. At paragraph 2.6 the Neighbourhood Plan recognises that the adopted Local Plan had reduced Epping's requirement from 1600 dwellings to 1300 and is expected to be finalised at 705 dwellings. This is now the case with the adopted Local Plan specifying 709 dwellings at Epping. The housing allocations are set out in the adopted Local Plan Part 2 document.

It is accepted at paragraph 5.2 of the Neighbourhood Plan that the Neighbourhood Plan allocations reflect those in the adopted Local Plan. This appears at odds with the statement at paragraph 1.1 which says that the Town Council are providing a framework for the growth of the town and homes for the future. To illustrate this issue, we note that Table 1 of the Neighbourhood Plan explains the population projections and the number of dwellings anticipated over the adopted Local Plan period. 5,000 dwellings is the existing baseline and 700 extra are proposed to 2033 - reflecting the adopted Local Plan. However, Table 1 identifies a population increase from its baseline of 2021 of 11,313 to 14,420 in 2033. This is a population increase of 3,107 people. The 700 new dwellings would result in household sizes of 4.44 per household to accommodate this population growth. Household sizes are in the region of 2.4 people per household, which requires 1,294 new homes to meet the projected population increase – a net increase 594 dwellings above that planned in both the Epping Forest Local Plan and this Neighbourhood Plan. Consequently, the Neighbourhood Plan is not meeting its growth needs and not providing a framework for providing for future homes. The strategy underpinning the Neighbourhood Plan is therefore flawed.

Paragraph 5.2 cross refers to an assessment exercise of additional sites including the Stonards Hill site which was rejected due to highway access issues, the Green Belt and character issues. Reference is made to the methodology set out at Annex A of the Neighbourhood Plan, which the Town Council implies was used when assessing the alternative sites. We are of the view that the site has not been appropriately scrutinised through the provision of adequate and proportionate evidence and so should not have been discounted. The accompanying evidence files do not assess the alternative sites mentioned at paragraph 5.2 and we find no evidence that there has been a Highway Assessment undertaken nor a Green Belt review prepared to judge the site against the clear housing need we have identified and which the Neighbourhood Plan purports to meet. In the absence of this evidence the Neighbourhood Plan is contrary to the basic requirements at paragraph 31 of the NPPF.

The Examiner of the Neighbourhood Plan will have no choice but to consider the fact that the Neighbourhood Plan aims to provide a growth framework which is less than what is needed and so contrary to paragraph 37 of the NPPF. The Examiner will have to judge whether the under supply of housing sites is compatible with the achievement of sustainable development and whether the Neighbourhood Plan has sufficient regard to NPPF which is to be republished shortly. If these basic conditions are not met then the Neighbourhood Plan would fail.

We recommend reviewing the housing allocations on the proposals map and in Policy 3 and work with the landowner to allocate Stonards Hill.





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