

**Representation by Theydon Bois Action Group for the
Submission Version of the Epping Forest District Local Plan 2011-2033
(Regulation 19 publication)**

Part A

1. I am making this representation on behalf of the Committee of the Theydon Bois Action Group which has approximately 400 supporters. We have a website which includes our Constitution, aims and objectives and enables us to keep our supporters updated along with an e-mailing list. All committee members are volunteers and no monetary subscriptions are collected.

2. Personal Details

Dr John Warren
Chairman, Theydon Bois Action Group

Address, telephone and email redacted.

Part B - 1 of 5

4. To which part of the Submission Version of the Local Plan does this representation relate?

Paragraph:

Policy: P 8

Policies Map: 5.14

Site Reference: THYB.R1, THYB.R2 and THYB.R3

Settlement: Theydon Bois

5. Do you consider this part of the Submission Version of the Local Plan:

a) Is legally compliant Yes

b) Sound Yes

If no, which of the soundness tests does it fail

Positively prepared

Effective

Justified

Consistent with national policy

c) Complies with the duty to co-operate

6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

We consider that the selection of the above 3 sites is sound.

THYB.R3 -Land at Coppice Row is a brownfield site. However, any development should be designed to respect the nearby Grade II Listed Building, Baldocks Farmhouse in Orchard Drive and the setting of Theydon Bois Village Green.

THYB.R2 - Theydon Bois Station Car Park is a brownfield site. However, we consider it vital that any development should ensure the retention of the existing number of station parking spaces and that provision should also be made to retain the Theydon Bois Balti House restaurant which is a long established community asset and highly regarded as part of the very fabric of village life.

THYB.R1 - Land at Forest Drive. Whilst we regret the loss of this Green Belt land, we would ask that any future development respects and retains the hedgerow, including Landmark Oak trees, along the Corporation of London's Oak Trail, which is a historic public footpath running along the western boundary of the site.

We would also ask for:

- a) the retention of the existing permissive path from the south-west corner to the northern boundary of the site.
- b) reinforcement of the existing, natural northern boundary of the site along the watercourse with additional planting of native species and retaining the two Landmark Elm Trees which have, to date, survived the Dutch Elm disease.

We note that the railway line and its embankment to the eastern boundary of site THYB.R1 has been recognised as the definitive, defensible and permanent linear, Green Belt boundary at the settlement edge to the east of the village, in line with

Paragraph 85, bullet point 6 of the National Planning Policy Framework (NPPF). The breaching of this boundary would have opened up the potential for further development, across a large stretch of land, with the next permanent and defensible boundary being the M11/M25 motorways.

In this respect we recognise the soundness of the Local Authority's decision making process in not bringing forward other sites to the east of the railway line.

Ref. EFDC Draft Local Plan 2016 - sites SR-0026B, SR-0026C and SR-0228ii.

Thus:

- a) retaining the permanent and defensible boundary of the railway line and its embankment
- b) protecting the setting of the Grade II Listed Parsonage Farmhouse and Barn
- c) protecting the historic, rural landscape character to the east of the settlement of Theydon Bois including the Pre 18th Century field. (Ref. Landscape Sensitivity Study, Chris Blandford Associates, Dec 2009, Fig 9.4a)

7. Please set out what change(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above

(Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy of text. Please be as precise as possible.

No changes are required. We believe the site selection to be sound.

Part B - 2 of 5

4. To which part of the Submission Version of the Local Plan does this representation relate?

Paragraph:

Policy: P 8 Theydon Bois - Infrastructure Requirements- C
Ref. Evidence base documents as set out in section 6 below.

Policies Map:

Site Reference:

Settlement: Theydon Bois

5. Do you consider this part of the Submission Version of the Local Plan:

a) Is legally compliant

b) Sound Yes, in part

If no, which of the soundness tests does it fail

Positively prepared

Effective

Justified No

Consistent with national policy

c) Complies with the duty to co-operate yes/no

6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

With reference to Evidence base documents informing Policy P8 Theydon Bois.

a) EFDC Draft Local Plan (Regulation 18) Report on Site Selection, Appendix C - Settlement Proforma for Theydon Bois. Pg C127 (September 2016)

b) EFDC Local Plan - Infrastructure Delivery Plan, Part A Report (December 2017)
Para 11.1.2.1 Public Parks and Gardens

Para 11.1.3 Infrastructure Requirements, Fig. 54 - Open space additional demand (existing capacity and newly arising demand) - by settlement.

c) EFDC Local Plan - Infrastructure Delivery Schedule, Part B Report (December 2017). Table 8.22 Infrastructure Delivery Schedule: Theydon Bois. Pg 84. Ref. THB9

We disagree with the purported infrastructure requirement of a new 4.10 hectare Public Park/Garden for Theydon Bois as stated in Figure 54 of section 11 Open Space (Infrastructure Delivery Plan, Part A Report) which is described as 'Essential' in the Infrastructure Delivery Schedule, paragraph 8.22 from the Part B Report. The village is already very well served with both managed recreational areas for outdoor sports and informal activities as well as easily accessible natural open

green spaces.

Theydon Bois is very fortunate to have a cricket/football ground, tennis club, golf course, fishing lakes, large village green, easy access to Epping Forest itself and easy access to a network of Public Rights of Way which connect with the wider countryside via The Three Forests Way and The Essex Way. The first, published Epping Forest Countrycare 'Country Walk' is a circular walk around Theydon Bois which is enjoyed by local residents and visitors, including Rambling Groups.

The 2016 Settlement Proforma for Theydon Bois supports our comments by recognising that "The local community is well provided for in terms of open space, formal recreational space and sports facilities" is one of our 'Strengths'. The 2017 Settlement Proformas have not been finalised and published at the time of this Consultation but we can see no reason why this 'strength' should be amended. We understand that, in planning large new developments, additional open space/recreational facilities may be required, but this is not the case in Theydon Bois. We note that Paragraph 11.1.2.1 of the Open Space section (Infrastructure Delivery Plan. Part A Report) recognises that the quantitative approach set out in Fields in Trust standards is not required where there are large areas of accessible countryside/adequate provision of natural and semi natural green space.

7. Please set out what change(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy of text. Please be as precise as possible.

We consider that the proposed 4.1 hectare Public Park/Garden should be removed from the Infrastructure Requirements in the Infrastructure Delivery Plan and Schedule. There is no evidence to support its inclusion as borne out by the 'Strengths' recognised in the Settlement Proforma for Theydon Bois and taking account of the level of housing proposed for the village.

Part B - 3 of 5

4. To which part of the Submission Version of the Local Plan does this representation relate?

Paragraph: 3.86 & 3.87 (T1)

Policy: P8, T1, T2

Ref. Evidence base documents as set out in section 6 below.

Policies Map:

Site Reference:

Settlement: Theydon Bois

5. Do you consider this part of the Submission Version of the Local Plan:

a) Is legally compliant Yes

b) Sound No

If no, which of the soundness tests does it fail

Positively prepared

Effective

Justified No

Consistent with national policy No

c) Complies with the duty to co-operate yes/no

6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

With reference to Evidence base documents informing Policy P8 Theydon Bois.

- a) EFDC Local Plan - Infrastructure Delivery Schedule, Part B Report (December 2017).Table 8.22 Infrastructure Delivery Schedule: Theydon Bois. Pg 84 Ref.TH6.
- b) EFDC Draft Local Plan (Regulation 18) Report on Site Selection, Appendix C -

Settlement Proforma for Theydon Bois. Pg C127 (September 2016)

c) EFDC Local Plan - Infrastructure Delivery Plan, Part A Report (December 2017)
Appendix B - Housing Delivery Trajectory.

Bus service 418: - We disagree with the low priority rating of 'Desirable' for improvements to the local bus service, including increased frequency of the current 418 bus which connects Theydon Bois to Epping and Harlow where the two District Hospitals are presently situated along with the main GP Practice at The Limes, in Epping. The frequency of this bus has already been reduced from an hourly service to a two hourly service to Epping and does not always run to Harlow. The service is due to be completely terminated by the end of March 2018. The improvement of this service is '**Essential**' for the following reasons:

- a) The TfL Central line service does not serve our two hospitals. (St Margarets Hospital at Epping is approximately 40 minutes, largely uphill walk (for a fit person) from the station.)
- b) Theydon Bois has a higher than national average elderly population who rely on a bus service for essential visits to hospital or a relative to drive them there.
- c) Throughout the Local Plan, the emphasis is on a modal shift away from using private motor vehicles, but residents young and old are having to rely on using a car to get to these two hospitals.

Our neighbouring village of Abridge, although no additional housing is proposed, is entirely reliant on the 418 bus as the only form of public transport running through their village. The present situation is unsustainable (let alone for the future) and with additional homes due to be built, there will be even more reliance on the private motor vehicle, contrary to Government policies.

Central Line underground service:- It is common, local knowledge that the Central Line is already running at capacity at peak rush hour periods. Trains from Epping are often full by the time they reach Debden and Loughton. Return journeys from London present the same problems in the evening. Transport for London (TfL), has until recently, stated at every EFDC Overview and Scrutiny Committee they have attended, that the tube service cannot really be improved due to signalling etc.

However, they have now changed their tune, and present skewed statistics which

show levels of tube passenger loading based on the daily period, rather than the morning and evening commute periods, in an attempt to "massage" the true situation. TfL have a **vested interest** in now not admitting the capacity problems at peak commute periods, as they wish to put profitable housing development on all their car parks in the District, which will of course likely generate even more tube passengers on the Central Line. Additionally, they have said to EFDC at a Local Plan Council Meeting, that the Central Line will not stand in the way of "Growth" in the District. Local people know that this is not the case and recognise that the tube is already

running at capacity and will not sustain an additional 11,400 homes being added to the District.

TfL has said that the opening of the Elizabeth Line (Cross rail), with its connection at Stratford, will reduce capacity problems on the Central Line. This seems like something of a ruse, as the Stratford connection will not reduce existing passenger demand between Epping and Stratford and in Epping Forest District, though it may ease tube congestion in central London, Bank to Oxford St. etc.

We would ask that the Planning Inspector actually tries the weekday morning commute from Epping through to Stratford and the return journey in the early evening and draws his/her own conclusion, taking into account the number of new homes proposed in the District's Local Plan.

We note from the Infrastructure Delivery Plan, Part A Report (December 2017) Appendix B - Housing Delivery Trajectory, that the development of TfL car parks/housing delivery at Epping, Theydon Bois, Debden, Loughton and Buckhurst Hill are all scheduled to start during 2020/2021. This is surely unsustainable in view of the disruption likely to be caused at all stations at the same time.

7. Please set out what change(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy of text. Please be as precise as possible.

We consider that the improvement to the 418 bus service should be classified as 'essential' rather than 'desirable', as presently stated in the Infrastructure Delivery Plan.

This is necessary, partly because of the above national average of elderly residents, and also to encourage a modal shift in transport away from the use of the private motor vehicle for all ages. Failure to provide a reliable alternative to the private

motor vehicle will not achieve this modal shift, as journeys to either of the two District hospitals, which are essential, will continue to be by private car or taxi service. This is not consistent with national policy.

The fact that Theydon Bois is on the Central Line is always stated as evidence of our village being 'well served by public transport', but this masks the deficiency in reliable alternative modes of public transport for any journeys, other than those directly accessible from the Central Line tube stations.

Despite TfL's assurances that there is capacity on the Central Line, local knowledge (and this will be supported by residents in Epping, Debden, Loughton and Buckhurst Hill) is that the trains are already overcrowded at peak hours. This end of the Central Line is struggling to accommodate the present levels of rush hour passengers and will not be able to increase capacity to cope with the large increase in passengers brought about by the proposed high levels of development in Epping and Loughton.

Part B - 4 of 5

4. To which part of the Submission Version of the Local Plan does this representation relate?

Paragraph:

Policy: DM4, DM12G, DM3, DM5

Policies Map:

Site Reference:

Settlement: Theydon Bois

5. Do you consider this part of the Submission Version of the Local Plan:

a) Is legally compliant

b) Sound No

If no, which of the soundness tests does it fail

Positively prepared

Effective No

Justified No

Consistent with national policy

c) Complies with the duty to co-operate yes/no

6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

We are concerned that there are insufficient specific policies in the new Local Plan compared to the existing Local Plan (1998 and 2006). On 25th March 2013 a report (Ref. LPC-011-2012/13) carried out by EFDC's Counsel, Mr M Beard, was presented to the Local Plan Cabinet Committee. This comprehensive report examined all EFDC Local Plan Policies to ascertain their compliance or otherwise against the NPPF. Those which were not compliant were no longer to be used in 'development management decisions'. Those found to be compliant would continue to be used until they were overtaken by the adoption of a new Local Plan and, indeed, these compliant policies, which have stood the test of time, are still being given weight by the Planning Inspector in recent appeal decisions.

In the light of the relevance and compliance of these policies, particularly relating to the Green Belt, we are concerned that the Submission Version of the Local Plan has failed to include previously proven policies but has resorted to an almost total reliance on the wording in paragraph 89 of the NPPF. The NPPF is a framework and this is made clear in the first paragraph "It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities." Our community comprises over 90% Green Belt and, in this respect, we find that Policy DM4 is not fit for purpose and is unsound because it does not adequately address local conditions and landscape character settings in Epping Forest District. We would specifically ask for the retention of EFDC Local Plan (1998 & 2006) Policy GB4 - Extensions of residential curtilages
Policy GB7A - Conspicuous development
Policy GB15A - Replacement dwellings
Policy DBE4 - Design in the Green Belt

We are concerned that, in the absence of the detail included in these Policies, planning officers could well make up their own planning 'criteria', on the hoof, and there will be variations between planning officers and no consistent and coherent planning policies or guidance contained within Policy DM4.

Submission Version Local Plan Policy DM12G - We are also concerned at the use of wording in this Policy which relates to basement development in the Green Belt.

From attendance at Council Planning Meetings, there appears to be a general misconception regarding basements in the Green Belt and that 'if you can't see it, it is not a problem'. We know from various Planning Inspectors' appeal decisions that the volume of a basement is taken into account when considering the increase in size of

an altered or replacement building in the Green Belt, which would bring about a greater intensification of use. Whilst the impact on the 'openness' of the Green Belt is covered by Policy DM12G, we would like to see the wording of the Policy amended to include '**encroachment**' into the Green Belt, as this applies to any development, whether it can be seen or not.

Policy DM3 - Landscape character, ancient landscapes and geodiversity.

We note the lack of policy relating to historic protected lanes. Coopersale Lane in Theydon Bois is one such protected lane which features on the Chapman and Andre map of 1777. Our present Local Plan includes Policy HC4 which states that:

"The Council will not grant planning permission for any development which would damage or be detrimental to the historic or landscape character of protected lanes." We note that the Planning Inspector has recognised the importance of this protected lane in appeal decisions regarding development proposals in Coopersale Lane.

We would ask that the existing Policy HC4 is included in Policy DM3.

Policy DM5

Concerns about the protection of trees and hedgerows throughout the District.

In view of the scale of development proposed in the Submission Version of the Local Plan and especially the, greater than anticipated, development of new homes in the more sensitive landscapes of the Green Belt, we consider that it is vital that a district wide approach, backed by a specific Policy, should be taken to protect the trees and hedgerows within and bordering all new development sites. These natural features form a very important part of the landscape character of Epping Forest District and the connectivity of Green Infrastructure (Green Corridors) for wildlife.

Site owners/developers should be required to 'sign up' to special protection measures prior to the planning application stage and before the commencement of any works on the development sites. We believe that this is essential if the Plan is to be considered 'sound' in terms of the 'environmental' aspect of sustainable development.

7. Please set out what change(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy of text. Please be as precise as possible.

Policy DM4 - We consider that the following Policies from the existing Epping Forest District Local Plan (1998 & 2006) should be included in the Submission Version of the new Local Plan:

Policy GB4 - Extensions of residential curtilages

Policy GB7A - Conspicuous development

Policy GB15A - Replacement dwellings

Policy DBE4 - Design in the Green Belt

There is insufficient planning criteria and guidance in the proposed Policy DM4 which largely replicates paragraph 89 of the NPPF. The NPPF is a framework, as set out in the opening paragraph and does not take account of local distinctiveness.

Policy DM12G - We would ask that the word 'encroachment' is also included in the Policy in order to clarify the impact of a basement development in the Green Belt.

Policy DM3 - We would like to see the inclusion of the former Policy HC4 as failure to do this would not ensure the future protection of historic protected lanes, which are an important part of the landscape character.

Policy DM5 - We would ask that a District wide approach is taken to ensure the protection of the trees and hedgerows within and bordering all new development sites put forward in the Submission Version of the Local Plan. It is likely to be impractical to process specific Tree Protection Orders in relation to trees on all of the sites put forward for development. An alternative form of protection should be investigated in order to prevent damage to, or removal of, trees and hedgerows in and around the proposed development sites as, without this, trees/hedgerows could be lost before any development commences or is applied for.

This could take the form of an agreement that Site owners/developers should be required to 'sign up' to relating to special protection measures prior to the planning application stage and before the commencement of any works on the development sites.

Part B - 5 of 5

4. To which part of the Submission Version of the Local Plan does this representation relate?

Paragraph: 2.135 - 2.142 The case for '**exceptional circumstances**'

Ref. Evidence base documents as set out in section 6 below.

Policy: SP4 and LSCC Core Area Strategic Vision

Policies Map:

Site Reference:

Settlement:

5. Do you consider this part of the Submission Version of the Local Plan:

a) Is legally compliant No

b) Sound No

If no, which of the soundness tests does it fail

Positively prepared

Effective

Justified No

Consistent with national policy

c) Complies with the duty to co-operate yes/no

6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

With reference to Evidence base documents informing the Submission Version of the Local Plan

a) Background Paper on Green Belt and District Open Land - BGP4. Draft Plan Consultation 2016.

b) Report on Site Selection ARUP December 2017 - para. 2.9.4 Exceptional Circumstances.

We contend that the "Exceptional Circumstances" to alter Green Belt boundaries, as put forward by EFDC in the submission Local Plan, **only apply to the alteration of Green Belt boundaries around the new Harlow & Gilston Garden Town**, and not to the alteration of boundaries more widely in the rest of Epping Forest District, which have no bearing on the Garden Town. Other settlements in Epping Forest District have their own distinctive character and Green Belt boundaries which should not be compromised because of the scale of development proposed for the expansion of Harlow as a Garden Town.

In the Draft Local Plan of 2016, EFDC's background paper 4 (BGP4) on *Green Belt and District Open Land*, makes it clear at para 3.4, that the exceptional circumstances to build 11,400 homes **do not exist** within Epping Forest District. It states that: "The level of need (NOT WANTS?) identified for Epping Forest District is not in itself, sufficient justification for amending Green Belt boundaries." However, the argument is then progressed that the desire by Harlow to expand, along with the wishes of a commercial grouping, the London, Stansted, Cambridge Consortium, the LSCC, (EFDC is a member), to develop a brown field wedge along the M11 Corridor, does justify EFDC taking land out of the Green Belt. We would not wish for potential revenue to EFDC, as income from the community charge or New Homes Bonus provided by Harlow development on Epping Forest District Green Belt land to be a factor influencing decision makers in EFDC on the new Local Plan.

The LSCC, set up in 2013, is a rather ephemeral "concept" of like minded developers with rather cobbled together reasons for "Growth" and is heavily used by EFDC as a reason to build on its Green Belt land. For example, the Lea Valley horticultural industry is cited as a component of the LSCC, yet it has been in existence since Victorian times.

The Government's support for the Harlow & Gilston Garden Town on 4th January 2017, involving loss of our Green Belt land, proceeded without any public consultation with residents of Epping Forest District and possibly Harlow. In this failure to consult, the plan is fundamentally flawed.

EFDC's so called Exceptional Circumstances to alter Green Belt boundaries throughout the whole of the District is therefore fundamentally flawed and we contend that the case only exists to alter Green Belt boundaries around Harlow in the development of the approved, tacked on, new Garden Town.

7. Please set out what change(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy of text. Please be as precise as possible.

We do not consider that the approval for the expansion of Harlow as a new Garden Town, which was not meaningfully consulted on, gives the legal right for Epping Forest District to alter its Green Belt boundaries on other settlements in the District, which fall outside of the proposed Harlow development.

8. I wish to participate at the hearings

9. I consider this to be necessary because: I wish to speak so as to elaborate on my response to Part B-4, concerning what I believe to be a lack of specific details and planning criteria in the 2017 submission version of the Local Plan, as it relates to **Policies pertaining to the GREEN BELT** in:- DM4, DM12G and DM3.

I am Chairman of Theydon Bois Action Group, whose Constitution and Mission Statement broadly relates to ensuring protection of the Green Belt around our village against inappropriate development.

10. I wish to be notified when the Epping Forest District Local Plan is submitted for independent examination.

11. I have not attached documents with this representation

Signature: Dr John Warren

Date: 28th January 2018