

## Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID 3325      Name      Sworders on  
Behalf of Mr G  
Watt

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Method      Letter

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### Letter or Email Response:

Question 2: The Council has considered a range of alternatives (which are detailed in the Draft Local Plan) and has concluded that the main settlements in the District are the most appropriate areas for new housing. The Council is proposing an approach which maximises opportunities for development around Harlow and also in locations within the existing settlements before considering a limited release of Green Belt land (see Draft Policy SP 2). Do you agree with our approach to distribution of new housing across Epping Forest District? (Please tick one box): **STRONGLY DISAGREE**  
Please explain your choice. 1.0 INTRODUCTION 1.1 This representation is made on behalf of **...Redacted...** 1.2 Our concerns regarding policy SP2 are twofold and are not limited to the distribution proposed. Firstly, we do not consider policy SP2 either outlines a strategy for meeting Epping Forest's full objectively assessed housing need nor provides an adequate supply of housing for the first five years of the Plan. 1.3 Second, given the allocation of insufficient sites within the district to meet objectively assessed housing need we consider the allocation of further land for development at Lower Sheering would be a sustainable response to meeting this need. We consider that Lower Sheering should be considered a 'Small Village' within the settlement hierarchy given at figure 5.1 of the draft Plan given the facilities available, and that it is a logical location beyond the 26 dwellings currently proposed to be allocated on site SR-0032. 2.0 MEETING OBJECTIVELY ASSESSED NEED 2.1 This first part of our representation outlines concerns in regard to the stated level of objectively assessed need for the district, and highlights issues concerning the allocations identified within the draft Plan that throws doubt on the ability of the draft Plan to meet housing need in the district. Setting Objectively Assessed Need 2.2 Draft policy SP2 indicates the Local Plan should provide 11,400 dwellings between 2011 - 2033, based on the findings of the 2015 Strategic Housing Market Assessment (SHMA). However, 'Updating the Overall Housing Need: Based on 2014-based projections for West Essex & East Herts' (ORS, August 2016), outlines that the updated objectively assessed housing need for Epping Forest District is 13,278 dwellings for the period 2011 - 2033. 2.3 Examination of the plan is not expected until autumn 2017, with adoption following in autumn 2018. It would not be tenable for the LPA to rely on the 2015 SHMA figures, which will be 3 years out of date by the time the Plan is adopted. The NPPG states that (Paragraph: 016 Reference ID: 2a-016-20150227) "Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date." Policy SP2 must refer to a housing requirement based on up to date evidence, currently that within the 2016 ORS report, or more robustly, a full update of the SHMA which should be undertaken prior to the preparation of a submission stage draft. 2.4 Policy SP2 summarises allocations for

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11,290 dwellings. These allocations, together with completions since 2011, extant planning consents and an allowance for windfalls suggest a total housing supply provided for within the Local Plan of 14,252 dwellings; some 974 dwellings in excess of the updated August 2016 OAN for the district, or a 7% buffer. The buffer over the now out of date OAN equates to 25%.

2.5 Section 2.8.3 on page 27 of the Site Selection Report outlines that, "...the Council proposes to allocate 88 sites and take into account an allowance for circa 225 homes on part of the North Weald airfield site, which will in total support the delivery of approximately 7,200 homes across the District. This is in excess of the 4,450 homes needed to meet the objectively assessed housing need in the District and ensures a sufficient number of reserve sites should the status of any of the sites identified for allocation change during the Draft Local Plan consultation or up to the examination of the Local Plan."

2.6 The table provided at figure 3.5 outlines the need for reserve sites to be allocated. The note beneath figure 3.5 outlines that, "The Council is required to ensure that the Local Plan includes sufficient flexibility to adapt to rapid change (para 14 NPPF). The inclusion of reserve sites in the Draft Local Plan includes some flexibility for sites dropping out during the consultation and up to examination and will provide flexibility once the Plan is adopted should allocated site fail to deliver. This will also help to ensure that the Council can ensure that sufficient land can be made available to meet the five year land supply requirements on an ongoing basis."

2.7 Paragraphs 3.62 and 3.63 of the draft Plan outline that, "The identified housing supply to 2033 exceeds the requirement. This serves two functions. Firstly, it provides to a contingency to allow for flexibility. Contingency planning is necessary to allow for eventualities beyond the Council's control... Secondly, as identified in paragraph 3.48, the Council recognises that recent household projections demonstrate a further upward trend in housing need and the identification of additional sites demonstrates the Council's commitment to positive planning."

2.8 Finally, Paragraph 3.97 of the draft Local Plan outlines that in regard to Green Belt, "...it will also be necessary to identify land to be safeguarded to meet future development needs." And that, "It is considered likely that further development on land that is currently within the Green Belt will be required." The draft outlines that the extent of safeguarded land as required under NPPF paragraph 85 is still being considered.

2.9 The above extracts from the draft Plan and its evidence base highlight three factors that together determine the extent of the appropriate 'buffer' - first, the need under paragraph 14 of the NPPF to have 'sufficient flexibility to adapt to rapid change', secondly a reflection that the status of sites may change between now and examination, and finally to meet the requirement at paragraph 85 to meet longer term development needs, by allocating safeguarded land.

2.10 We doubt that a 7% buffer is adequate to deal with the above three factors. We acknowledge that the further work being undertaken by the Local Authority from now until Submission will work towards eliminating as far as possible the second of the three contributions to the size of the buffer, however this does not seem adequate justification to drop the buffer from 25% to 7%.

Five Year Housing Land Requirement

2.11 We have a number of concerns with regard to the Council's proposed approach to calculating the five year housing requirement figure, as set out at appendix 5:

- The calculation reflects a housing target figure that is not based on an up-to-date assessment of need. The housing requirement figure of 13,278 should be the basis of calculating the five years supply (604 dwellings per annum).
- It applies only a 5% buffer, not 20%. We consider 20% is appropriate given the under-delivery since 2011 below the 604 dwellings per annum requirement.
- It would appear (although it is not at all clear from the information presented) that the Council have adopted a 'Liverpool' approach to addressing the shortfall in delivery in the pre-plan period (prior to 2015/16), looking to address the shortfall over the entirety of the Plan period. We consider a 'Sedgefield' approach is consistent with national policy, with the shortfall being addressed during the first five years of the Plan period.

Housing Target

2.12 As set out at paragraphs 2.2 and 2.3 above, it is clear that draft policy SP2 must set out the up-to-date OAHN as the housing requirement figure. As such, this figure, equating to 604 dwellings per annum, must be the basis of calculating the five year supply of housing.

Buffer

2.13 NPPF Paragraph 47, bullet point 2 requires that local authorities, "identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"

2.14 We do not consider it is tenable that Epping Forest's housing delivery continues to be assessed against the housing target in the now defunct East of England Plan. We consider that the up-to-date objectively assessed housing need figure should be the benchmark, back to the beginning of the plan period in 2011. This is the approach that has been adopted by East Herts Council in their submission draft plan.

2.15 This approach indicates that Epping Forest have

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delivered less than this figure for every year since 2011, according to the trajectory presented in appendix 5, and will continue to do so until 2016/17. We consider this constitutes 'persistent under-delivery' and that a 20% buffer should be applied, not the 5% suggested. , Once again, in East Herts a similar record of under delivery has resulted in the application of a 20% buffer. Liverpool vs Sedgefield 2.16 It would appear (although it is not at all clear from the information presented) that the Council have adopted a 'Liverpool' approach to addressing the shortfall in delivery in the pre-plan period (prior to 2015/16) - spreading the shortfall over the entirety of the Plan period. We consider a 'Sedgefield' approach is consistent with national policy, with the shortfall being addressed during the first five years of the Plan period. 2.17 The NPPG (paragraph 036-20140306) provides advice on how local planning authorities should deal with past under-supply. It states, "Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'." 2.18 We do not consider that adopting a 'Liverpool' approach meets the requirements of paragraph 47 of the NPPF to 'boost significantly' the supply of housing, and nor does it accord with the guidance set out in the NPPG. We note that East Herts are intending within their draft Submission Plan, currently out for consultation, to meet their shortfall within the first five years of their plan period. 2.19 It is clear that there is a significant deficiency in the supply of housing in the first five years of the plan and further deliverable housing sites will need to be allocated. Housing Supply 2.20 Notwithstanding the above issues, we have a number of concerns with regard to the housing supply figures provided in policy SP2. In summary: -

- The density assumptions adopted are inappropriately high for a number of sites, and as a result the number of dwellings forecast to be achievable from the allocations made is overestimated.
- The density assumptions adopted call into question whether housing across the district could provide the mix of housing set out in the most up to date SHMA, given the overwhelming need for houses rather than flats.
- A number of allocated sites have questionable availability declared within the evidence base. Their inclusion does not meet the requirement for the Plan to allocate deliverable and developable sites, as set out at paragraph 47 of the NPPF. These sites should be discounted.
- A number of allocated sites have questionable suitability due to the presence of ongoing uses without a clear policy compliant strategy for their re-provision, these sites should be discounted.
- Meeting education and other infrastructure requirements will further reduce site capacities, allowance must be made for these uses when calculating site capacities
- Owing to errors within the housing trajectory at appendix 5 of the draft Plan concerning sites at Harlow, there are insufficient dwellings proposed to provide a deliverable supply of housing in the first five years of the Plan period.
- There are a number of errors within the Plan which reduce the overall number of houses provided from that stated. These concerns are expanded upon further below.

Density Assumptions 2.21 The NPPG (Paragraph: 017 Reference ID: 3-017-20140306) sets out guidance on how development potential be calculated. It outlines that, "The estimation of the development potential of each identified site should be guided by the existing or emerging plan policy including locally determined policies on density." 2.22 Emerging policy SP4 outlines that densities above 50 dph should be observed in town and large village centres, along main transport routes and close to transport nodes. Outside these areas, development should achieve densities of between 30 to 50 dph. The policy does acknowledge that lower densities may be appropriate in some areas because of the, "Prevailing character of the area and the sensitive nature of the surrounding countryside or built form". Supporting paragraph 3.78 notes that, "the appreciation of housing density is crucial to realising the optimum potential of sites. It is not appropriate to apply density ranges set out in Draft policy SP4 mechanistically but to consider the density appropriate to the location taking account of relevant factors to optimise potential including the local context, design, transport and social infrastructure. Similarly, draft Policy DM9 states that, "Development proposals must relate positively to their locality, having regard to: i) building heights ii) form, scale and massing prevailing around the site..." 2.23 However, notwithstanding the assertion that the character of the area and the surrounding countryside should be taken into account, this has not been the approach in practice. Appendix B1.5.3 Site Selection (SSR) of the report sets out the assumptions adopted, and indicates that the starting point is 30 dph, however this density is rapidly inflated- firstly by between 115% and 150% for all sites in anything other than 'hamlets' and then further for town and village centres and commuter hubs. 2.24 Following these initial stages, the methodology allows for a number of adjustments from this baseline density, including for reasons of 'local setting'. The Site Selection Methodology (SSM) states (page B123 of the SSR), "The local setting of sites may have higher/lower existing densities than the baseline density would suggest. A qualitative adjustment was made using percentage increase/decrease to account for existing surrounding densities or to account for a particularly sensitive local context..." 2.25 Our concern is that despite the aspirations of the SSM, no work has

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been undertaken to understand local setting in terms of the policy framework set by emerging policy SP4 and DM9 - namely that regard should be had to prevailing character, the sensitive nature of the surrounding countryside and local context; together with prevailing building heights, form, scale and massing. The consequence of this is that adjustments on the grounds of the factors outlined in policy SP4 and DM9 are only very rarely made to baseline densities and site capacities are, as a result, overstated. 2.26 This can be illustrated by the approach taken by the Site Selection Report at North Weald, because North Weald is the only settlement where explicit consideration has been given to the factors outlined in policies SP4 and DM9 when determining site capacities, via the North Weald Masterplanning Study. 2.27 The Study states that (page 117) "Dwellings at settlement edge locations, adjacent to fields or other non- developed areas, have been set lower at 30dph." Only development 'close to the existing commercial centre' is considered appropriate for densities of up to 40 dph. Dwellings beyond this area that are not in settlement edge locations are suggested at 35 dph. 2.28 The capacity and deliverability assessment for the North Weald sites at appendix B1.6.4 of the SSR incorporates the findings of the Masterplanning Study when establishing site capacities. For example, applying the SSM to site SR-0195B in North Weald would have delivered a site capacity of 120 dwellings prior to any 'local setting' adjustment. However, because of the approach taken to density in the Masterplanning Study on sites at settlement edges, adjacent to fields, the capacity and deliverability assessment lists capacity at 91 dwellings, ie 30dph. 2.29 It seems unclear why the (evidence based) approach to settlement edge densities at North Weald is not also appropriate for other edge of settlement sites in the district which are 'adjacent to fields or other undeveloped areas'. It is certainly the case that the treatment of settlement edges of towns such as Chipping Ongar and Epping, closeby to North Weald and set within the rural part of the district, should be indiscernible from the treatment of those at North Weald given the similarly "sensitive nature of the surrounding countryside" (to use the wording in emerging policy SP4). 2.30 If all those settlement edge sites in Chipping Ongar and Epping were given a maximum density of 30dph, to match the approach taken at North Weald, housing delivery at both towns would drop considerably - by some 29% in Chipping Ongar and some 15% in Epping. Clearly, for some areas within larger sites, densities of greater than 30 dph may well be achievable, depending on the 'scale form and massing' of adjacent development, however we strongly question whether densities of 45 dph would be routinely appropriate across the whole of these sites given local context and adjacent countryside. 2.31 The lack of a clear evidence based approach to assessing density, leading to arbitrary decision making on site capacities, is evident when interrogating the site capacity and delivery assessments within appendix B1.6.4 of the Site Selection Report. For example, it is notable that site SR-0132Ci in Epping (Epping Sports Club), approximately 25% of the site area is proposed to be developed, equating to 2.23 ha, allowing for 10% gross to net, the resulting density is 25 dwellings per hectare. The justification for this is that "...density further reduced as surrounding development is of a lower density." However, no other sites in similar contexts have had their capacities reduced to reflect lower density housing surrounding - SR-0113B, to the south of Epping, similarly adjoins an area of lower density housing, yet no adjustment has been made. There is no quantitate assessment of what 'adjacent to lower density' actually means, and it is not a defined part of the SSM - the conclusion reached on the Epping Sports Club site indicates it perhaps should be. 2.32 We note a similar arbitrary amendment to site density is proposed at site SR-0361, Colebrook Lane/Jessel Drive Amenity Open Space in Loughton. Here, baseline density is assumed at 45 dph, but a 10% reduction in density is proposed because, "Low density, suburban setting and character of surrounding development likely to require reduction in density. Density reduced accordingly." It is not at all clear why such a conclusion has been reached on this site, when the density of development surrounding other allocations in the district is similarly low density and suburban - such as other sites in Loughton (e.g. Borders Lane Playing Fields, or Sandford Avenue/Westall Road Amenity Open Space) or indeed any of the settlement edge sites in Epping and Ongar. 2.33 Overall, whilst the SSM allows for the same adjustments to density to be made to reflect local context, in practice very few of the assessments presented in Appendix B1.5.3 consider the building height, form, scale and massing of the surrounding development, nor the impact of development on the surrounding countryside. Not only would this fail to recognise emerging policies SP4 and DM9, it would also lead to the risk that the Plan did not result in development that meets bullet point 3 of the draft Vision for the district, which seeks development that, "respects the attributes of the different towns and villages." Nor would it meet the draft objectives for the Plan, which include the need to, "...ensure that the design, density layout and landscaping of new development is sensitive to the character of the surrounding area..." 2.34 It is clear that a comprehensive settlement by settlement appraisal of appropriate densities and site capacities is required to avoid the Plan being found unsound as a result of not being justified by a robust evidence base and failing to allocate sufficient land to meet objectivity assessed housing need. 2.35 A factor

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that must be taken into account in any consideration of achievable densities is the impact of the Essex County Council Parking Standards, particularly on those sites suitable for predominantly 2 or 2.5 storey development (ie settlement edge sites, or those adjoining existing two storey residential development). The 2009 parking standards moved to minimum standards for residential parking, rather than the maximum standards that had previously applied. These minimum standards, coupled with larger parking bay and garage sizes, have an impact on achievable densities where storey heights are constrained. For this reason, any appraisal of achievable densities should be circumspect about using case studies involving development granted planning consent prior to 2009. 2.36 We note the proposal to review parking standards in the district and that these new standards will be based on an understanding of differing levels of car ownership, but that access to services and facilities will also be a factor (paragraph 4.84 of the draft Plan). 2.37 Whilst Essex County Council Standards might be perceived as taking a 'one size fits all' approach (draft Plan paragraph 4.89), it should be noted within the introduction to the Essex Standards that the move from maximum car parking standards at trip origin to minimum standards was based on the fact that, "...limiting parking availability at trip origins does not necessarily discourage car ownership and can push vehicle parking onto the adjacent public highway, diminishing the streetscape and potentially obstructing emergency and passenger transport vehicles." 2.38 Given the experiences, and underlying case study work, that led to the implementation of the 2009 standards, we would suggest that significantly less weight is placed on access to services, and far greater weight is placed on understanding levels of car ownership across each individual settlement (rather than categories of settlement). Meeting the SHMA Housing Mix 2.39 Paragraph 2.8.5 of the Site Selection Report (page 31) outlines in table 2.12 the obvious consequence of a high density approach, with the suggested strategy over-reliant on the provision of flats, and under providing three, four and four plus bed houses, when compared with the housing mix set out in figure 76 of the 2015 SHMA. A failure to provide an appropriate housing mix would contravene paragraphs 47 and 151 of the NPPF, which requires that Local Authorities must understand and meet assessed needs in their district. If this is not rectified, the Plan risks being found unsound on the basis of a failure to be positively prepared and failing to be consistent with National Policy. Properly meeting need would require a reduction in development densities, and would result in a consequent reduction in the number of houses achievable from the allocated sites. Availability 2.40 The NPPF makes clear at paragraph 47 that Local Authorities must identify and update annually a supply of specific deliverable sites for the first five years of the plan, and identify a supply of specific developable sites for the period for years 6 - 10, and where possible years 11 -15. 2.41 Footnote 11 outlines that to be deliverable sites should be 'available now'. To be developable, "there should be a reasonable prospect that the site is available". The NPPG (Paragraph 020 Reference ID: 3-020-20140306) sets out what factors should be considered when assessing availability, stating that on the 'best information' there must be 'confidence' that there are no legal or ownership problems, including the operational requirements of landowners. The paragraph states that, "Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome." 2.42 Appendix B1.6.5 of the SSR, 'Results of Identifying Sites for Allocation' comprises the final sieve stage of the allocation process. However, a number of sites suggested for allocation are stated as having unknown availability, in whole or part, or as being subject to ransoms, including the following:- • St Margaret's Hospital, Epping - 181 dwellings • Mill Lane High Ongar - 10 dwellings • Loughton Resource Centre - 35 dwellings • Loughton Library Adjacent Car Park - 44 dwellings • Lower Nazing South Area - 88 dwellings • St Clements, Vicarage Lane West - 11 dwellings • Waltham Abbey Community Centre - 53 dwellings 2.43 In addition to the above, Waltham Abbey Fire Station (SR-0219) is allocated for 44 houses. The 2016 SHLAA and Site Selection Report suggests the site is available within the next 10 years but no strategy is set out for the re-provision of the building. If this is to be re-provided within one of the new developments around the town then consequent adjustment in the site capacity of the recipient site would be required and viability (ie achievability) would need consideration. 2.44 Availability concerns are also raised below with regard to Epping and Ongar Sports Centres, this is covered in more detail in the following section concerning site suitability. 2.45 Contrary to the requirements of the NPPG, there is no assessment made as to how and when constraints identified for the above sites can be overcome. Suitability 2.46 The NPPG makes clear that "Assessing the suitability of sites or broad locations for development should be guided by: the development plan, emerging plan policy and national policy" (Paragraph: 019 Reference ID: 3- 019-20140306). 2.47 National policy contains guidance on the provision and retention of social, recreational and cultural facilities. Paragraph 70 provides guidance regarding community facilities (which are defined as including sports venues and public houses), setting out that Local Authorities should, "plan positively for the provision and use of...community facilities...to enhance the sustainability of communities and residential environments." The paragraph continues by

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stating that Local Authorities must “guard against the unnecessary loss of valued facilities and services” and “ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”

2.48 Paragraph 74 of the NPPF provides specific guidance on open space, sports and recreational buildings. The paragraph outlines that, “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: • an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or • the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or • the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

2.49 The allocation of both Epping and Ongar Leisure Centres involves the loss of community facilities. The Infrastructure Delivery Plan at section 9.4.1.2 outlines that, “Whilst the District suggest no plans to build any further sports centres, a number of sports facilities have been also identified for possible residential uses in future (detailed in figure 64 below). However, in all cases the existing facilities will be re-provided as part of development. In the case of Ongar Leisure Centre, this would only close in the event of a new facility being provided in North Weald Bassett.”

2.50 Three facilities are then listed – Epping Sports Club, Ongar Leisure Centre and Waltham Abbey Swimming Pool. This appears to ignore Epping Sports Centre, which is also proposed to be allocated for 44 dwellings, which one could assume would similarly only be closed in the event the North Weald facility comes forward.

2.51 The closure of Epping and Ongar sports centres and their consolidation to North Weald, would not meet the requirements of paragraph 70 of the NPPF. The Settlement Hierarchy Technical Paper outlines that together Epping and Ongar comprise a total of 8,118 dwellings, rising to 10,358 dwellings taking into account the allocations in the draft Plan. North Weald Bassett will have 3,594 dwellings including the allocations in the draft Plan. Closure of both Epping and Ongar Sports Centres would result in a far higher population having to travel to access sports facilities than would result from the retention of these facilities within the Towns. Moreover, it is unclear how Ongar Academy will meet its needs for a swimming pool and sports facilities, given its proposed long term use of the leisure centre facilities for this purpose.

2.52 Overall, the closure of Epping and Ongar Leisure Centres would not ‘enhance the sustainability of communities and residential environments’. Given the alternative deliverable sites within the district to accommodate the development the loss of the Leisure Centres would be ‘unnecessary’ and would not constitute an ‘integrated approach to the location of housing and community facilities’.

2.53 Nor would the proposal comply with paragraph 74 of the NPPF. Any replacement by ‘equivalent or better provision’ is required by paragraph 74 to be in a ‘suitable location’. Given the analysis above, it seems unlikely that relocating this provision to another settlement would constitute such a location, either for the new and future residents of Epping and Ongar, or for the pupils attending an expanded Ongar Academy.

2.54 Further issues are raised by the allocation of Coopersale Cricket Club – SR-0405. The Site Selection Report sets out that an alternative site for the cricket club has been identified, however this has not been outlined in the draft Plan and as such the suitability of the current cricket club for development cannot be judged within the guidance in paragraphs 70 and 74 of the NPPF, as outlined above. Any alternative site for the Club would also need to be removed from the green belt given the constraints of change of use to playing pitches in the green belt following recent high court cases (for example *Timmins v Gedling Borough Council* 2015), and as such this alternative site should feature as an allocation within the Plan.

Education and Infrastructure Provision – Site Capacity

2.55 This draft of the Local Plan does not provide a strategy for meeting education needs. The draft Infrastructure Delivery Plan outlines a range of strategies that could be utilised to meet educational need, and this includes new primary and secondary provision, as well as the expansion of existing schools. However, within the site allocations, no allowance is made within site capacities for the provision of new schools (or, where appropriate, the expansion of existing schools). As such, it seems likely that achievable site capacities will fall once an education solution for the district is established.

2.56 No allowance has been made within the North Weald allocations for the re-provision of the Epping and Ongar Leisure Centres. Whilst allowance is made within the Masterplanning Study for a small scale sports facility to serve the community only, the allocations set out under policy P6 make no allowance within their capacities for the scale of facility that will be required. Any playing fields will need to be allocated within the Local Plan, given the findings of recent case law concerning the change of use of land in the green belt (see for example *Timmins v Gedling Borough Council* 2015).

2.57 We note the proposal for the relocation of Princess Alexandra Hospital to land to the east of Harlow. If this is carried forward, this could impact on the capacity of the site to deliver housing, further suppressing housing supply from the pool of allocated sites.

2.58 Finally, none of the allocations where traveller sites are proposed include consequent downward adjustment to site capacity given land take for this use.

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## Housing Trajectory

2.59 Paragraph 47 of the NPPF requires Local Authorities to demonstrate a five year supply of deliverable sites, plus a 5% or 20% buffer. We have outlined above our concern that the five year requirement presented at Appendix 5 of the draft plan does not reflect national policy for the calculation of housing supply in the first five years of the plan. This part of our representation raises concerns with regard to the phasing of sites included within the five year period.

2.60 We note that the trajectory provided at appendix 5 includes development from the sites around Harlow within the first five years. The information included for these sites is based on the phasing presented within table 2 page 65 of the AECOM Harlow Strategic Site Assessment. It would however appear that in transposing this information into the trajectory presented at appendix 5, no account is taken of the advice at page 62 of the AEOM report. This outlines that, "It would not be unusual, where there is an up to date development plan in place and the principles are not contentious, for a large planning application to take 9 months to progress (including the period of pre-application discussions and post approval legal process). It is likely then to take a further 9 months to start on site and then 9 months to a year before the first new homes have been completed and are ready for occupation. This period of 2 to 2½ years as a minimum needs to be factored into any phasing programme."

2.61 The trajectory provided at appendix 5 assumes the first houses to be delivered at West Sumners will be in 2018/19, and at Latton Priory and West Katherines in 2019/20. For West Sumners, to achieve this the start of the 2 - 2.5 year period would be now, i.e. the application would need to be submitted in 9 months' time, ahead of Submission of the Local Plan. This is clearly an error - the advice from AECOM quoted above outlines that the 2.5 year period should commence from the date the Plan is in place, i.e. for Epping Forest the October 2018 adoption date. As such, the phasing for all three Harlow sites should be moved out to reflect this. This will have a significant impact on the contribution these sites make to the five year supply of housing and, in light of the issues concerning the full objectively assessed housing need and capacity of existing sites that we have outlined within our representation to policy SP2, indicates that further deliverable sites will need to be allocated.

2.62 Notwithstanding the above, beyond the Harlow sites the information in the trajectory supplied with the draft Local Plan is deficient. It is not possible to understand from the trajectory whether the Plan meets the requirements in paragraph 47 of the NPPF in regard to allocating sufficient deliverable sites in years 1 - 5 as the trajectory is not provided on a site by site basis. Paragraph 023 Reference ID: 3-023-20140306 asks "How

should the timescale and rate of development be assessed and presented?" The guidance sets out (with our emphasis) that "The local planning authority should use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development."

## Errors

2.63 There has been double counting at Epping South, appendix B1.4.2 of the SSR outlines that the capacity of site SR-0069 extends to 79 dwellings. The capacity assessment of SR-0069/33 returns a figure of 255 dwellings. However, the capacity assessment refers to a site which includes the land comprising SR-0069, ie the 255 dwelling figure includes the 79 dwellings arising from this site, resulting in 79 dwellings being double counted.

2.64 The sum of the allocations for each settlement in Chapter 5 of the draft Plan does not equate to figures reported in the table in policy SP2, due to rounding up. Because a policy of rounding 'up' to the nearest 10 has been used (rather than the usual convention of rounding up or down to the nearest 10, if indeed rounding is adopted) then the settlement totals given in policy SP2 overstate the number of dwellings allocated within the policies in Chapter 5. If a policy of rounding to the nearest 10 is to be adopted then it should follow convention, to avoid further over estimates of site capacities.

2.65 Whilst these errors may in isolation appear minor, cumulatively, and together with the other issues outlined earlier in this representation, they contribute to the inability of the draft Local Plan to meet the full Objectively Assessed Housing Need for the district.

## Conclusions Regarding Meeting Objectively Assessed Need

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2.66 The housing target for the district under policy SP2 is not based on an up to date assessment of housing need, which must be rectified. Sufficient sites must be allocated to meet this need, plus a buffer of reserve sites to meet the requirement under paragraph 85 of the NPPF regarding longer-term development needs beyond the Plan period. The Plan must also allocate sufficient sites to meet the requirement at paragraph 14 of the NPPF for the Plan to be able to respond to 'rapid change'.

2.67 The five year housing requirement must be determined with reference to the up-to-date assessment of objectively assessed housing need. It must reflect the requirement of the NPPG to meet any shortfall within the first five years of the plan, and a 20% buffer should be applied to reflect Epping Forest's persistent under delivery since the beginning of the Plan period.

2.68 Whilst the draft Plan suggests that sufficient sites have been allocated to meet the overall housing requirement, we do not consider that assumptions made in regard to site capacity, availability and suitability of sites are robust for a significant number of sites proposed for allocation.

2.69 Further, the absence of allowances within the calculation of site capacities for education provision, gypsy and traveller sites, a relocated Princess Alexandra Hospital and a new Leisure Centre at North Weald further reduces the capacity of the sites allocated below their estimated potential within the draft Plan. In addition, insufficient deliverable sites have been allocated for the first five years of the Plan period. Finally, there are a number of errors within the Plan, the correction of which will reduce the overall number of houses able to be bought forward.

2.70 As a result of the above, we consider that the Plan will fail to meet the objectively assessed housing need for the district and will fail to provide a five year supply of housing. As such, the plan will not be found sound in the absence of further allocations for housing being made, particularly those which can address housing supply in the first five years of the plan period.

### 3.0 LOWER SHEERING

3.1 This part of our representation considers the role Lower Sheering plays in the settlement hierarchy. For the reasons set out below, we consider that Lower Sheering is a logical location for additional land to be allocated to meet the shortfall in housing supply within the Plan as outlined above.

3.2 Land within site SR-0313 is suitable, available and achievable for development and should be allocated.

Further information concerning the attributes of SR-0313 is contained within our response to question 6 (regarding policy P12).

#### Role of Lower Sheering in the Settlement Hierarchy

3.3 The justification for ranking Lower Sheering as a hamlet is outlined as being based on the findings of the Settlement Hierarchy Technical Paper. The Technical Paper notes within the assessment provided at Appendix 3 that, "The settlement effectively functions as part of Sawbridgeworth to the west." It admits that, "Lower Sheering is a difficult settlement to categorise, given its proximity and relationship with Sawbridgeworth." However, notwithstanding the admission that the settlement could be argued to be part of Sawbridgeworth the assessment considers only those facilities within only Lower Sheering.

3.4 We consider this approach is illogical and results in a lack of robustness within the evidence base. In practical terms, in a cross boundary situation such as this access to services needs to be considered on a category by category basis. Taking the categories within appendix 3 of the technical paper; in terms of retail facilities, these are provided within the private sector and are therefore the cross boundary situation has no bearing on their capacity or provision - in fact additional population within their catchment will improve viability and therefore safeguard provision. As such Lower Sheering should be marked positively for access to post office, local shop, supermarket, ATM and bank given their availability within Sawbridgeworth.

3.5 In regard to transport, there is no change in this regard as the scoring reflects the real life situation. In terms of access to health facilities; dentists, opticians and pharmacies are provided predominantly by the private sector. As such, Lower Sheering should be marked positively for access to these facilities.

3.6 In regard to access to GP surgeries, Lower Sheering is within the catchment area of the surgery at Hatfield

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Heath. On this basis the scoring would continue to be 'no' for access to this service.

3.7 In regard to community facilities and services, given places of worship are provided within the 'private sector' then cross boundary issues have no bearing on their provision, and as such Lower Sheering should be marked positively. In terms of the remaining facilities within this category which are provided within Sawbridgeworth, on a precautionary approach it would make sense to continue to mark these as 'no', given the cross boundary complications.

3.8 In terms of education, for primary schools Lower Sheering falls within the catchment for Sheering School, as such the answer to this would continue to be 'no'. In terms of secondary education, notwithstanding that existing admission arrangements for the secondary school in Sawbridgeworth prioritise pupils from a number of Essex primary schools, including Sheering School, which suggests a current cross boundary funding arrangement is in place. However, we accept the complexities around secondary education provision across county boundaries and therefore adopting a precautionary approach would suggest that the assessment should not assume that Lower Sheering has access to a secondary school and that future residents would need to travel elsewhere for their secondary education.

3.9 Adopting the above approach shows that Lower Sheering should fall comfortably within the category of a 'small village'.

3.10 On this basis we consider that it would be appropriate to allocate further development to Lower Sheering, which would assist in meeting the shortfall in housing need within the Plan as identified within the first part of our representation.