

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

Stakeholder ID	3424	Name	Hayley	Morley	behalf of The Chelmsford Diocesan Board of Finance
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Letter or Email Response:

Introduction 1. These representations on the Epping Forest District Draft Local Plan 2016 (DLP) are submitted by Strutt & Parker in so far as they relate to land within the ownership of our clients, The Chelmsford Diocesan Board of Finance, in respect of the Glebe Land at High Road/Vicarage Lane, Chigwell. Plans showing the broad location of the site as well as a detailed site plan are provided in support of this representation. 2. The site the subject of this representation is located directly north of Chigwell Village. It currently takes the form of a paddock and measures approximately 1.8 hectares in area. It is bounded by the A113 High Road at its northwest and Vicarage Lane at its northeast. Residential properties abut the site at its southeast and southwestern edges. 3. Representations were submitted to Epping Forest District Council (EFDC) at the Issues and Options consultation stage in October 2012. The representations in support of the allocation of the site for residential development were submitted with a Delivery Statement, as well as a number of technical documents, which demonstrated that the site is deliverable and an appropriate site for new housing in Chigwell. These reports included: • Highways, Drainage and Utilities Appraisal • Arboricultural Report and Phase 1 Habitat Survey • Initial Landscape Appraisal • Soil Survey • Concept Masterplan 4. As demonstrated by the plans provided in support of this representation, the site is located in very close proximity to the functional and historic centre of Chigwell, with easy access to services and facilities available within the village. The site is well enclosed meaning that any release of land for residential development will not have an adverse impact on the Green Belt. The site also has the unique potential to provide a significant area of centrally located public open space for the benefit of the residents of Chigwell, with the opportunity to utilise nearly half of the land as areas of open space and wildlife corridors. Regulated by RICS Strutt & Parker LLP is a limited liability partnership and is registered in England and Wales with registration number OC334522. A list of members' names is open to inspection at our registered office: 13 Hill Street London W1J 5LQ. 5. A low-density landscape-led scheme of approximately 15 dwellings would be in keeping with the scale and character of the existing settlement in this location, and would allow the site features to be respected. The site is not subject to any physical constraints that prohibit its development for residential use, and it is a sustainable site for development. 6. The representations to the DLP are provided below under a number of key headings. Calculation and delivery of objectively assessed housing need 7. The National Planning Policy Framework (NPPF) is clear on the importance of housing delivery, and on the need for planning to deliver objectively assessed housing needs. This is illustrated by the fact that the core planning principles set out in the NPPF include the following statement: "Every effort should be made objectively to identify and then meet the housing, business and other

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development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities" (NPPF paragraph 17). 8. This point is reinforced at paragraph 47 of the NPPF, where it is stressed that Local Plans should ensure objectively assessed needs for market and affordable housing are met. Further, it is reflected in the express requirement - as per paragraph 182 of the NPPF - for Local Plans to a strategy to seek to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. 9. It is clear that meeting housing need is of paramount importance if the Local Plan is to be sound. As such, there are a number of issues in respect of the Draft Local Plan that give rise to concern. 10. Firstly, it is unclear whether the Strategic Housing Mark Assessment (SHMA, 2015), from which the District's housing need has been derived, has accounted for projected increased out-migration from London. 11. The South Essex SHMA (2016) notes that Greater London Authority (GLA) projections assume that the outflow of migrants from London to neighbouring authorities will increase beyond the level implied by the 2012 SNPP, reflecting more closely pre-recession trends. These projections formed part of the evidence underpinning the Further Alterations to the London Plan (FALP). The South Essex SHMA (2016) addresses the administrative areas of Basildon Borough, Castle Point Borough, Rochford District, Southend Borough and Thurrock. It noted the relationship between these areas and London, and concluded the projected increased out migration from London necessitated an up-lift in housing need for South Essex. It is clear from the DLP and the evidence that underpins it that there is a similarly strong (if not stronger) relationship between Epping Forest District and London. As such, the objectively assessed housing need should account for this, and be subject to an appropriate uplift. 12. Secondly, it is unclear whether the DLP proposes to meet what the Council consider its objectively assessed housing need to be. The DLP reports that SHMA (2015) identified a need for the housing market assessment of 46,100 dwellings between 2011 and 2033, 11,300 for Epping District specifically. (equating to 514 dwellings per year). However, in August 2016 Opinion Research Services (ORS) updated the overall housing need to take into account more recent information, including more up-to-date household projections, and identified a revised objectively assessed housing need for the housing market area of 54,608 between 2011 and 2033. The update goes on to state that the updated objectively assessed housing need for Epping District is 13,278 dwellings in Epping Forest (equating to 604 dwellings per year). 13. The DLP does not address the District's objectively assessed housing need of 13,278 dwellings. It proposes a total of a mere 11,400 dwellings, and refers - incorrectly - to this exceeding need. 14. It is relevant to note that the NPPF not only requires the Local Plan to ensure the District's development needs are met in full, but also that the unmet needs of neighbouring authorities are considered and addressed where it would be sustainable to do so. Whilst the DLP notes at paragraph 3.16 that a Draft Memorandum of Understanding (MoU) between has East Hertfordshire, Epping Forest, Harlow and Uttlesford it is unclear whether any unmet development needs of other neighbouring authorities has been accounted for. 15. In setting out how it has responded to objectively assessed housing needs, the DLP claims at paragraph 3.35 that the maximum number of dwellings that can be accommodated in the housing market area is 51,100 dwellings. 16. The Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area (SA of SSO) (2016) is purported to provide the justification for this ceiling of 51,100 dwellings for the housing market area. 17. However, it is far from clear that the SA of SSO does indeed support this view. For example, at page 34 it states: "With respect to the overall quantum of c. 51,100 new homes, this reflects the furthest the authorities consider that they can reasonably go in delivering the most recent advice from ORS regarding housing need, i.e. 54,608 homes to 2033, in light of the available evidence. Critically, the figure of c. 51,100 significantly exceeds the formal OAHN of 46,100 established through the SHMA and represents strong progress towards the revised figure. The critical issue in determining the overall quantum is the level of development that can be accommodated in and around Harlow on suitable sites during the plan period." (emphasis added). 18. The above indicates that the stated capacity of 51,100 dwellings for the housing market area is not driven by empirical evidence in relation to environmental capacity, physical constraints, etc. but rather local authorities' views on potential deliverability. It also suggests that the SA of SSO considers this quantum a positive in respect of a total objectively assessed housing need of 46,100, when in fact this figure has been superseded by a more up-to-date calculation. Further, there would appear to be a focus on sites in and around Harlow, rather than across the housing market area as a whole. 19. The above extract from the SA of SSO implies the capacity is driven by the total deliverable capacity from suitable sites (the "critical issue"), suggesting that if additional suitable sites were to be identified, there would be no intrinsic objections to the figure of 51,100 dwellings be exceeded. 20. Transport impact has been cited as an area of

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concern, and one which justifies development within the housing market area to be limited to 51,100 new homes between 2011 and 2033. However, it must be recognised that, as confirmed through the SA of SSO, that transport modelling is said to suggest growth of between 14,000 and 17,000 new homes in and around Harlow can be accommodated in terms of impact on highways. However, again this is focussed on Harlow and does not consider potential growth in other settlements, an issue which is particularly pertinent if such settlements benefit from sustainable transport opportunities. 21. In summary, it is unclear whether projected increases in out migration have been taken into account, as required, in the calculation of objectively assessed housing. In any case, the DLP fails to seek to meet objectively assessed housing need. As such, if the Local Plan were to continue to be based on such a strategy it would be contrary to national policy and would be unsound. The purported justification for a limit of 51,100 additional homes between 2011 and 2033 dwellings across the housing market area is not robust. Rather than supporting a limit of 51,100 dwellings across the housing market area, the evidence suggests that if there are sufficient suitable sites to meet housing need in full, then Local Plans should facilitate their delivery. Housing delivery and accounting for shortfall 22. Appendix 5 of the DLP sets out the housing trajectory that the DLP is proposed to enable delivery of. It also reports the number of dwelling completions since 2011 (the point from which the objectively assessed needs assessment for the District has been calculated). 23. This shows that a total of 1,173 dwelling completions between 2011 and 2016. The housing need during this period (based on the 2016 update of need) totalled 3,020 dwellings. As such, the total shortfall in housing provision during this period was 1,847 dwellings. 24. There are two potential approaches to addressing this shortfall in housing land supply. The first, the 'Liverpool approach' is where the shortfall is spread across the remaining Local Plan period and is sought to be met over this period. The alternative, the 'Sedgefield approach', seeks to make up the shortfall within the five-year period. 25. The PPG is clear that the Sedgefield approach should be applied where possible, stating: "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" (PPG, Paragraph: 035 Reference ID: 3-035-20140306) 26. Applying the Sedgefield approach, the initial calculation of housing need for Epping Forest District for 2016-21 is 4,867 dwellings. The NPPF requires that a buffer of (at least) 5% is applied to this figure. Adding a 5% buffer gives a total requirement for the District for 2016-21 of 5,110 dwellings. 27. However, Appendix 5 of the DLP suggests the current proposed strategy will only deliver 3,541 dwellings between 2016 and 2021. This entails a shortfall of 1,569 homes against the requirement. 28. Furthermore, we are concerned that even the figure of 3,541 dwellings represents an optimistic assessment. It includes 1,186 dwellings to be provided through existing commitments. It is unclear what the status of these commitments is, and whether a lapse rate of 5-10% (as established as being appropriate for sites with planning permission / resolution to grant planning permission1). There is a 1 Appeal reference APP/J3720/A/14/2217495 reliance of 163 dwellings placed on windfall. If EFDC is to make an allowance for windfall, it is required to demonstrate that there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply. However, no such evidence appears to have been provided. It is also noted that the DLP's stated housing delivery rate assumes completions from 2017/18 from sites proposed to be allocated. This is considered to represent an extremely optimistic view, the feasibility of which we would question given likely timescales for planning-making, planning applications and the development process. 29. Having regard to all of the above we have concerns that the five-year land supply for 2016-21 that the DLP will deliver will be less than currently stated in the DLP. 30. Even if this DLP's stated housing trajectory were to be realised, this would still represent a significant shortfall when assessed against need, rendering the Local Plan contrary to national policy and unsound. 31. Accordingly, it is imperative that the next iteration of the Local Plan is amended to include additional small and medium-sized sites for residential development that are capable of contributing relatively quickly towards the current and acute housing need. Draft Plan objectives 32. DLP objective B is to make provision for objectively assessed market and affordable housing needs within the District, but includes the caveat: "to the extent that this is compatible with national planning policy". 33. It is unclear why this caveat has been added, as the NPPF is clear that Local Plan should be prepared on a strategy that seeks to meet objectively assessed housing need in full. This caveat should be removed. Draft Policy SP2 District-Wide 34. Draft Policy SP2 proposes a total of 11,400 dwellings are delivered in the District between 2011 and 2033. As set out elsewhere within this representation, the objectively assessed housing need for the District for 2011-2033 is 13,278 dwellings. Policy SP2 does not propose to meet objectively assessed need. The policy as currently proposed is therefore contrary to national policy and cannot form part of a sound Local Plan. 35. In addition, it is critical that the Local Plan enables the delivery of housing to meet need in the short, medium and long term; and that policies are sufficiently flexible to ensure a

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constant supply of housing, regardless of unforeseen circumstances. The NPPF requires Local Planning Authorities to maintain delivery of a five-year supply of housing land to meet their housing target (paragraph 47), and to produce Local Plans which are flexible in this respect, stating: "Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change" (NPPF, paragraph 14). 36. It is noted that Draft Policy SP2's proposal to deliver 11,400 dwellings is predicated on the DLP's view that there is a need for Epping Forest District to accommodate approximately 11,400 new homes between 2011 and 2033. A strategy which seeks to delivery exactly the number of dwellings that is considered to be required cannot be said to be flexible. Such an approach leaves the District's housing supply in a very precarious position and introduces a considerable level of uncertainty as to whether development needs will be met. 37. Year Completions / projected delivery through DLP 2011-12 288 2012-13 89 2013-14 299 2014-15 230 2015-16 267 2016-17 315 2017-18 653 2018-19 761 2019-20 909 2020-21 903 2021-22 832 2022-23 1050 2023-24 939 2024-25 850 2025-26 844 2026-27 796 2027-28 737 2028-29 701 2029-30 629 2030-31 752 2031-32 640 2032-33 473 Chigwell 38. Draft Policy SP2 states that Chigwell will accommodate 430 additional homes between 2011 and 2033. Chigwell has been identified as a large village in the DLP and is an established community, which not only benefits from its own services and facilities, but also accessibility to the range of facilities and services in the nearby towns of settlement of Buckhurst Hill and the town of Loughton. 39. The Local Plan is required to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence (NPPF paragraph 182). However there is no justification as to why the growth of Chigwell is proposed to be restricted to 430 dwellings. This becomes a particular matter of concern when viewed in the context of the DLP failing to meet objectively assessed housing need. 40. It is recognised that it is important for the Local Plan to not adopt an overly prescriptive approach to the distribution of housing based on the proposed settlement hierarchy and each settlement's existing size. This would result in an overly simplistic approach, which would fail to direct development to the most sustainable locations, and could result in more suitable and sustainable opportunities being overlooked. 41. The following comments of the Planning Inspector appointed to examine the 2014 Uttlesford Local Plan Submission document support the above view: "Where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (e.g. locally identified demographic and other needs, local constraints and opportunities, patterns of bus services and inter relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward" (paragraph 3.25 of the Inspector's Examination Conclusions 19 December 2014). 42. In respect of the above, Chigwell's historic character and the need to maintain physical separation from the nearby settlement of Loughton merit consideration. The location of the site to the east of High Road and contained by Vicarage Lane to the north would not prejudice the physical separation of Chigwell from the neighbouring settlements. 43. However, regard also needs to be given to the inter relationship of the site with nearby settlements of Buckhurst Hill and Loughton, both of which also benefits from stations on the London Underground (central line). The level of housing growth in the area should reflect this relationship, and the accessibility of these settlements from the site should be accounted for within housing distribution strategies. Chapter 5 - Places: Chigwell and Draft Policy P7 44. Paragraph 5.124 of the DLP identifies that the response from stakeholder and community consultation identified that although there was support for growth in and around Chigwell, there were concerns that the right development opportunities had not yet been identified and the focus should be on small scale development with the provision of facilities for existing residents and build on the opportunities for walking and other leisure activities. 45. It is important that the Local Plan recognises the sustainability of Chigwell as an existing settlement, as well as the positive relationship between the neighbouring settlements of Buckhurst Hill and Loughton. 46. The DLP states at paragraph 5.134 that the Green Belt boundary around Chigwell will be altered, and this strategy is supported. The NPPF is clear that in defining Green Belt boundaries, Local Planning Authorities should defined boundaries clearly using physical features that are readily recognisable and likely to be permanent (paragraph 85). 47. In the north east of the settlement, the physical features of High Road and Vicarage Lane represent a potential Green Belt boundary that would be logical, robust and of significant permanence. However, the Green Belt boundary has been drawn in this area to exclude the representation site. Alterations to the Green Belt boundary in this location would provide a defensible boundary. In addition, the allocation of land for housing here would enable the delivery of housing within a sustainable location for growth for Chigwell. 48. Notwithstanding the above, it is noted that the DLP does not propose the Green Belt boundary to be amended to include the representation site. The NPPF is clear that land should only be allocated as Green Belt where it is necessary to keep the land permanently open having regard to the purposes of the Green Belt. The site, which is sandwiched between two roads and abuts residential development

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on two sides, does not perform a Green Belt function. The exclusion of the site from the Green Belt would not undermine the Green Belt's integrity. 49. A total of nine sites are identified within Chigwell for the provision of additional homes over the plan period. The draft allocation of sites SR-0601 (land at the former Grange Farm) and SR-0433 (former Beis Shammi School) in the north require the alteration of the existing Green Belt boundary. It is considered that the alteration of the Green Belt boundary in these locations would not be robust or defensible. 50. The development of the representation sites for low-density landscape led residential development would meet with the Vision for Chigwell as set out in the DLP. The development of the site would be small scale, and would maintain the rural and historic character of the settlement including maintaining the separation from neighbouring settlements. 51. Draft Policy P7 should be amended to include the representation site for the provision of approximately 15 new homes and public open space. SEA/SA 52. The Environmental Assessment of Plans and Programmes Regulations (SEA Regulations) (2004) require inter alia all reasonable alternatives to be considered and assessed to the same level of detail as the preferred approach. 53. In this respect, we are concerned that only the preferred options appear to have been subject to sustainability appraisal as part of the site assessment process. The Council's published Report on Site Selection states that Stage 5 of the process was Sustainability Appraisal/Habitats Regulation Assessment of Candidate Preferred Sites, and that this established the impact of the candidate Preferred Sites alone and in combination. 54. It is also relevant to note that Regulation 13 of the SEA Regulations states: "Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 12 and its accompanying environmental report ("the relevant documents") shall be made available for the purposes of consultation in accordance with the following provisions of this regulation." (Emphasis added). 55. At 2 (b, c and d) of Regulation 13 it sets out how consultation must involve taking appropriate steps to bring relevant documents to the attention of affected person, informing them of how to make representations, and inviting them to express opinions. 56. The Council's approach in respect of all of the above is unclear. The Sustainability Appraisal (SA) published alongside the Draft Local Plan appears to suggest it is only an interim and the "legally required" SA Report will be published at the Regulation 19 submission stage, alongside the submission draft Local Plan (as stated at paragraph 2.1.1 of the SA (the second of two paragraphs 2.1.1)). Conversely, at paragraph 2.1.2 of the SA (the first of two paragraphs 2.1.2) it acknowledges that SEA Regulations require the publication of an SA Report alongside the Regulation 18 Preferred Options draft. It is not clear if the published SA seeks to meet this requirement. If it does, then it raises the issue as to why it has not itself been subject to consultation, and has not appraised all potential alternatives to the same level of detail as the preferred options. If the SA published alongside the DLP is only an interim report and does purport to be the relevant report for the DLP as required by the SEA Regulations, then it raises the question as to how EFDC has met this requirement. 57. We are concerned that these possible failures in respect of the SEA Regulations have prejudiced out client's interests in respect of their land and their potential development, and reserve the right to raise this as an issue again at a future date if EFDC were to fail to take steps to cure such defeats as the Plan is progressed. Overview 58. There are concerns that the extent of objectively assessed housing need for Epping Forest District is greater than stated. In any case, the DLP does not plan to meet the figure that has been identified. If the Local Plan were to continue to be based on such a strategy it would be contrary to national policy and unsound. 59. Chigwell is a sustainable location that is able to accommodate a proportion of the additional homes required to be provided in the District between 2011 and 2033. National policy and guidance is clear that planning should direct sufficient growth to such settlements to sustain their vitality and ensure that the services and facilities that provide an important function for local residents are sustained. 60. Evidence previously submitted to the EFDC in the form of a Delivery Statement at the Issues and Options consultation stage demonstrated that the site is deliverable, the development of which through a comprehensive, low density landscape-led proposal would not undermine the purposes of including land in the Green Belt. Accounting for the provision of a significant area of public open space, the development of the site would provide approximately 15 dwellings. The allocation of the site for residential development within Draft Policy P7 of the DLP would be justified, effective and consistent with national policy; and would help ensure the Local Plan provides sufficient homes to meet objectively assessed housing need. 61. Draft Policy P7 of the DLP should be amended to include the site the subject of this representation for the provision of approximately 15 dwellings. 62. As set out in this representation, we have concerns that the current direction of the Local Plan is such that it will not be sound and legally compliant, and as such will not be capable of adoption. Amendments to the Local Plan to ensure a greater number of homes are provided in the District as a whole, including through the allocation of this site, will assist in addressing such concerns and ensuring a sound Local Plan which will deliver sustainable development for Epping Forest District. Yours sincerely Hayley Morley BA (Hons) BPI MRTPI Associate Enc: Broad Location Plan and Site Plan *upload attachment to Darzin*

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