

Representations on Epping Forest District Local Plan Submission Document (Regulation 19)

On behalf of City & Country

Land at Sheering Lower Road, Lower Sheering

January 2018



1. Background and overview

- 1.1 These representations on the Epping Forest Local Plan Submission Version (LPSV) are submitted by Strutt and Parker on behalf of City & Country, and in respect of land at Sheering Lower Road, Lower Sheering.
- 1.2 The site is identified as site SR-0121 in the Council's plan-making process. A plan showing the site is provided as **Appendix 1** to this representation.
- 1.3 Representations were made by Strutt and Parker on behalf of City & Country and in respect of this site on the Draft Local Plan (2016) (DLP), in response to the Regulation 18 consultation on this iteration of the Local Plan in 2016 (a copy of these representations is provided as **Appendix 2**)
- 1.4 The site that is subject of this representation is on the north-west side of Sheering Lower Road. It is a 0.6 ha greenfield site comprising a mixture of scrubland and trees, adjacent to the existing settlement boundary on land currently allocated as Green Belt.
- 1.5 The site is in proximity to existing residential development, as well as services and facilities, at Lower Sheering and Sawbridgeworth. It is well-related in respect of the strategic highway network, and is less than 100 metres from Sawbridgeworth train station. The site is situated within and on the edge of, the Lower Sheering Conservation Area.
- 1.6 The site is not subject to any physical constraints that prohibit its development for residential use, and represents a suitable, sustainable site for development.
- 1.7 In addition to being suitable and sustainable for development, the site is available and achievable. As such, it is very much a deliverable site with the potential to make a contribution to addressing the District's acute housing needs in the short-term.
- 1.8 Notwithstanding the above and the information provided to the Council at the Regulation 18 stage of the Local Plan, the LPSV does not propose allocation of land at Sheering Lower Road, Lower Sheering for residential development.
- 1.9 The reasons for the site's rejection have not, at the time of writing been published by the Council: the Epping Forest District Local Plan Site Selection Report (2017) purports to explain why sites have been selected / rejected. However, the version of the report which was available during the consultation period did not include Appendix B – Assessment of Residential Sites. The Epping Forest District Local Plan Site Selection Report (2017) confirms at paragraph 1.2 that the 2016 Site Selection Report has been updated to address representations received and that the most appropriate sites have been included as proposed sites. Further, para. 1.2 continues that the detailed write-up of this work was not complete in time for the publication of the report; and that a final, updated version of the Report on Site Selection will be published once these appendices has been completed. Without sight of the assessments, it is not clear that the updating (which is anticipated to be quite extensive for

certain sites) has been undertaken prior to the selection and rejection of sites, or that the updates are accurate.

- 1.10 The reasons for this site's rejection are not set out in the Strategic Environmental Assessment / Sustainability Appraisal which has been published alongside the LPSV. The Sustainability Appraisal (incorporating Equalities Impact Assessment) for the Epping Forest District Local Plan (December 2017) appears to be the Environmental Report for the purposes of Strategic Environmental Assessment. However, this report does not explain why site SR-0121 has been rejected.
- 1.11 We have significant concerns as to how land at Sheering Lower Road, Lower Sheering has been considered by the Council through the Local Plan process – issues which give rise to the Local Plan's soundness and legal compliance, as set out within this representation.

2. Sustainability Appraisal / Strategic Environmental Assessment / (SA/SEA) and Evidence Base

- 2.1. The Environmental Assessment of Plans and Programmes Regulations (2004) requires SA/SEAs to *inter alia* set out the reasons for the selection of preferred alternatives, and the rejection of others, be made set out.
- 2.2. In addition, the Planning Practice Guidance makes clear (paragraph: 038 Reference ID: 11-038-20150209) that the strategic environmental assessment should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives.
- 2.3. However, despite the above, the SA/SEA published alongside the LPSV (Sustainability Appraisal (incorporating Equalities Impact Assessment) for the Epping Forest District Local Plan (December 2017)) does not explain why site SR-0121 has been rejected.
- 2.4. The SA/SEA explains the site selection process, but not the results of this. The SA/SEA makes a number of references to the Site Selection Report (a separate document to the SA/SEA). For example, at paragraph 7.17, in text explaining the site selection methodology it states:

“However, site assessments for Tranche 1 sites were reviewed against the comments raised in site promoter's representations to the Draft Local Plan consultation. The Report on Site Selection 37 **will** include a table that identifies those sites for which representations from site promoters were made and where a change was made to the assessment in response to the representation” [emphasis added].
- 2.5. Footnote 37 cited above refers to the Epping Forest District Council (2017) Report on Site Selection. Prepared by ARUP, and invites the reader to access this information via <http://www.efdclocalplan.org/technical-information/>.
- 2.6. Within the introductory text of the Report on Site Selection (2017) referenced by the SA/SEA it is explained, at paragraph 1.2, that the report is incomplete:

“The detailed write-up of the site selection work undertaken in 2017 will be documented in the appendices to this Report. With the exception of Appendices A and D, the remaining appendices were still being finalised at the time of publication. A final, updated version of the Report on Site Selection will be published once the detailed write-up has been completed.”

- 2.7. Missing appendices to the Report on Site Selection (2017) include Appendix B – Assessment of Residential Sites and Appendix C, Settlement Proformas, which is expected to contain the Settlement Visions amongst other information.
- 2.8. As such, not only does the SA/SEA fail to explain the reasons for the rejection of sites, but the entirely separate document – the Report on Site Selection (2017) – it references in discussions in respect of the approach taken also fails to explain the reasons for the rejection of SR-0121.
- 2.9. Without Appendix B, we consider this represent a substantial flaw in the Local Plan as currently proposed to be submitted, and one which potentially means that the Local Plan currently fails to comply with the Environmental Assessment of Plans and Programmes Regulations (2004) in its rejection of site SR-0121.
- 2.10. As established through *Cogent Land LLP v Rochford District Council* [2012], defects in the SA/SEA can be cured – it is still possible for a sound and legally compliant Local Plan to be produced. We would urge the Council to revisit its approach to the consideration of site SR-0121 to ensure that such defects are cured.

3. Policy SP2 – total number of new homes proposed

- 3.1 Policy SP2 proposes a total of 11,400 dwellings be provided in the District between 2011 and 2033.
- 3.2 The figure calculated as being Epping Forest District’s objectively assessed housing need has fluctuated in recent years. The West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA, 2015) identified a need for the housing market area (East Herts, Epping Forest, Harlow and Uttlesford) of 46,100 dwellings between 2011 and 2033, of which 11,400 are for Epping District specifically (equating to 514 dwellings per year). 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 objectively assessed housing need for Epping Forest District is 13,278 dwellings in Epping Forest (equating to 604 dwellings per year). Subsequently, a further update was produced in 2017. As reported within the LPSV itself (paragraph 2.43), this latest update identified a housing need of 51,700 new homes over the period 2011-2033 for the housing market area; of which 12,573 are need in Epping Forest.

- 3.3 The justification for proposing to fail to meet objectively assessed housing needs in full appears to be that the lower figure of 11,400 dwellings for Epping Forest was set out in a Memorandum of Understanding (MoU), agreed by the authorities within the housing market area.
- 3.4 The MoU was agreed in March 2017 and predates the latest assessment of housing need (July 2017).
- 3.5 The MoU proposes a total of 51,100 homes be provided across the housing market area as a whole for 2011-2033. However, the latest July 2017 assessment of need suggests the total need for this area is 51,700 homes. As such, it is not the case that an element of Epping Forest's proposed unmet need will be met elsewhere within the housing market area, and the total housing need met for the housing market area.
- 3.6 The Local Plan as currently proposed does not meet development needs in full, nor is the unmet need met elsewhere within the housing market area. It is therefore contrary to national policy and cannot be considered positively prepared as per the definition at paragraph 182 of the NPPF. As such, the Local Plan in its current form is unsound.
- 3.7 There is a potential remedy to address this defect: the allocation of additional deliverable site for housing to ensure that – as minimum – development needs will be met.
- 3.8 The LPSV refers, at paragraph 2.54, to the figure of 51,100 net new homes for the housing market area as being agreed by the Co-operation for Sustainable Development Board because it was “the most sustainable choice for the HMA in light of the evidence available”.
- 3.9 The provision of 51,100 homes for the period 2011-2033 for the housing market area was considered through the Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area (SA of SSO) (September 2016).
- 3.10 Firstly, it should be noted that this pre-dates the latest assessment of housing needs.
- 3.11 Furthermore, and in any case, it is considered that the SA of SSO does not robustly support the view that the housing market area cannot accommodate more than 51,100 homes. 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).

- 3.12 From the above, in addition to the provision of the most recent assessment of objectively assessed housing need not having been appraised, it is also apparent that the view of a ceiling of the number of homes that could be provided is based on the perception of the authorities.
- 3.13 There has also been a focus on the capacity for Harlow to accommodate growth to determine overall housing number, overlooking the multiple other settlements in the housing market area.
- 3.14 Furthermore, the identified quantum appears to be based on suitable sites in and around Harlow (again overlooking other settlements) which results in a figure that could not have accounted for additional sites submitted for consideration since 2016; or sites initially identified as unsuitable but which information submitted through consultation confirmed the deliverability of.
- 3.15 In addition to concerns that the objectively assessed need is not proposed to be met through the LPSV, it is unclear if, in determining the housing figure the Local Plan will seek to provide, the Local Plan has considered the feasibility of 1) an uplift to help improve affordability of housing in the District (as per PPG 020 Reference ID: 2a-020-20140306) and para.9 of the NPPF); and / or 2) whether the total quantum of housing proposed will engender the delivery of affordable housing needs.

4. Policy SP2 – ability for Local Plan to respond to rapid change

- 4.1 As noted elsewhere within this representation, SP2 proposes to deliver fewer homes than have been identified in recent assessment work as being needed in the District.
- 4.2 In addition to requiring the Local Plan to meet objectively assessed housing needs in full, the NPPF requires (paragraph 14) the Local Plan to meet needs with sufficient flexibility to respond to rapid change.
- 4.3 One such change that the Local Plan can and should anticipate is the impending increase in the District's objectively assessed housing need.
- 4.4 The Government published proposals to reform the planning system to increase the supply of new homes and increase local authority capacity to manage growth within 'Planning for the right homes in the right places' in September 2017. This includes proposals to introduce a standard methodology for calculating housing need. The consultation document makes very clear that the Government will be introducing a standardised methodology for Local Authorities to use to calculate their housing needs. It is noted that using this standardised methodology, Epping Forest District's housing need is 923 dwellings per annum. A substantially greater number than the 514 dwellings per annum the LPSV currently proposes.
- 4.5 The Council are clearly aware of the impending increase in objectively assessed housing need, and the change this would necessitate in respect of their Local Plan. We note that in the foreword of the plan it states:

“We are on schedule to deliver the Plan to the Inspectorate before the end of March 2018 deadline...To fail to do this would expose us all to the risk of the housing requirement rising from 11,400 to over 20,000 homes by 2033.”

- 4.6 In addition, the Officer’s Report to Council on 14 December 2017 (Appendix 1) at which the LPSV was agreed suggested to Members that there were one of two options available to them: agree the LPSV; or delay the Local Plan and accept a new housing target of 923 homes per annum.
- 4.7 It is pertinent to note that Epping Forest District is predominantly Green Belt. In the event that a Local Plan were to be adopted allocating land which left a substantial unmet, development need, having regard to the NPPF (which makes clear that for the purposes of applying the presumption in favour of sustainable development, development of the Green Belt is a specific policy which indicates development should be restricted (paragraph 14); and that Green Belt should only be altered through a Local Plan (paragraph 83)) there is little realistic prospect that the unmet need could be met through reliance on the presumption in favour of sustainable development. Even if it such an approach could potentially meet the unmet demand, it would clearly not be effective or consistent with national policy.
- 4.8 Paragraph 85 of the NPPF sets out the criteria Local Planning Authorities should meet when defining Green Belt boundaries. One criterion is that Local Planning Authorities should satisfy themselves that the Green Belt boundary will need to be altered at the end of the Plan. In the case of the LPSV, it is clear that the Green Belt boundary will required to be altered significantly before 2033 and the end of the plan period. Furthermore, the Council are clearly aware that this is the case.
- 4.9 Having regard to the above, the LPSV in its current form is not sound. However, this defect could be addressed through the allocation of additional land for housing to account for the – likely – event of a significant increase in housing need. One possible solution, which could account for circumstances in which housing need were not to exceed what the current LPSV proposes to provide, would be to safeguard additional sites such that they remained part of the Green Belt unless shown to be required to meet need.

5. **Policy SP2 – accompanying housing trajectory**

- 5.1 The housing trajectory which the LPSV and policy SP2 is projected to deliver is set out within Appendix 5 of the LPSV.
- 5.2 There are two potential approaches to address shortfall in housing land supply. The first, the ‘Liverpool approach’ is where the shortfall is spread across the remaining 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.
- 5.3 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).

- 5.4 The Sedgefield approach is also clearly more closely aligned with the requirements of the NPPF and the need to boost significantly the supply of housing and address under delivery.
- 5.5 Nevertheless, housing trajectory in Appendix 5 confirms that the LPSV proposes to adopt the Liverpool method to addressing backlog, i.e. by seeking to make up existing shortfall over the entirety of the plan period.
- 5.6 It is considered that such an approach is contrary to national policy; and justification for adoption of this method has not been justified.
- 5.7 Furthermore, we are concerned that the trajectory is somewhat optimistic and that the five-year requirement will not be delivered.
- 5.8 The trajectory in Appendix 5 shows delivery of Local Plan allocation sites from 2018/19. The Local Plan is not scheduled to be adopted until after this year, in May 2019.
- 5.9 Even for sites that are projected to be delivered in the years after 2018/19, the majority of these are large sites which are likely to seek to acquire outline planning permission. Prior to commencement of development it would still be necessary for the prospective developer to secure approval of reserved matters, discharge conditions, meet S106 obligations, and agree S278 requirements. Of course, commencement of development does not immediately result in completions, and time should be factored in for this also.
- 5.10 Having regard to the above, there are significant concerns that the LPSV in its current form fails to address housing need in the short-term. A potential solution to this is the allocation of additional, smaller sites which can be delivered relatively quickly.

6. Policy P 12 – Approach to Lower Sheering

- 6.1 Lower Sheering is an established community with a population of 2,014 (Census, 2011) which not only benefits from services, facilities and employment opportunities itself, but also accessibility to the range of service and facilities available in the adjacent town of Sawbridgeworth.
- 6.2 The Local Plans is required to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence (NPPF paragraph 182).

- 6.3 However, there is no justification as to why growth of Lower Sheering is proposed to be restricted to 14 dwellings. This becomes a particular matter of concern when viewed in the context of the LPSV failing to meet objective assessed housing needs in full.
- 6.4 The previous iteration of the Local Plan – the DLP (2016) – proposed to direct 30 dwellings over the plan period to Lower Sheering. In our consultation response to the DLP (2016) we set out how such a low level of growth was not considered appropriate for the settlement.
- 6.5 The LPSV now proposes to direct fewer dwellings to Lower Sheering – a mere 14 dwellings for the settlement for the entirety of the plan period. The trajectory in Appendix 5 of the LPSV suggests all 14 dwellings will be delivered 2020/21, and none in any other years.
- 6.6 The Report on Site Selection (2017) explains (paragraph 2.81) that stage 4 of the site selection process includes examining sufficient sites to enable sufficient sites to be put forward to meet local needs in Lower Sheering. There is then reference to this within the SA/SEA (paragraph 6.33) in the context of discussing the methodology. However, there is no indication as to whether, or how, 14 dwellings over the entirety of the plan period will be sufficient to meet the needs of Lower Sheering. Furthermore, it is unclear how or whether this is a sufficient number to help sustain the viability of the settlement – an issue of paramount importance in ensuring a sustainable plan. The SA/SEA of the LPSV does not address the reduction from 30 to 14 dwellings between iterations of the Local Plan, and the impacts of this on sustainability objectives. Nor does it justify such a low figure of either 14 or 30 dwellings for Lower Sheering.
- 6.7 In addition to the above concerns, in directing such a low number of homes to Lower Sheering we are concerned that the LPSV has failed to properly consider the characteristics of Lower Sheering.
- 6.8 The LPSV classifies Lower Sheering as a “small village” (Table 5.1).
- 6.9 It should be 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 its 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.
- 6.10 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 (eg 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).

- 6.11 In respect of the above, Lower Sheering's relationship with the adjoining town of Sawbridgeworth merits consideration as it impacts on its sustainability as an area of growth, and the level of housing that should be directed to this settlement should reflect this.
- 6.12 In particular, it should be recognised that the northern part is immediately adjacent to Sawbridgeworth Railway Station. It is pertinent to note that there is only one national railway station within the District itself (at Roydon) – development at Lower Sheering in proximity to Sawbridgeworth Railway Station represents a rare opportunity to provide housing in a location from which a railway station is so accessible.
- 6.13 In addition to the railway station, Sawbridgeworth is a town with a range of facilities, services and employment opportunities – the accessibility of which from Lower Sheering should be accounted for within housing distribution strategies.
- 6.14 We raised the above issues in our consultation response to the DLP, but there is no evidence they have been given any consideration.

7. Policy P 12 – Rejection of site SR-0121 and its justification

- 7.1 In order to be sound, the Local Plan is required to *inter alia* be justified. The NPPF confirms at paragraph 182 that this means the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. Furthermore, it states at paragraph 162 that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process (paragraph 165).
- 7.2 As such, it is clear that the decision to reject allocation of site SR-0121 is required to be justified, and should be informed by the findings of the SA/SEA that accompanies the LPSV.
- 7.3 As set out elsewhere within our representations, we have concerns that the SA/SEA which accompanies the LPSV does not, in its current form, meet the requirements of the Environmental Assessment of Plans and Programmes Regulations (2004).
- 7.4 There is nothing within the SA/SEA which purports to justify the rejection of site SR-0121. Furthermore, no evidence is published alongside the LPSV that suggests the site's rejection is justified.
- 7.5 The absence of Appendix B of the Report on Site Selection (2017) during the consultation is of course a fundamental concern, but especially so in the case of SR-0121 given that there were a number of errors in how the site was appraised through the site assessment process which underpinned the DLP (2016).
- 7.6 We reserve the right to make further representations on the Report on Site Selection (2017) once it has been completed, particularly in respect of Appendix B - Assessment of Residential Sites as – presumably – this will seek to explain the justification for the rejection of the site.

- 7.7 As noted elsewhere within our representations (and in our consultation response to the DLP (2016)), it is important that the Local Plan recognises the strong relationship between Lower Sheering and the adjoining town of Sawbridgeworth.
- 7.8 At paragraph 5.155 of the LPSV it states that Lower Sheering will be subject to limited expansion, with development directed to “lower performing Green Belt land in the most sustainable location immediately adjacent to the settlement”.
- 7.9 This approach is supported, and it is noted that it has led to the proposed allocation LSHR.R1 (site SR-0032) – a site which is immediately adjacent to SR-0121. Site SR-0121 is considered to meet the definition of lower performing Green Belt land in the most sustainable location immediately adjacent to the settlement.
- 7.10 Site SR-0121 was included within parcel of land 002.1 for the purposes of the Epping Forest District Green Belt Assessment: Stage 2. It should be noted that site SR-0121 is on the western extremity of this parcel that was assessed, on land adjoining the existing residential area. It is also within the same parcel of land as SR-0032, which the LPSV proposes to allocate, i.e. it is within an area where the Council’s evidence base suggest that can be alterations to the Green Belt boundary.
- 7.11 As per our representations to the DLP (2016), the current Green Belt boundary to the north-east of Sheering is considered somewhat anomalous. The NPPF is clear that in defining Green Belt boundaries, Local Planning Authorities should define boundaries clearly, using physical features that are readily recognisable and likely to be permanent (paragraph 85). Within the north-east corner of the village, the physical features of Station Road and Sheering Lower Road represent a potential Green Belt boundary that would be logical, robust and of significant permanence. However, the Green Belt boundary has been drawn such that a small proportion of land within the area enclosed by Station Road and Sheering Lower Road is allocated as Green Belt.
- 7.12 Alterations to the Green Belt boundary to the north-east of Lower Sheering have the potential to correct this current anomaly, and provide a new robust and defensible Green Belt boundary. In addition, allocation of land for housing here would enable the delivery of housing within a very sustainable location for growth for Lower Sheering, extremely well-related to Sawbridgeworth Railway Station (approximately 100 metres to the west) and to the Maltings employment site.
- 7.13 Notwithstanding the above, it is noted that the DLP does not propose the Green Belt boundary be amended to include land identified as SR-0121.
- 7.14 The only evidence available during the consultation period is the site assessment work which was produced in 2016. As noted above, there were a number categorical errors in how this appraised SR-0121. The Council were alerted to these in our response to consultation on the

DLP (2016). However, there is no evidence they have been addressed. The LPSV does not appear to have been updated to reflect the identified flaws.

- 7.15 We have set out again our observation and concerns in respect of the 2016 site assessment and site SR-0121.
- 7.16 As part of the 2016 site assessment process, site SR-0121 was found to be subject to no major policy constraints through stage 1 of the site assessment process, and was progressed to stage 2.
- 7.17 Stage 2 entailed qualitative and quantitative assessment of sites, examining their suitability in detail against 33 assessment criteria, grouped into six different categories. Against each of these criteria, sites are scored from ++ (most positive) to -- (most negative). The 2016 site assessment methodology confirms that sites with the most positive scores and fewest negative scores are likely to be the most suitable for development.
- 7.18 Site SR-0121 performed well at this stage of the 2016 assessment process. Of particular relevance is how the site SR-0121 was assessed relative to site SR-0032 (land immediately to the south-east of SR-0121 which the LPSV propose be allocated for residential development).
- 7.19 Against the 30 of the 33 stage 2 assessment criteria, scores for sites SR-0121 and SR-0032 were identical.
- 7.20 Site SR-0121 scored more positively than SR-0032 against two of the criteria (topography constraints and contamination constraints). There was only one criterion against which site SR-0121 scored less positively than SR-0032 – impact on heritage assets. In relation to criterion 1.8a (impact on heritage assets), the stage 2 site assessment identifies a negative impact, stating:
- “Proposed site located within a Conservation Area or adjacent to a Listed Building or other heritage asset and effects can be mitigated.”
- 7.21 The stage 2 assessment suggested that site SR-0121 is at least as suitable for residential development as SR-0032, and potentially more suitable.
- 7.22 It is important to note that the 2016 assessment acknowledged that impact on heritage assets can be mitigated.
- 7.23 Site SR-0121 is located within Lower Sheering Conservation Area, on the north-east edge of the Conservation Area boundary. The Lower Sheering Conservation Area adjoins another Conservation Area across the District border in East Herts District, along Station Road and the River Stort. The two Conservation Areas together comprise an extensive group of mid-late 19th century Maltings which lie either side of the London-Cambridge railway line. It should be noted that the Maltings east of the railway line were granted permission to convert to

residential use in 1986, and a further residential development was granted consent to the south of this site in 2009 (reference EPF/0976/09).

- 7.24 In addition, the site immediately adjacent to the site (the Railway Hotel) was granted consent for residential development (including through conversion of the existing public house, and erection of two additional buildings) in September 2015 (reference EPF/0864/15).
- 7.25 Residential use forms part of the character of the area, and is clearly considered an appropriate form of development within the locality. There are no designated heritage assets within the site, and the fact that it is within the Conservation Area does not preclude its allocation for development. Its development will be required to be designed such that it does not have a detrimental impact on the character of appearance of the Conservation Area, which is considered to be highly feasible for this site. The site assessment should be updated to reflect this.
- 7.26 Site SR-0121's potential development is assessed as having a double-negative impact in relation to criterion 2.1 – harm to the Green Belt. As set out earlier within this representation, the site is not considered to make a contribution to the purposes of including land in the Green Belt, and its loss could not be said to have a negative impact on the strategic functions of the Green Belt. In fact, allocation of the site could enable the provision of a more robust Green Belt boundary, following the Station Road and Sheering Lower Road. The site assessment in relation to SR-0121 and this criterion should be updated to reflect this.
- 7.27 In respect of criterion 3.4 – distance to local amenities, the stage 2 2016 site assessment stated that site SR-0121 is between 1000 and 4000 metres from town, large village, or small village. However, the site is adjacent to Lower Sheering and to Sawbridgeworth; and is less than 800 metres from the main focus of retail uses and services on Bell Street, Sawbridgeworth. It is therefore within potential walking distances of a wide range of local amenities, and the site assessment should reflect this.
- 7.28 The stage 2 2016 site assessment stated, in respect of criterion 3.2 – distance to nearest bus stop – that site SR-0121 is more than 1000 metres from the nearest surgery. However, there are bus stops less than 100m from the site, situated to the east of Sawbridgeworth Railway Station.
- 7.29 The 2016 site assessment stated that SR-0121 is between 1000m and 4000m from the nearest primary school / infant school (criterion 3.5). The site is, however, less than 1000m from Reedings Junior School and Fawbert & Barnard Infants School, both located to the west of the site in Sawbridgeworth.
- 7.30 The 2016 site assessment stated site SR-0121 is more than 4000m from the nearest secondary school (criterion 3.6). However, Leventhorpe Academy (secondary school with sixth form) in Sawbridgeworth is only approximately 1km away.

- 7.31 The 2016 assessment also stated (criterion 3.7) that the distance between site SR-0121 and the nearest GP surgery is more than 4000 metres. However, the nearest GP surgery is in fact Central Surgery in Sawbridgeworth, less than 1km to the west of the site. As at 28 November 2016, the NHS website reports that this surgery is accepting new patients.
- 7.32 The 2016 site assessment scored site SR-0121 as a single positive in respect of proximity to nearest rail / tube station (criterion 3.1), on the grounds that the site is less than 1000m from the nearest railway station. Whilst it is factually correct to state that site SR-0121 is less than 1000m from a station, it should be recognised that it is approximately 100m from Sawbridgeworth Railway Station – well within walking distance and materially more accessible than a site that was, for example, 999m from a station. We feel the site assessment should reflect this, and suggest that site SR-0121 is scored as double-positive in relation to this criterion.
- 7.33 The 2016 site assessment scored site SR-0121 as a double-negative in relation to impact on agricultural land. Firstly, Natural England’s Agricultural Land Classification map for the Eastern Region suggest land here is Grade 2 ‘Very Good’ and Grade 3 ‘Good to Moderate’. No land within the vicinity of the site is indication as Grade 1 ‘Excellent’. It is unclear why the site has scored a double-negative against this criteria. Secondly, the site is a relatively small parcel of land currently enclosed by existing development / highways. It is not used as agricultural land, it is considered that it would be in no way viable for the site to be put to such use. The site assessment should be updated to reflect the lack of potential for site SR-0121 to be used for agriculture.
- 7.34 Whilst it is clear from the above that the stage 2 assessment should have assessed site SR-0121 as being far more positive for residential development than it currently does, the site was nevertheless progressed through to stage 3; and then on to stage 4 of the site assessment process.
- 7.35 At stage 4 of the site assessment process the site is rejected. The site assessment process initially estimated the site could accommodate 14 dwellings. The indicative site capacity assessment as stage 4, however, reduces the capacity to 2 dwellings. The site is subsequently rejected for allocation as part of the Local Plan process on the following grounds:
- “Although this site is identified as available for development during the Plan period, the indicative capacity assessment suggests that it would not support the minimum 6 units necessary for allocation. It should not be allocated.”
- 7.36 As we set out in our representations on the 2016 DLP, the above was the sole reason given for rejecting the site, and there are therefore two issues which require consideration: is the assessment’s assertion that the site’s net potential capacity should be reduced to 2 dwellings justified; is the rejection of the site because it will not deliver a minimum of 6 dwellings sound?

- 7.37 Taking the issue of the site's capacity: the stage 4 site capacity assessment suggest that none of the site is subject to major policy constraints that would impact on its potential yield, but notes the site is subject to what is described as an on-site non-major policy constraint, namely BAP Habitat. The site assessment states that 0.46 ha of the 0.51 ha of the site is subject to the BAP habitat designation, leaving 0.05 ha identified as unconstrained, and resulting a capacity of 2 dwellings being identified.
- 7.38 The UK BAP Habitat in question is Wet Woodland. DEFRA mapping indicates that site SR-0121 is at the southern end of a larger area designated as BAP Habitat. Station Road separates site SR-0121 from this larger area to the north, leaving SR-0121 as a small and isolated component of the BAP Habitat.
- 7.39 The 2016 site assessment's view was not been informed by a site-specific ecological assessment. A Preliminary Ecological Appraisal (August 2016) was undertaken and submitted as part of the consultation on the DLP (2016). A copy is provided again as Appendix 3. This concluded that approximately 10% (500 m²) of the site meets the criteria for UK BAP Habitat. It also made recommendations that would enhance the value of the site for wildlife, helping to achieve Essex and Hertfordshire BAP targets – rather than having a negative impact on biodiversity, development of the site has the potential to engender benefits.
- 7.40 Applying the stage 4 site assessment methodology, and taking into account for the fact only 10% of the site meets the criteria for UK BAP Habitat, we noted in our representations to the DLP (2016) that the 2016 site assessment should have concluded SR-0121 has a capacity of 21 dwellings.
- 7.41 However, and again as we raised in our DLP (2016) representations, it is recognised that the site assessment has taken a high-level view, based on an estimated appropriate density of 45 dwellings per hectare and considering the site area without regard to specific site characteristics. Once such factors are accounted for, it is felt that a more appropriate estimated dwelling yield for the site would be between 6-10 units. An indicative layout was provided as an appendix to our representation on the DLP (2016) and is provided again as Appendix 4 to this representation. The layout demonstrates 7 number dwellings can be accommodated on the site, without compromising the 10% of the site that is identified as meeting the BAP Habitat criteria and maintaining significant portion of woodland (the indicative layout leaves approximately 33% of the site is undeveloped).
- 7.42 For the reasons set out above, the view that the site can only accommodate 2 dwellings was not justified and there is no evidence that the 2016 assessment has been updated to reflect this. However, even if only 2 dwellings could be delivered on the site, this would not justify the site's exclusion from allocation for development through the Local Plan.
- 7.43 Clearly, small sites are capable of making a contribution, cumulatively, to meeting housing need in the District. Such sites are also often those that can be delivered relatively quickly as they are not required to be accompanied by major infrastructure improvements. As such, they have the potential to help meet housing need in the short-term as required by the NPPF.

The arbitrary exclusion of site SR-0121 from allocation on the basis that it is not considered to have a capacity of 6 or more dwellings, this would render the Local Plan unsound – as an alternative would have been discounted without justification.

- 7.44 As set out in our DLP (2016) representations, and as continues to be the case, the exclusion of the site from consideration for residential development on the basis of its potential yield is particularly disconcerting given that the site is within the Green Belt. The NPPF is clear that alterations to Green Belt boundaries should be made through the Local Plan process, and that residential development within the Green Belt is inappropriate. Consequently, the only feasible way in which a current Green Belt site could be brought forward for development, if suitable, would be through a review of the Green Belt as part of a Local Plan.
- 7.45 The arbitrary exclusion of site SR-0121 not only raises concerns in respect of the soundness of the Local Plan, but also concerns in respect of legal compliance – the premature rejection of sites from the process without robust justification is not considered compatible with Environmental Assessment of Plans and Programmes Regulations (2004) requirement that all reasonable alternatives to be assessed to the same level of detail as the preferred approach. Again, this was an issue raised in response to consultation on the DLP (2016). Again, there is no evidence of this issue being considered and the issues remedied; or whether the Council disagreed any action was required.
- 7.46 In summary, the site assessment process identifies site SR-0121 as suitable for residential development, albeit for only 2 dwellings. (Indeed, there were a number of errors in respect of how this site was assessed which, once corrected, should demonstrate that the site is even more suitable than found by the site assessment process). The site assessment reports that the sole reason for the rejection of site SR-0121 is that it has a capacity of 2 dwellings. This is not robust justification for the rejection of the site for allocation for residential development. In any case, it is considered that more than 2 dwellings can be delivered on the site – a plan has been produced showing how 7 dwellings can be suitably accommodated.
- 7.47 Accordingly, if the Local Plan is to be sound and legally compliant it must be amended to include allocation of site SR-0121 for residential development.