

Representation form for Submission Version of the Epping Forest District Local Plan 2011-2033 (Regulation 19 publication)

This form should be used to make representations on the Submission Version of the Epping Forest District Local Plan which has been published. Please complete and return by 29 January 2018 at 5pm. An electronic version of the form is available at <http://www.efdclocalplan.org/>

Please refer to the guidance notes available before completing this form.

Please return any representations to: Planning Policy, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ

Or email them to: LDFconsult@eppingforestdc.gov.uk

BY 5pm on 29 January 2018

This form has two parts –

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Please attach any documents you wish to submit with your representation

Part A

1. Are you making this representation as? (Please tick as appropriate)

- a) Resident or Member of the General Public or
- b) Statutory Consultee, Local Authority of Town and Parish Council or
- c) Landowner or
- d) Agent

Other Organisation (please specify)

2. Personal Details**3. Agents Details (if applicable)**

Title

Mr

Mrs

First Name

Graeme

Clare

Last Name

Watt

Hutchinson

Job Title
(where relevant)Organisation
(where relevant)

Sworders

Address Line 1

C/O Sworders

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Line 2

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Line 3

Ware

Line 4

Herts

Post Code

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Telephone
Number

01279 771188

E-mail Address

clare.hutchinson@sworders.com

Part B – If necessary please complete a separate Part B form for each representation

**4. To which part of the Submission Version of the Local Plan does this representation relate?
(Please specify where appropriate)**

Paragraph Policy Policies Map

Site Reference Settlement

**5. Do you consider this part of the Submission Version of the Local Plan:
*Please refer to the Guidance notes for an explanation of terms**

a) Is Legally compliant Yes No

b) Sound Yes No

If no, then which of the soundness test(s) does it fail*

Positively prepared

Effective

Justified

Consistent with national policy

c) Complies with the Duty to co-operate Yes No

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

Introduction

This representation is made on behalf of Mr Graeme Watt, landowner of the majority of omission site SR-0313 (numbering based on the 2016 Site Selection Report), being land to the east of Lower Sheering.

These representations comprise our full case based on the evidence currently available. However, the appendices to the 2017 Site Selection Report have not been made available for this consultation. We therefore request to reserve our right to make further submissions once these have been published.

We have the following soundness concerns with policy SP2:

- The policy should state it will meet the full OAN for the district.
- The policy fails to provide for a five year supply of deliverable sites as required by paragraph 47 of the NPPF
- The policy fails to have regard to the requirement in paragraphs 83 and 85 of the NPPF to ensure green belt boundaries are capable of enduring beyond the plan period and will not require alteration at the end of the development plan period.
- The policy fails to meet the requirement at paragraph 14 of the NPPF to have sufficient flexibility to adapt to rapid change
- The allocated sites comprised in policy SP2 may be subject to assumptions which are undeliverable, which may further exacerbate the housing shortfall situation and further jeopardise the ability of the Plan to adapt to rapid change.

Full Objectively Assessed Housing Need

The policy should state at section A that it will provide for a minimum of 12,573 dwellings in line with the full OAN as outlined in paragraph 2.42 of the submission Plan as required by paragraph 14 of the NPPF. The submission Plan is proposing to meet the full OAN and as such policy SP2 should state this figure as the housing requirement.

Ensuring a Five Year Supply of Deliverable Sites

We have a number of concerns with regard to the submission Plan's five year housing land supply position:-

- The annual requirement should take the full OAN of 12,573 (572 pa) as its starting point
- The calculation should allow for a 20% buffer
- The shortfall arising in the pre-plan period (2011/12 – 2016/2017) should be addressed in the first five years of the Plan period.
- The sites included within the five year supply include sites which are not likely to be deliverable within 5 years, this should be rectified.

Paragraph 2.42 of the submission Plan confirms that the full OAN for Epping Forest amounts to 12,573 dwellings over the Plan period, equating to 572 per annum. This is based on the most up to date evidence, namely the 'West Essex and East Hertfordshire Strategic Housing Market Assessment,

Establishing the Full Objectively Assessed Need' (ORS July 2017). It is therefore this figure, not the 11,400 dwellings derived from the MOU between the HMA authorities, which should be stated in part A of policy SP2 and it is this figure that should be the starting point for calculating the five year supply of housing.

NPPF Paragraph 47, bullet point 2 requires that Local Authorities must show a five year supply of deliverable housing land, with a buffer of 5%. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

The housing trajectory at appendix 5 of the submission Plan sets out that delivery has been less than the full OAN since 2011. This constitutes 'persistent under-delivery' - a 20% buffer should be applied. The Housing Implementation Strategy (HIS) suggests that a 20% buffer is inappropriate because in the absence of an up-to-date Plan green belt has prevented delivery during that period, plus economic circumstances have conspired to prevent delivery. The HIS fails to acknowledge that the more expedient delivery of a new Local Plan, a matter under the full control of the Council, would have remedied this situation sooner. It is not tenable to argue in a district as economically buoyant as Epping Forest that delivery has been prevented by economic circumstances. The Council's record on housing delivery is poor and it is appropriate to apply a buffer of 20%.

The shortfall arising in the pre-Plan period against the full OAN amounts to 2099 dwellings. This shortfall is substantial. The submission Plan proposes to meet this shortfall using a Liverpool approach. The HIS cites NPPG 3-035-20140306, which states that the shortfall should be met in the first five years of the plan 'if possible'. The HIS provides (paragraph 2.11) three reasons why this is not considered appropriate, and we comment on these in turn:-

1. *Allocating more sites which are deliverable in the first five years would be at the expense of larger strategic site allocations. This would lead to unsustainable patterns of development.* For the reasons set out in more detail below, we do not consider that sufficient sites have been allocated to either allow the Plan to be sufficiently flexible to respond to rapid change as required by NPPF paragraph 14, or to ensure green belt boundaries are capable of enduring beyond the plan period as required by paragraphs 83 and 85. Additional allocations of deliverable sites would ensure the Plan addresses these issues as well as addressing the 5 year supply of sites. As such additional allocations would not be 'at the expense' of larger allocations. There are additional deliverable sites which could be allocated which will not

result in unsustainable patterns of development. One such site is SR-0131. Further details regarding this site are set out in our response to policy P12.

2. *Impacts on local infrastructure would be excessive and the housing market could not deliver higher growth rates.* No evidence is presented which sets out particular infrastructure constraints that prevent further deliverable sites being allocated. Epping Forest has a buoyant housing market. No evidence is presented which indicates market saturation at a district level would constrain the delivery of additional sites.
3. *Neighbouring authorities are not in a position to contribute to the undersupply of housing in the early years of the Plan under the Duty to Cooperate.* We consider, for the reasons set out above, that further deliverable sites can be allocated in the District and that it is not necessary to ask neighbouring authorities to contribute.

Using the full OAN as the housing requirement, adopting a 20% buffer and spreading the shortfall over the first 5 years of the Plan, shows that the submission Plan provides for only 2.93 years housing supply, significantly short of the 5 years required. This shortfall amounts to 2,462 dwellings.

Moreover, it is notable that using the full OAN as the housing requirement, adopting a 20% buffer and using the LPA's preferred approach of spreading the shortfall over the remaining 16 years of the Plan period still only provides 4.13 years supply, some 730 dwelling short of a five year supply.

The above analysis is predicated on the assumption that the LPA's trajectory at appendix 5 of the submission Plan is deliverable. We do not consider that this is the case. In particular, we are concerned that the trajectory is over-optimistic in regard to those sites which are subject to Strategic Masterplan requirements. We note at paragraphs 2.89 – 2.97 of the submission Plan that the Council will be the body that oversees the production of these Masterplans, and that they will be formally endorsed by the Council. Moreover, for those masterplan areas adjoining Harlow these masterplans will need to be endorsed by Harlow Council in addition. Further, widespread engagement with the community is expected in at least two stages. Design codes are also required, which will also need to be endorsed by the Council. A Quality Review Panel is proposed which will also input into the production of strategic masterplans and documents.

In light of these requirements, we do not consider any site which is subject to a Strategic Master planning requirement is likely to be delivered in the first five years of the Plan period, further exacerbating the shortfall in 5 year housing land supply.

Enduring Green Belt Boundaries

Paragraph 83 of the NPPF requires that at the time Green Belt boundaries are reviewed regard should be had to their permanence in the long term, so that they should be capable of enduring beyond the plan period. Paragraph 85 bullet 5 requires that when defining boundaries, Local Authorities should be satisfied that Green Belt boundaries will not need to be altered at the end of the development plan period.

The full OAN for the district amounts to 12,573 dwellings. Housing supply of 13,152 dwellings is identified, i.e. an additional 579 dwellings are allocated over OAN. Paragraphs 2.77 and 2.78 of the submission Plan outline that this contingency allows for flexibility and acknowledges that recent household projections demonstrate an upward trend in housing need. The submission Plan does not state that the proposed contingency relates to the requirements of paragraphs 83 and 85 of the NPPF.

Paragraph 3.97 of the 2016 regulation 18 draft Plan acknowledged that it would be necessary to, *"...identify land to be safeguarded to meet future development needs"* and outlined that the extent of safeguarded land as required under NPPF paragraph 85 was, at that time, still being considered.

As such, despite this acknowledgement in the 2016 draft Plan that safeguarded land would be required to satisfy the requirements of the NPPF, the final submission Plan fails to provide this safeguarded land. This is contrary to the requirements of National Policy.

Flexibility

Paragraph 14 of the NPPF requires that Local Plans should, *"...meet objectively assessed needs, with sufficient flexibility to adapt to rapid change."*

The submission plan outlines that the proposed oversupply of housing amounting to 579 dwellings, or approximately one years' supply, is sufficient contingency (paragraph 2.77). The Plan is reliant on three large cross boundary development sites to deliver a significant proportion of the district's housing need. These sites are forecast to deliver housing up to the end of the Local Plan period and as such any difficulties or delays to these developments will inevitably expose the LPA to a shortfall in housing supply during the Plan period.

We consider a greater contingency should be allocated in order to ensure the Plan is sufficiently flexible.

Allocated Site Capacity Assumptions

In our regulation 18 stage representations we raised a number of concerns with regard to the assumptions regarding the assumed capacities of allocated sites. This included concerns about over-optimistic densities, the failure of site capacities to reflect the need to provide on-site infrastructure and an unsound approach to the provision of car parking. This led to unrealistic assumptions about the capacity of allocated sites to deliver development which could jeopardise the ability of the submission Plan to meet the full OAN and thus constitute an unsound approach.

In particular, we noted that settlement edge sites at Epping and Chipping Ongar were subject to density assumptions that appeared unrealistic given their local context. These concerns arose from a detailed consideration of the appendices to the 2016 Site Selection Report. We note that following the regulation 18 consultation, the Site Selection Report has been updated. Whilst the 2017 report is available, at the time of writing the appendices are not. As such, it is not possible to ascertain whether the issues raised at the regulation 18 stage have been addressed – the submission Plan does not provide site areas for the proposed allocations. As a consequence we reserve our right to make further detailed submission when the appendices of the 2017 Site Selection report become available.

(continue on a separate sheet if necessary)

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

- Change the wording of part A of the policy to read:- *“Within the period 2011 – 2033 the Local Plan will provide for a minimum of ~~11,400~~ 12,573 new homes allocated in accordance with the following sequential approach...”* In order for the Plan to be consistent with national policy (paragraph 14 NPPF), and be positively prepared.
- Allocate additional deliverable sites within the table at part B to account for the need to:
 - provide a five year supply of housing against OAN
 - provide enduring green belt boundaries
 - ensure the Plan has sufficient flexibility to respond to rapid change

- adopt more realistic delivery assumptions for those sites subject to strategic master plans and as a result remove these sites from the housing trajectory for years 1 - 5
- Amend downwards site capacities on allocated sites to reflect deliverable densities (subject to the publication of the appendices to the 2017 Site Selection Report).

These additional allocations should include a further dwellings at Lower Sheering to reflect the allocation of site SR-0131 for housing. This change is required in order for the Plan to be consistent with national policy (NPPF paragraphs 14, 47, 83 & 85) and effective.

(continue on a separate sheet if necessary)

8. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the hearings

Yes, I wish to participate at the hearings

9. If you wish to participate at the hearings, please outline why you consider this to be necessary:

This representation raises issues which would be most appropriately discussed at the oral hearing and cannot be dealt with satisfactorily through written representations alone.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination (Please tick)

Yes

No

11. Have you attached any documents with this representation?

Yes

No

Signature:



Date:

26 January 2018