

Epping Forest District Local Plan

Submission Version 2017



January 2018

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1 INTRODUCTION

1.1 Introduction

- 1.1.1 Gladman Developments Ltd (from hereon referred to as Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This submission provides Gladman's representations on the Epping Forest District Local Plan Submission Version.
- 1.1.2 Gladman welcome the opportunity to comment on the Local Plan and on the basis of these submissions request to participate at the Examination in Public in due course.
- 1.1.3 Gladman have been involved in a significant number of Local Plans across the country, both through the plan preparation stages (through written representations) and through participation at the EIP stage. Through this experience, Gladman have become acutely aware of the need for Local Plans to meet the tests of soundness and be based on robust evidence.

1.2 Local Plan Context

- 1.2.1 The Epping Forest District Local Plan sets out the Council's strategy for meeting the District's needs from 2011-2033. This Local Plan will replace all of the surviving policies of the Local Plan 1998 and the 2006 Local Plan Alterations.

1.3 Previous Submissions

- 1.3.1 Gladman previously submitted representations in response to the draft version of the Local Plan. This current submission builds on these and highlights key areas which we do not consider to be sound.

1.4 National Policy

- 1.4.1 The National Planning Policy Framework (the Framework) at paragraph 182 sets out four tests of soundness which must be met for Local Plans to be considered sound. These tests are as follows:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks 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;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2 NATIONAL POLICY

2.1 National Planning Policy Framework and Planning Practice Guidance

2.1.1 The NPPF has been with us now for over five years and the development industry has experience with its application and the fundamental changes it has brought about in relation to the way the planning system functions. The NPPF sets out the Government's goal to 'significantly boost the supply of housing' and how this should be reflected through the preparation of Local Plans. In this regard, it sets out specific guidance that local planning authorities must take into account when identifying and meeting their objectively assessed housing needs:

"To boost significantly the supply of housing, local planning authorities should:

- **Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.**
- **Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements..."**
- **Identify a supply of specific, developable sites or broad locations for growth, for years 6-10, and where possible for years 11-15" (Paragraph 47)".**

2.1.2 The starting point of identifying objectively assessed housing needs is set out in paragraph 159 of the NPPF, which requires local planning authorities to prepare a Strategic Housing Market Assessment (SHMA), working with neighbouring authorities where housing market areas cross administrative boundaries. It is clear from the NPPF that the objective assessment of housing needs should take full account of up-to-date and relevant evidence about the economic and social characteristics and prospects of the area, with local planning authorities ensuring that their assessment of and strategies for housing and employment are integrated and take full account of relevant market and economic signals (paragraph 158).

2.1.3 Once a local authority has identified its objectively assessed needs for housing these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so (paragraph 14). Local planning authorities should seek to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Adverse impacts on any of these dimensions should be avoided. Where adverse impacts are unavoidable, mitigation or compensatory measures may be appropriate (paragraph 152).

2.1.4 As the Council will be aware, the Government published its final suite of Planning Practice Guidance (PPG) on the 6th March 2014, clarifying how specific elements of the NPPF should be interpreted

when preparing their Local Plans. The PPG on the Housing and Economic Development Needs in particular provides a clear indication of how the Government expects the NPPF to be taken into account when Councils are identifying their objectively assessed housing needs. Key points from this document include:

- a. Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need.
- b. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic underperformance, infrastructure or environmental constraints.
- c. Household projection based estimates of housing need may need adjusting to reflect factors affecting local demography and household formation rates which are not captured by past trends, for example historic suppression by under supply and worsening affordability of housing. The assessment will need to reflect the consequences of past under delivery and the extent to which household formation rates have been constrained by supply.
- d. Plan makers need to consider increasing their housing numbers where the supply of working age population is less than projected job growth, to prevent unsustainable commuting patterns and reduced local business resilience.
- e. Housing needs indicated by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings.

2.1.5 The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed, and the larger the additional supply response should be.

2.1.6 The total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help to deliver the required number of affordable homes.

2.2 The White Paper – Fixing our broken housing market

2.2.1 The Government White Paper ('Fixing our Broken Housing Market') issued in February 2017 is a very clear statement from Government on the importance of the delivery of housing to the wider economy. The Government are in no doubt that the housing market in Britain is broken, which according to the Prime Minister, is one of the greatest barriers to progress in the country today.

- 2.2.2 Average house costs are almost eight times average earnings which is an all-time record and soaring prices and rising rents caused by a shortage of the right homes in the right places has slammed the door of the housing market in the face of a whole generation.
- 2.2.3 The reason for this crisis is that the country is simply not building enough homes and has not done so for far too long. The consensus is that we need from 225,000 to 275,500 or more homes per year to keep up with population growth and start to tackle the years of undersupply.
- 2.2.4 Everyone involved in politics and the housing industry therefore has a moral duty to tackle the issue head on. The White Paper states quite unequivocally that “the housing shortage isn’t a looming crisis, a distant threat that will become a problem if we fail to act. We are already living in it.”
- 2.2.5 Tackling the housing shortage is not easy. It will inevitably require some tough decisions. But the alternative, according to the White Paper, is a divided nation, with an unbridgeable and ever-widening gap between the property haves and have-nots.
- 2.2.6 The challenge of increasing supply cannot be met by government alone. It is vital to have local leadership and commitment from a wide range of stakeholders, including local authorities, private developers, housing associations, lenders and local communities.
- 2.2.7 The starting point is building more homes. This will slow the rise in housing costs so that more ordinary working families can afford to buy a home and it will bring the costs of renting down. We need more land for homes where people want to live. All areas therefore need a plan to deal with the housing pressures they face.
- 2.2.8 Currently, over 40 percent of local planning authorities do not have a plan that meets the projected growth in households in their area. All local authorities should therefore develop an up-to-date plan with their communities that meets their housing requirements based upon an honest assessment of the need for new homes.
- 2.2.9 Local planning authorities have a responsibility to do all that they can to meet their housing requirements, even though not every area may be able to do so in full. The identified housing requirement should be accommodated in the Local Plan, unless there are policies elsewhere in the Framework that provide strong reasons for restricting development, or the adverse impacts of meeting this requirement would significantly and demonstrably outweigh the benefits. Where an authority has demonstrated that it is unable to meet all of its housing requirement, it must be able to work constructively with neighbouring authorities to ensure the remainder is met.
- 2.2.10 Plans should be reviewed regularly, and are likely to require updating in whole or in part at least every five years. An authority will also need to update their plan if their existing housing target can no longer be justified against their objectively assessed housing requirement.
- 2.2.11 Policies in Local Plans should also allow a good mix of sites to come forward for development, so that there is choice for consumers, places can grow in ways that are sustainable, and there are

opportunities for a diverse construction sector including opportunities for SME housebuilders to deliver much needed housing.

- 2.2.12 In terms of rural areas, the Government expects local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the need to provide homes for local people who currently find it hard to live where they grew up. It is clear that improving the availability and affordability of homes in rural areas is vital for sustaining rural communities, alongside action to support jobs and services. There are opportunities to go further to support a good mix of sites and meet rural housing needs, especially where scope exists to expand settlements in a way which is sustainable and helps provide homes for local people. This is especially important in those rural areas where a high demand for homes makes the cost of housing a particular challenge for local people.
- 2.2.13 Finally, the Government has made it clear through the White Paper that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people.
- 2.2.14 The White Paper is the cornerstone of future Government policy on fixing the broken housing market. It provides the direction of travel the Government is intending to take and is a clear statement of intent that this Government is serious about the provision of the right number of houses in the right places. The Epping Forest District Local Plan therefore needs to consider these policy intentions now in order to ensure that it fulfils the Government's agenda and provides the homes that its local communities need.
- 2.2.15 More recently, in October 2017, the Prime Minister reaffirmed the Government's commitment to addressing the broken housing market by bringing forward measures to boost home ownership and housing supply, stating:
- "I will dedicate my premiership to fixing this problem – to restoring hope. To renewing the British Dream for a new generation of people. And that means fixing our broken housing market."
- "For 30 or 40 years we simply haven't built enough homes. As a result, prices have risen so much that the average home now costs almost 8 times average earnings. And that's been a disaster for young people in particular."
- 2.2.16 Furthermore, in a message to housebuilders, the Prime Minister indicated that:
- "We, the government, will make sure the land is available. We'll make sure our young people have the skills you need. In return, you must do your duty to Britain and build the homes our country needs."
- 2.2.17 The Autumn Budget 2017 brought further details of the Government's commitment to building a Britain that is 'fit for the future'. A prominent feature of this is tackling the housing crisis, with

housebuilding featuring prominently amongst the Chancellor's announcements, which included further confirmation that:

"The Government is determined to fix the broken housing market, and restore the dream of home ownership for a new generation."

- 2.2.18 The affordability of housing for young people is a key challenge for the Government, and whilst it is recognised that there is no 'single magic bullet' to solve the housing crisis, the Government is actively seeking to tackle obstacles standing in the way of first-time buyers. The Government sees a 'big step up' in new house building as an important element in its strategy to address the acute affordability problem and has set a goal to build 300,000 homes a year by the mid-2020s.
- 2.2.19 The vital importance of housing to the economic success of our cities and regions is also highlighted in the Government White Paper "Industrial Strategy: building a Britain fit for the Future", which was published in November 2017. This includes reference to the introduction of planning reforms that will ensure more land is available for housing, and that better use is made of underused land in our cities and towns. It also sets out the challenge to raise housing supply to 300,000 per year before the end of the current Parliament. The Government wants to support places with ambitious and innovative plans to build additional homes where they are needed, and those which will support wider economic growth. Furthermore, the Government wants to support greater collaboration between councils, a more strategic approach to the planning of housing and infrastructure, more innovation and high-quality design in new homes and the creation of the right conditions for new private investment.

3 LEGAL AND PROCEDURAL COMPLIANCE

3.1 Duty to Cooperate

- 3.1.1 Section 110 of the 2011 Localism Act introduced the Duty to Cooperate. This requires local planning authorities, county councils and prescribed bodies to co-operate, engage construct, and actively on an ongoing basis throughout the preparation of development plan documents in relation to strategic matters (including meeting unmet housing need). The Duty to Cooperate is not a duty to agree, however it must be demonstrated that this process has been undertaken throughout the plan formation process. Failure to meet the Duty to Cooperate has proven to be fatal to the examination of Local Plans, with plans at Aylesbury Vale, Hart, Mid Sussex, Runnymede and St Albans all being withdrawn as a result.
- 3.1.2 Gladman welcome the fact that there has clearly been a level of co-operation between Epping Forest and the other local planning authorities within the East Herts and West Essex Housing Market Area (HMA). This can be seen through the four authorities working together to identify the housing needs across the HMA and reaching an agreed distribution for meeting this need.
- 3.1.3 Notwithstanding this, the process of plan preparation across the HMA has been relatively slow and Harlow and Uttlesford are yet to publish their Regulation 19 consultations. This is of concern in relation to the Government's intentions to introduce the standard methodology for calculating housing needs later this year. Gladman note that on the basis of the proposed methodology housing needs across the HMA would increase from 2,305 to 3,240 dwellings per annum. This could mean that if the Epping Forest and East Herts Local Plans are found sound on the basis of the distribution currently agreed between the HMA authorities then the slow plan preparation in Harlow and Uttlesford could result in significantly higher needs elsewhere in the HMA.
- 3.1.4 These types of issues should be considered thoroughly and an effective Local Plan review policy should be included if any authority within the HMA is unable to meet the identified housing needs moving forwards. Further comments regarding the need for a Local Plan Review Policy are provided later within this submission.

3.2 Sustainability Appraisal / Strategic Environmental Assessment

- 3.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.

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- 3.2.2 The Council must ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Council's decision making and scoring should be robust, justified and transparent.
- 3.2.3 Gladman raise concerns regarding the SA process with regards to sites. Gladman note that between the Regulation 18 consultation and the Regulation 19 consultation a number of sites have been excluded but without the necessary consideration through the site assessment methodology or SA.
- 3.2.4 The Council need to have clear evidence which demonstrates that the sites have been assessed on a comparable basis and the reasons for inclusion and exclusion from the Local Plan. This justification and site assessment / decision making process should form a key part of the Local Plan evidence base. Without this the Council run the risk of failing to meet the legal requirements and tests of soundness for the Local Plan.

4 STRATEGIC CONTEXT AND POLICIES

4.1 Policy SP2 – Spatial Development Strategy 2011-2033

OAN / Housing Requirement / Sequential Approach

4.1.1 Policy SP2.A outlines that within the period 2011-2033 the Local Plan will provide for a minimum of 11,400 new homes and that these will be allocated in accordance with the sequential approach:

- The creation of Garden Town Communities around Harlow;
- A sequential flood risk assessment;
- Sites located on PDL within settlements;
- Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement;
- PDL within the Green Belt;
- Greenfield / Green Belt land on the edge of settlements Objectively Assessed Housing Needs;
- Agricultural land;
- Small scale sites in smaller rural communities.

4.1.2 With regards to the proposed housing requirement of 11,400 dwellings (518dpa), Gladman note that this is less than the OAN identified within the SHMA, which identified a full OAN across the HMA of 51,700 and for Epping Forest District 12,573. The supporting text within paragraphs 2.43 and 2.44 explains how the four local planning authorities which make up the HMA have worked together and reached an agreed distribution for the full OAN within an MoU.

4.1.3 Whilst Gladman support the authorities in working together to define the full OAN across the HMA and to agree upon the distribution of this scale of need, Gladman are concerned regarding the robustness of the OAN evidence and consequently consider the housing requirement may be insufficient. The key concerns Gladman raise with regards the OAN are the use of the 10-year migration trend and the level of uplift proposed to respond to market signals.

4.1.4 Gladman note that the use of the 10-year migration trend is significant, specifically for Epping Forest where it reduces the baseline household growth for the plan period from 14,374 to 11,065. Given the scale of impacts which result from using this assumption, Gladman do not consider the decision can be left to a matter of preference. In order for this to be considered a sound approach, Gladman believe a more reasoned justification is required.

- 4.1.5 Gladman note that the Updated OAN includes a 14% uplift as a response to market signals. This is a reduction from the 20% uplift include within the earlier SHMA. Gladman do not consider a 14% uplift is sufficient and does not reflect the worsening affordability seen across the HMA and within Epping Forest specifically. This is in contrast to the ratio of lower quartile house prices to lower quartile earnings increasing significantly from 11.37 in 2013 to 14.00 in 2015.
- 4.1.6 Further to this the proximity to London means there is also a need to consider the impact of London's unmet housing needs. These pressures from London will only add to the existing pressures on the HMA and Epping Forest and clearly point to the need to consider increasing the housing requirement in this location. The latest consultation version of the London Plan suggests that London's housing need is now 66,000 per annum which, it is stated, can be met within the London Boroughs. However, London has been delivering significantly less than this figure for a long period and the ability to deliver the 66,000 units per annum has not been robustly tested. Therefore, unmet need from London may still be a massive issue for the authorities around London to have to deal with.
- 4.1.7 In summary, Gladman do not consider the housing requirement to be based on a sound evidence base, it is not justified and will not boost the supply of housing as required by paragraph 47 of the Framework. The OAN is not justified or positively prepared as required by the Framework and therefore should not be found sound at Examination.
- 4.1.8 Gladman strongly object to the sequential approach proposed through Policy SP2.A. There does not appear to be any justification for this proposed approach to the delivery of the housing requirement and it is somewhat unclear how it will be used in decision making.
- 4.1.9 This approach will not be effective in ensuring the delivery of the necessary scale of housing across the district. The Council must be able to demonstrate that it has identified sufficient sites to deliver the proposed housing requirement and that the Plan also provides a degree of flexibility and contingency for instances when these sites may not come forward as planned. Gladman recommend that reference to the sequential approach is deleted from policy SP2 and the supporting text.

Housing Distribution

- 4.1.10 Policy SP2. B outlines the distribution of housing growth across the settlements within Epping Forest. Whilst Gladman have no specific comments regarding the housing distribution we would recommend that the housing figures referred to within this table for the individual locations should be referred to as minimum figures to be achieved and that delivery in excess of these levels should not necessarily be restricted purely for the reason that the housing requirement figure has already been met.

Delivery of Housing

- 4.1.11 Policy SP2.C provides details on how the Council propose to deliver the new homes. This sets out that they will be delivered by:
- I. Proposals within defined settlement boundaries;
 - II. Development of Garden Town Communities around Harlow;
 - III. Rural Exception sites (in accordance with Policy H3);
 - IV. Delivery of sites identified in made neighbourhood plans;
 - V. Making the best use of land by ensuring densities are appropriate; and
 - VI. Resisting development which would result in the net loss of homes.
- 4.1.12 Gladman would object to the use of settlement limits if these would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements would not accord with the positive approach to growth required by the Framework.
- 4.1.13 Gladman note that a significant focus of the housing strategy within this Local Plan is the delivery of Garden Town Communities. Whilst Gladman do not object in principle to this approach it is of fundamental importance that the Council are realistic regarding the scale of housing capable of being delivered through these new Garden Town Communities within the plan period. If the Council rely upon overly ambitious delivery assumptions it puts the delivery of the plan as a whole at risk.

Housing Supply / Flexibility

- 4.1.14 Table 2.3 within the Local Plan outlines the components of the housing land supply in the district. This identifies that the requirement to be met through Garden Town Communities is 3,900 units and that the remaining requirement to be provided elsewhere in the District is 4,146 units.
- 4.1.15 Paragraph 2.77 of the Local Plan outlines that the identified housing supply to 2033 exceeds the requirement in order to provide contingency and flexibility. However, Gladman remain unclear on the level of flexibility that the plan currently proposes. Gladman recommend that this should be in the region of 10-20% flexibility above the identified housing requirement.
- 4.1.16 Gladman refers to a DCLG presentation slide from the HBF Planning Conference September 2015 (please see Figure 1 below) which illustrates a 10-20% non-implementation gap together with a 15-20% lapse rate. Whilst the slide is based on generic percentages across England it does still provide an indication of the scale of contingency needed.

- 4.1.17 Therefore Gladman always recommends as large a contingency as possible because of “the need to plan for permissions on more units than the housing start / completions ambition” as suggested by the DCLG slide.

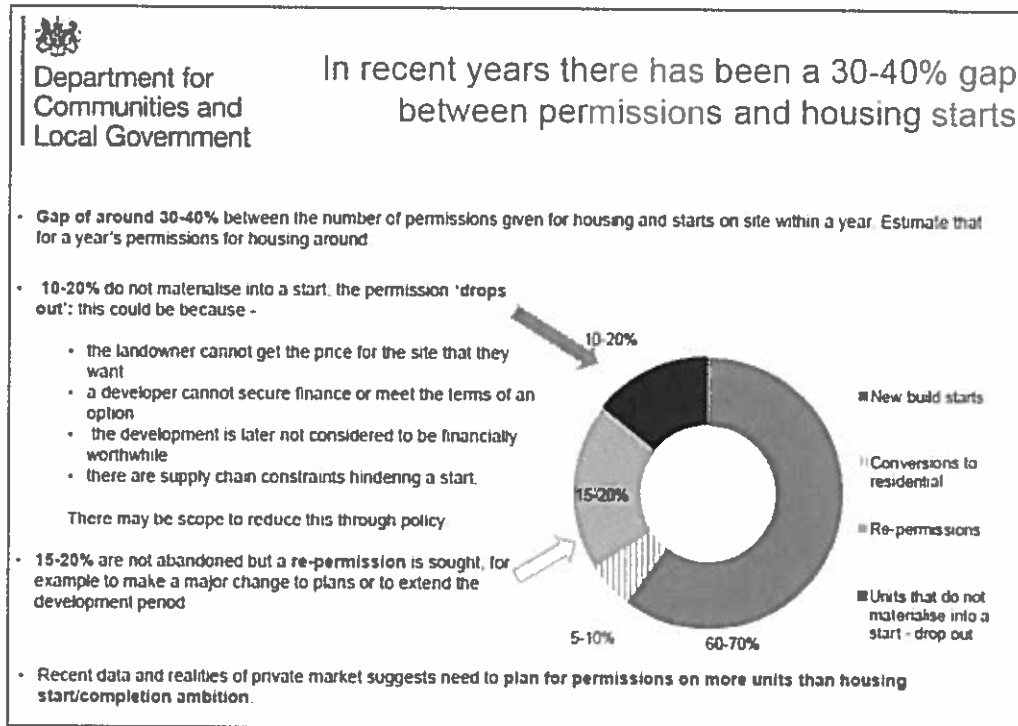


Figure 1. Extract from slide presentation “DCLG Planning Update” by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

- 4.1.1 In allocating sites the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

Local Plan Review

- 4.1.2 Paragraph 2.81 of the Local Plan outlines that the Council will monitor housing delivery against the housing trajectory and states “If the Authority Monitoring Report (AMR) demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for 3 consecutive years, the Council will undertake a partial review of this Plan.”

- 4.1.3 Whilst Gladman welcome the reference to a review of the Local Plan within the supporting text, we recommend that this should be included within a policy in the Plan. The review policy within the plan needs to be clear, easily understandable, and effective, by setting achievable targets for the completion of the review. Specifically, the triggers for the review need to be meaningful, have teeth and contain an end date that is in the control of the Local Planning Authority. The policy should also include consequences for failing to meet the target dates.
- 4.1.4 Gladman refer to the North West Leicestershire Local Plan (adopted November 2017) as an example of an effective and implementable review policy. Policy S1 states:
- “The Council will continue to work collaboratively with the Leicester and Leicestershire Housing Market Area (HMA) authorities to establish the scale and distribution of any additional provision that may be necessary in North West Leicestershire and elsewhere in the HMA as a result of the inability of one or more authority to accommodate its own needs as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment.*
- The District Council will commence a review of this Local Plan (defined as being publication of an invitation to make representations in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012) by the end of January 2018 or within 3 months of the adoption of this Local Plan (whichever is the later). The Plan Review will be submitted for examination within two years from the commencement of the review. In the event that the reviewed plan is not submitted within two years then this Local Plan will be deemed out of date. “*
- 4.1.5 Epping Forest District Council should review the text within paragraph 2.81 in light of the above comments and example policy and provide significant modifications to ensure that they include a policy which is capable of being found sound.

5 STRATEGIC CONTEXT AND POLICIES

5.1 Policy SP6 – Green Belt and District Open Land

- 5.1.1 Policy SP6 sets out the amended Green Belt Boundaries further to the proposed release of Green Belt land to accommodate housing need. As stated in our previous representations on the early draft of the Local Plan, Gladman support the release of Green Belt land in order to deliver housing to meet the district's need and further submit that exceptional circumstances exist for doing so. However, we again contend that the current approach taken by the Council will not be effective and consistent with the Framework, as it fails to identify sufficient Green Belt land for release to meet the full Objectively Assessed Housing Need set out in the SHMA. Gladman recommend that, in line with the Stage 2 Green Belt Review, further sites are released from the Green Belt.
- 5.1.2 Gladman are further concerned about the proposed designation of some land as 'District Open Land'. The policy states that the areas defined as District Open Land will be afforded the same level of protection as the Green Belt. We consider that there is little reasonable justification for including this new policy designation and as such recommend that this element of the policy is deleted.

6 HOUSING

6.1 Policy H1 – Housing Mix and Accommodation Types

6.1.1 Policy H1.A outlines the Council's approach to housing mix, and states that development will be permitted where the mix of new homes:

- I. Includes a range of house types and sizes;
- II. Is appropriate to the size, location and characteristics of the site;
- III. Takes into account the existing housing stock in a settlement;
- IV. Allows for community led approaches
- V. Provides for all new homes to be accessible and adaptable as defined by the Building Regulations.

6.1.2 Part B of Policy H1 outlines that planning applications will need to be supported evidence to justify the mix of new homes provided.

6.1.3 Gladman support the flexibility provided through Policy H1.A which allows individual proposals to respond to the local needs at that particular time and also the characteristics of the site and the location.

Accessible and Adaptable Homes

6.1.4 Part v of Policy H1A requires all new homes to be accessible and adaptable as defined by Building regulations. Gladman recommend that for clarity this policy should make specific reference to Part M4(2) of the Building Regulations which relates to accessible and adaptable homes.

6.1.5 Whilst Gladman do not specifically object to the requirement for M4(2), the Council will need to clearly justify the need for these requirements to be applied to new homes. In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance that the justification and specific details of the policy take account of the various factors which the PPG refers to:

"Based on housing needs assessments and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- *The likely future need for older and disabled people (including wheelchair user dwellings)*

- *Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).*
- *The accessibility and adaptability of existing stock*
- *How needs vary across different tenures*
- *The overall impact on viability.” (ID: 56-007-20150327)*

Specialist Accommodation and Self-build / Custom Build

- 6.1.6 Policy H1.C outlines that proposals for specialist accommodation, self-build / custom build housing sites for caravans or locations for mooring houseboats will be supported where:
- I. They meet a proven, identified need;
 - II. The location is appropriate in terms of access to facilities, services and public transport
 - III. It can be demonstrated that the development is designed and managed to provide the most appropriate type of support to the proposed occupier and adequately caters for the needs of support staff.
- 6.1.7 Gladman do not object to this element of policy H1, however provide the following comments with regards to these types of specialist accommodation.
- 6.1.8 The provision of specialist housing to meet the needs of older people is of increasing importance and the Council need to ensure that this is reflected through a positive policy approach within the Local Plan. The Council needs a robust understanding of the scale of this type of need across the district.
- 6.1.9 Specialist housing with care for older people is a type of housing which provides choice to adults with varying care needs and enables them to live as independently as possible in their own self-contained homes, where people are able to access high quality, flexible support and care services on site to suit their individual needs (including dementia care). Such schemes differ from traditional sheltered/retirement accommodation schemes and should provide internally accessible communal facilities including residents’ lounge, library, dining room, guest suit, quiet lounge, IT suit, assisted bathroom, internal buggy store and changing facilities, reception and care managers office and staff facilities.
- 6.1.10 Given the existing evidence in relation to ageing populations, and the national strategy in relation to housing for older people, Gladman recommend that the Local Plan should include a specific policy in relation to the provision of specialist accommodation for older people. The following text provides an example of the type of policy which could be included in the new Local Plan:

“The provision of purpose built and/or specialist accommodation with care for older people in sustainable locations will be supported. Apartments should be restricted for occupation by only those with care needs, include minimum compulsory care packages, should also include age restrictions and an extensive range of communal facilities.

Schemes are expected to be promoted in partnership with an onsite 24/7 care provider to safeguard the delivery of care and support to residents.

Such schemes fall wholly within the auspices of C2 use, meet an otherwise unmet need for specialist accommodation for older people, deliver care and communal facilities and will not therefore be required to contribute towards affordable housing.”

- 6.1.11 Gladman welcome the reference to self-build and custom build housing within policy H1. This is in line with current government thinking and objectives. It is key that the development industry are able to understand the implications of any such policy requirement, to assist with the design of schemes and the consideration of financial viability.
- 6.1.12 In addition to the reference in Policy H1.C, H1.G specifically relates to the provision of self-build homes. This states that *“The Council will support the development of self-build homes on appropriately sized, serviced sites in the first instance or on appropriately sized sites that are capable of being serviced. The provision of such will be encouraged as part of larger development schemes.”*
- 6.1.13 Gladman support the flexible nature of this policy and that it seeks to encourage rather than requiring a strict percentage delivery on larger development proposals. It is key that any policy requirement in relation to self-build housing has an element of flexibility built in to allow for negotiation over self-build plots on the basis of viability to ensure that site delivery is not delayed or prevented from coming forward. Any specific requirement to include self-build plots should be tested through the Council’s viability assessment of the Local Plan policies to ensure that the cumulative impacts of all proposed local standards and policy requirements do not put the implementation of the Plan as a whole at risk (paragraph 174 of the Framework).
- 6.1.14 Further to this, Gladman urge the Council to ensure the policy has added flexibility as there is no guarantee that these units will be delivered and there may be situations when they are difficult to deliver which may result in the non-delivery of otherwise sustainable land for housing. Therefore, Gladman recommend that any policy specific requirement needs to include a mechanism whereby if the self-build plots are not taken up within a given time period then these revert back to market housing to be provided as part of the wider scheme. This would provide flexibility and help to ensure that the required housing is delivered.

6.2 Policy H2 – Affordable Housing

- 6.2.1 Policy H2 provides the Council's approach to the delivery of affordable housing. Part A of this policy sets and affordable housing requirement of 40% on residential developments of 11 or more dwellings, or residential floorspace of 1,000 sq m (combined gross internal area) and that the mix of affordable homes will be required to reflect the latest available housing need.
- 6.2.2 Part D of Policy H2 outlines that proposals which do not accord with the affordable housing requirement must be supported by a viability appraisal. Gladman support the inclusion of a clause within the policy relating to viability.
- 6.2.3 Part F of Policy H2 states *"In exceptional circumstances, where the Council agrees that it would be inappropriate for the required affordable housing to be provided on-site as part of the development, the Council will accept the Council will accept a financial contribution to fund the provision of affordable housing on another site in the District..."* Gladman support the inclusion of a clause relating to an alternative to on-site provision. This provides flexibility for circumstances where it may be more appropriate and respond to housing needs in a more effective manner by providing a financial contribution for affordable housing to be delivered offsite.

7 DEVELOPMENT MANAGEMENT POLICIES

7.1 Policy DM1 – Habitat Protection and Improving Biodiversity

- 7.1.1 Policy DM1 provides the proposed policy framework with regards to Habitat protection and biodiversity. Policy DM1.A states that *“All development should seek to deliver net biodiversity gain in addition to protecting existing habitats and species...”* Gladman refer to the Framework with regards to this element of the policy, specifically paragraph 109, and recommend that in order to be consistent with national policy, the wording of DM1.A should be amended to include the phrase “where possible” in relation to net gains in biodiversity.
- 7.1.2 Gladman note that parts B, C and D of the policy do make reference to the hierarchy of designated assets. In this regard Gladman refer to paragraph 113 of the Framework which states *“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.”*
- 7.1.3 The Council need to ensure that the policy approach proposed through DM1 reflects the requirements within the Framework.

7.2 Policy DM2 – Epping Forest SAC and the Lee Valley SPA

- 7.2.1 Any specific requirement included in this Policy for financial contributions to access management should be tested through the Council’s viability assessment of the Local Plan policies to ensure that the cumulative impacts of all proposed local standards and policy requirements do not put the implementation of the Plan as a whole at risk (paragraph 174 of the Framework). They should also be required to make any proposal acceptable in planning terms and comply with the CIL Regulations set out in Regulation 122.

7.3 Policy DM7 – Heritage Assets

- 7.3.1 Policy DM7 provides the proposed policy approach in relation to heritage assets. Whilst Gladman note that Part B of this policy recognises the distinction between designated and non-designated heritage assets it does not then apply the different policy tests to these but rather provides one policy response to cover both.
- 7.3.2 In relation to developments affecting heritage assets the Framework provides clear guidance on the policy approach which local plans should be adopting. The Framework requires a clear distinction to be made between designated and non-designated heritage assets and outlines that different policy tests should then be applied to proposals which may affect each of these.

- 7.3.3 With reference to designated heritage assets, the Council should refer to paragraphs 132 to 134 of the Framework which sets out that the Council should assess the significance of the designated heritage asset and where there is less than substantial harm, this should be weighed in the planning balance against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.
- 7.3.4 With reference to non-designated heritage assets, the Framework paragraph 135 states that the policy test to be applied is that a balanced judgement should be reached having regard to the scale of the harm and the significance of the heritage asset.
- 7.3.5 Gladman recommend that the Council review and update Policy DM7.B to ensure that it complies with national policy and is capable of being found sound when the plan reaches examination.

7.4 Policy DM9 – High Quality Design

- 7.4.1 Policy DM8 relates to high quality design. Gladman note that this is a relatively long policy, covering various elements and including a range of design requirements which proposals must either have regard to or are required to meet.
- 7.4.2 Whilst Gladman recognise the importance of design and the aims of this policy seeking to ensure that design is of a high quality, it is not clear how this policy will be applied in a consistent manner through the development management process.
- 7.4.3 In general, Gladman would caution against any design policy being too prescriptive. The Council will no doubt be aware of the requirements set out within paragraph 159 of the Framework which states:

“Local planning authorities should consider using design codes where they would help to deliver quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, materials and access of new development in relation to neighbouring buildings and the local area more generally.” (emphasis added)

- 7.4.4 Gladman remind the Council that the various considerations highlighted through this policy should be weighed in the overall planning balance against the benefits the proposals would deliver. Gladman recommend that the policy wording is amended to reflect this.

7.5 Policy DM10 – Housing Design and Quality

- 7.5.1 Policy DM10.A requires all new development to meet or exceed the minimum internal space standards as set out in the Nationally Prescribed Space Standards. In this regard, Gladman refer to the PPG, specifically paragraph ID 56-020-20150327 which states:

“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- *Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- *Viability – the impact of adopting the space standards should be considered as part of the plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- *Timing – there may need to be a reasonable transition period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions. “*

7.5.2 Gladman note that the space standards have been considered within the Council's viability modelling, Gladman are not aware of any evidence or consideration of a transitional period as required through the guidance. Gladman do not consider the Council have provided sufficient justification for the inclusion of this policy requirement.

8 CONCLUSIONS

8.1 General Conclusions

8.1.1 Having considered the Submission Version of the Epping Forest District Council Local Plan, Gladman have raised concerns regarding a number of matters, including the robustness of the OAN evidence, the lack of an effective Local Plan Review policy and the proposed sequential approach to delivering sites. Gladman consider that as currently drafted a number of policies in the Local Plan would not be found sound at examination.

8.1.2 Gladman reiterate the importance of the tests of soundness outlined in paragraph 182 of the Framework:

"A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

- *Positively prepared – the plan should be prepared based on a strategy which seeks 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;*
 - *Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
 - *Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;*
 - *Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework."*
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