



**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](mailto: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 or Town and Parish Council  or
- c) Landowner  or
- d) Agent

Other organisation (please specify)

**2. Personal Details****3. Agent's Details (if applicable)**

Title	<input type="text"/>	<input type="text" value="Mr"/>
First Name	<input type="text"/>	<input type="text" value="Oliver"/>
Last Name	<input type="text"/>	<input type="text" value="Bell"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="St Congar Provincial c/o Agent"/>	<input type="text" value="Nexus Planning"/>
Address Line 1	<input type="text"/>	<input type="text" value="3 Weybridge Business Park"/>
Line 2	<input type="text"/>	<input type="text" value="Addlestone Road"/>
Line 3	<input type="text"/>	<input type="text" value="Weybridge"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="KT15 2BW"/>
Telephone Number	<input type="text"/>	<input type="text" value="01932 837850"/>
E-mail Address	<input type="text"/>	<input type="text" value="o.bell@nexusplanning.co.uk"/>

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**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

Please see attached representations

*(Continue on a separate sheet if necessary)*

7. Please set out what change(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.

Please see attached representations

*(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:

Due to the complex and significant nature of our concerns, it is vital that we are able to participate in the oral hearing sessions.

*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

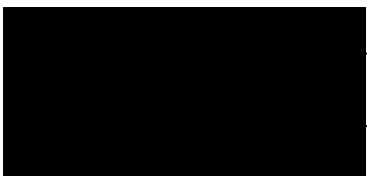
11. Have you attached any documents with this representation?

Yes       No

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Signature:



Date:

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## Representations to Paragraphs 2.77- 2.81

1. Nexus Planning is instructed by St Congar Provincial to prepare representations to the Submission version of the Epping Forest District Local Plan (EFDLP). St Congar Provincial control land at Old Farm, Chigwell (the site).
2. Paragraph 2.77 identifies that the EFDLP incorporates a housing supply that exceeds its identified requirement. For the reasons set out in our other representations (principally Policy SP 2), St Congar Provincial consider that the Council's calculation of objectively assessed housing need (OAN) is demonstrably too low and accordingly, the Local Plan actually fails to plan for sufficient housing.

### Apply the Appropriate Buffer

3. Paragraph 2.81 of the EFDLP references the Council's Housing Implementation Strategy and paragraph 2.14 of this document states that the Council considers it is appropriate to apply a 5% buffer to any housing land supply calculations. Paragraph 47 of the National Planning Policy Framework (NPPF) states that local planning authorities should:

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

4. The Council acknowledges that there has been an undersupply since 2011 but contends that it does not constitute 'persistent' under delivery. The Council's main reasons for this stance appear to be threefold: (i) a strong historic track record of delivering against its identified housing requirements, (ii) that undersupply since 2011 is explained by the absence of an up-to-date local plan in a Green Belt constrained District and (ii) the impact of wider economic conditions as a result of the recession.
5. Taking the matters in turn, the Council has only delivered against its housing requirement against a pre-NPPF and highly constrained 'policy on' figure within the East of England Plan.

When assessing delivery rates from 2011 onwards against what the Council consider to be an NPPF compliant approach to OAN, it is demonstrable that the Council has not only failed to deliver against its calculation of OAN, but also already amounted a substantial housing shortfall of 1,779 dwellings or 57% of the Council's identified requirement up to the monitoring period 2016/2017.

6. The Council's second point relates to the fact that delivery rates were so low due to the absence of an up-to-date local plan in a Green Belt constrained District. Such a set of circumstances are clearly in the Council's control and St Congar Provincial would have substantial concerns with any credence what is offered to such an argument. It is the Council's duty to ensure it has an up to date local plan and the NPPF states that such plans are key to delivering sustainable development.
7. Finally, the Council indicate the economic conditions, namely the recession, has impacted upon delivery rates. By 2012/13 it would be reasonable to conclude that the effect of the recession had somewhat eased, particularly in the South East of England. However, in reviewing the Council's delivery rates post this date, there is no obvious steady increase in housing delivery as the economy strengthens, indeed delivery rates appear quite erratic and in the last monitoring year a woeful 157 dwellings were delivered. Accordingly, it appears factors other than the economy have suppressed delivery rates.
8. Given the above, St Congar Provincial consider that the Council has exhibited persistent under delivery since 2011 and therefore the currently proposed 5% buffer renders the EFDLP unsound, namely that it is contrary to paragraph 47 of the NPPF. Instead, the 20% buffer should be applied to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land.
9. In addition, the Government's Housing White Paper (February 2017) set out plans for a new housing delivery test, which was originally scheduled to come into force in November 2017, but is now due to be enacted in early 2018. This details that if housing delivery falls below 85% of the housing requirement (or if there is no up-to-date plan then below the published household projections) for three consecutive years, local planning authorities should plan for a 20% buffer on their five-year land supply, if they have not done so already. The first monitoring period for the housing delivery test is April 2014 until March 2017. In assessing the Council's housing delivery (as detailed within Appendix 1 of the Housing Implementation Strategy), it is clear that the Council has failed to deliver 85% of its housing requirement or the household projections and accordingly emerging guidance would also suggest that the Council should apply a 20% buffer.

#### 5 Year Housing Land Supply

10. St Congar Provincial's fundamental concerns with the Council's calculation of OAN are set out in other representations, which would render the Council unable to demonstrate the required five year housing land supply. However, even if these significant concerns are ignored, and

without interrogating the assumed delivery rates from allocated sites, we still consider that the EFDLP cannot demonstrate a five year housing land supply.

11. Paragraph 3.10 of the Council’s Housing Implementation Strategy identifies that the Council would only have 5.3 years worth of supply, even when applying the ‘Liverpool Method’ and a 5% buffer. However, for the reasons set out in our other representations, namely Policy SP 2, the Council’s housing requirement should be increased from 11,400 dwellings to 12,573 dwellings over the period 2011-2033 to ensure that the requirement aligns with the Council’s purported OAN (which is demonstrably deliverable given the Housing Implementation Strategy already plans for 13,152 dwellings). Furthermore, a 20% buffer should be applied for the reasons already set out above. The implication of this are set out below:

	<b>Current EFDLP Approach</b>	<b>St Congar Provincial Figures (ignoring objection to OAN for this specific exercise)</b>
<b>A Annualised Housing Requirement</b>	518	572 (12,573 / 22)
<b>B Addressing Shortfall (using the Council’s Liverpool Method)</b>	111	111
<b>C NPPF Buffer</b>	31 (5%)	136 (20%)
<b>D Annual Requirement 2017-2033</b>	661	820
<b>F Projected Local Plan housing supply (2017/2022)</b>	3,486	3,486
<b>G Five Year Supply</b>	<b>5.3 years (F/D)</b>	<b>4.3 years ((F/D)</b>

12. Given the above, it is clear the EFDLP can only at best demonstrate 4.3 years worth of supply and therefore fails to allocate sufficient sites to identify the required five year housing land supply, contrary to paragraph 47 of the NPPF. Additional sites should therefore be allocated to rectify this issue and such would have to be ‘deliverable’, having regard to paragraph 47 of the NPPF (as defined at footnote 11). Accordingly, the Plan is unsound as it fails the effective test and compliance with national policy test set out at paragraph 182 of the NPPF.

Local Plan Review

13. Paragraph 2.81 of the EFDLP sets out the Council’s proposed review mechanism, detailing that if annual delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for three consecutive years, the Council will undertake a partial review of the Plan. The Government’s Housing White Paper (February 2017) set out plans for a new housing delivery test, which was originally scheduled to come into force in November 2017, but is now due to be enacted in early 2018, and it is assumed that this review mechanism seeks, to some degree, to relate to the housing delivery test approach.
14. St Congar Provincial welcome the Council’s approach to regular monitoring of housing delivery, however the current strategy would result in a monitoring regime which substantially under delivers against the Council’s housing requirement over the Plan period. We accept that where housing delivery is planned to be below the annualised requirement (such as year



2017/18), it would be legitimate to assess delivery against this figure, however the same cannot be said where the projected completion rate exceeds the housing requirement, namely to address historic and planning housing shortfalls. If this approach were to be employed, housing delivery would not be assessed against the scale of housing required to meet the housing requirement over the plan period and instead would be wrongly assessed against a lower figure i.e. not the Council's assessment of housing need let alone St Congar Provincial's view on housing need. Accordingly this approach is unsound as it will result in a plan that is not positively prepared, justified, effective or consistent with national policy.

15. In addition, and in light of the Government's recent consultation on the Housing White Paper, the Plan should identify that it will be reviewed every five years, regardless of housing delivery.
16. Finally, and as detailed in our representations to Policy SP 6, the Council has failed to identify any 'safeguarded land'. Paragraph 85 of the NPPF is clear that local planning authorities should identify areas of safeguarded land in order to meet longer-term development needs stretching well beyond the plan period, whilst paragraph 83 advises that new Green Belt boundaries should be capable of enduring beyond the plan period.
17. It is clear that even based on a calculation of OAN that is demonstrably too low, housing needs for this Plan period requires a significant quantum of land to be released from the Green Belt. Indeed, paragraph 5.17 of the Council's own Green Belt Assessment: Stage 2 states the following:

*"On the basis of current trends, there are likely to be unmet housing needs beyond the plan period. We therefore recommend that EFDC considers the need for safeguarded land. Where areas of the Green Belt are identified as being suitable for release in this plan period, parts of them may be retained as safeguarded land. The location of such areas should be informed by this study and other evidence."*

18. It is therefore difficult to see a realistic scenario in which a review of the Local Plan or the preparation of a new Local Plan would not require the release of further Green Belt land to meet development needs. The Council's currently proposed review mechanism may result in a review arising only three years post adoption and at the longest in five years (having regard to the Housing White Paper). Accordingly, the Council should seek to identify safeguarded land at this stage of the Local Plan in order to avoid further Green Belt lengthy reviews in the near future. Such an approach would also enable an accelerated delivering of housing following any partial review and ultimately will help boost the supply of housing, in accordance with paragraph 47 of the NPPF.

### **Suggested Change**

19. A 20% buffer should be applied to the calculation of housing land supply to accord with current and emerging guidance.

20. The housing land supply calculations should be based upon a revised housing requirement figure following a proper assessment of OAN within the HMA. However, even if the Council's figures are accepted an annual requirement of 572 dwellings (having regard to the Council's purported OAN of 12,573 dwellings) should be used and 20% buffer applied. Such an approach will require the allocation of additional 'deliverable' sites.
21. The review mechanism should be amended to ensure monitoring is against the projected completion rates to ensure housing delivery is assessed against the rolling figures required to meet the housing requirement over the Plan period.
22. The review mechanism should include a review every five years, regardless of housing delivery to align with the Government's emerging approach.
23. The Council should identify safeguarded land to enable an accelerated delivery of housing following any partial review of the Local Plan.