

## Representation 1 Legal Compliance

### A. Council Vote on the SLP 14/12/2017

Agenda Item 6

*Report to Council*

Date: 14 December 2017

Subject: Publication of the Submission Version of the Epping Forest District Local Plan

Page 24

Reasons for Proposed Decision:

Paragraph 1 includes this:

"In addition, the Government is proposing to introduce a new Housing Delivery Test, that will identify whether the number of homes being built is below the prescribed target and, where there is under-delivery, a presumption in favour of development will apply. Although the implementation of the Housing Delivery Test has been delayed, when brought into effect, it is likely that the housing target applied for the District will be as set out in the DCLG consultation (i.e. 923 homes per annum) rather than the 518 homes per annum currently identified as the District's housing requirement."

That statement was in the Agenda of the EFDC meeting for the vote to accept the SLP. Conservative councillors made similar comments in the run up to the vote. I suggest this was an implied warning that if Councillors did not vote for the plan they would be responsible for the suggested higher quota and that this was intimidatory, far from true and a likely influence on the vote which questions its legality.

At this time there is no such legislation. The paragraph where underlined above says "proposing" but then goes on the state "when brought into effect" which is far from certain. It is highly unlikely that HMG would introduce a punitive measure of increased building on communities because of the tardiness of Local Authorities and any such proposed legislation would likely fail.

### B. Misleading comments from Councillors

During the Council meeting on the 14th, December, to vote on the plan, the Planning Cabinet Leader Cllr. John Phillip made in his opening a comment about the removal of sites in Theydon Bois. He said the Conservators of Epping Forest (CoEF) made "a clear objection to the development proposed East of the Tube line". That relates to Theydon Bois sites SR-0026B, SR-0026C and SR-0228ii

Cllr. Whitbread in an audio interview with Everything Epping Forest on the 11th, December 2017, 3 days before the vote on the SLP, made similar comments.

EFDC have only demonstrated the CoEF 2016 comments as evidence which do not state that at all. I made email requests to both Cllrs. and EFDC requesting clarification and details of that "clear objection". It was not provided. It took an Fol request to EFDC to clarify that they could not supply any other evidence from the CoEF. A copy is attached for your ready reference. An Fol request was sent CoEF but at the time of submission I have not had a response.\*\*\*

The comments of both Cllrs. were an incorrect interpretation of evidence and therefore misleading. As this may have influenced the vote I suggest the result should be invalid.   


What was crystal clear in the Conservators comments of 2016 is their specific disagreement with the inclusion of the Jessel Green LOU.R5 and Borders Lane LOU.R4 sites in Loughton, however that was ignored.

C Political Bias

I am concerned that the disparity in the use of the evidence, as above, is politically motivated and cannot be legal for the purpose of the SLP. [REDACTED]

EFDC is controlled by a Conservative majority. All the members of the Cabinet planning committee are Conservative.

[REDACTED]

The Conservatives do not hold a single seat in Loughton. There is one Independent Councillor, all the others are Loughton Residents Association Councillors.

[REDACTED]

The implication is that the decisions to include the mentioned Loughton sites and exclude more suitable sites in Theydon Bois was not based on viable evidence in the plan, or merit, but is because of political bias and the prospect of revenue for EFDC. I do not agree with building on any of the mentioned sites in Loughton or Theydon Bois. This is to illustrate the disparity in the use of evidence.

D SLP Publication period 18/12/17 – 29/01/18

The period may meet the legal requirement but was ill timed to include Christmas and New Year. Many people travel or have commitments during this period which cut available time for preparing a representation. The SLP exceeds 600 pages and associated documents, that need referencing, are another 1000 plus. Timing made it difficult to get information from sources that closed for the holiday. As noted above at \*\*\* I made a request before Christmas to the CoEF for information but they were closed until the New Year. I sent reminders without getting a response and by the time I sent an Fol request to them, the expiry date for their reply is beyond the final submission date of the representation. Whether this timing fails a legality test I cannot say but it is questionable.



**Freedom of Information – Response to Request**

**Reference No. Fol196  
Epping Forest District Local Plan**

Set out below are details of your request for information held by the Council under the provisions of the Freedom of Information Act and the Council's response.

- 
- (1) **Reference has been made to evidence provided by the Conservators of Epping Forest as the reasoning related to the exclusion of the following sites in Theydon Bois:**

**Site 1: SR-0026B - approximately 133 dwellings;  
Site 36: SR-0026C - approximately 121 dwellings; and  
Site 44: SR-0228ii - approximately 19 dwellings;**

**The only evidence I have seen is the comments of the Conservators dated 2016. Will you please advise what other evidence was provided as I cannot find anything else in the plan papers?**

The Site Selection Report shows which sites have been assessed for each settlement and the proposed capacity of these sites. This is available on the Council's website at:

<http://www.efdclocalplan.org/wp-content/uploads/2017/12/Site-Selection-Report-Arup-2016-EB801.pdf>

The comments received from the Conservators of Epping Forest in its response to the Draft Local Plan in 2016, is only one of a number of different factors which were taken into account in the final sites proposed for allocation in the Submission Version Local Plan 2017. Other factors which were considered when assessing these sites for allocation, include the proximity to suitable alternative green space, ensuring that the infrastructure requirements can be met, and selecting sites that are consistent with the Council's spatial strategy (Policy SP 2), which seeks to allocate in accordance with a sequential approach in order to minimise the loss of Green Belt land. The final number of homes allocated was arrived at by looking at the number of suitable and deliverable sites and what was considered the best fit, taking into account the findings from previous consultations and other evidence documents, including the Green Belt Review, Settlement Capacity Study, infrastructure requirements set out in the Infrastructure Delivery Plan and impacts on traffic and air quality.

- (2) **Appendix 5: Housing, Employment and Traveller trajectories Page 243 details a figure of 13152 for Total Housing Supply (recorded and projected) and another of 10070 as the future housing requirement. I understand there is a need for contingency but if my understanding is correct it is over 30%. Will you please confirm if that is correct and also advise if the higher figure is a Planning Inspectorate requirement or a figure calculated as necessary by EFDC?**

The minimum housing requirement set out in the Submission Version Local Plan 2017 is 11,400 new homes for the entire plan period, which runs from 2011 to 2033. The 10,070 figure referred to is the minimum requirement for the remainder of the plan period i.e. from 2017 onwards. Over the whole plan period, the Plan proposes to supply a minimum of 13,152 new homes which is approximately 15% above the minimum housing requirement. This 15% margin is necessary to meet national planning policy requirements to ensure a significant boost of short-term housing supply; to provide for housing supply across the Plan period to meet the minimum requirement; and to allow reasonable flexibility in case some of the proposed allocations fail to come forward during the Plan period.

Further details on housing need, housing requirement and overall housing supply for the Local Plan is available from the Council's Housing Implementation Strategy (2017), which is available on its website at:

<http://www.efdclocalplan.org/wp-content/uploads/2017/12/Housing-Implementation-Strategy-Epping-Forest-District-Council-December-2017-EB410.pdf>