

Town and Country Planning Act 1990 (As Amended)

Epping Forest District Local Plan –
Regulation 19 Consultation:
SITE SELECTION REPORT MISSING INFORMATION

Representations on Behalf of: **Catesby Estates Plc**

18 April 2018



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Appendices:

Appendix 1	Consolidated version of Appendix B Site Selection Assessment for North Weald – Sites that pass Stages 1 – 3 of Assessment
Appendix 2	Consolidated version of Appendix B Site Selection Assessment for North Weald – Sites considered in Stage 4
Appendix 3	Relevant Cabinet Reports: <ul style="list-style-type: none">• 09 March 2017• 11 July 2017

1.0 Instructions and Introduction

- 1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Catesby Estates Plc ("Catesby") to prepare supplementary representations on the missing information from the evidence based underpinning the Regulation 19 consultation draft of the Epping Forest District Local Plan (December 2017) ("the Local Plan").
- 1.2 Neame Sutton and others raised the fact that a key piece of the Council's evidence namely the Site Selection Report appendices were omitted from the evidence base and that as a consequence the capability of respondents to the consultation to properly consider the soundness of the Local Plan was severely hampered. The Council's omission of this evidence also failed in its legal duty under the Regulations to publish all relevant and key evidence underpinning the pre-submission version of the Local Plan.
- 1.3 On 26 March 2018 the Council wrote to all parties advising that a targeted consultation would be undertaken on the missing information, namely, Appendices B and C of the Site Selection Report. It is unclear from the Council's correspondence when the consultation commenced, however, given that notifications were only sent on 26 March 2018 this must be taken to comprise the commencement date. The deadline date for the submission of representations set by the Council is 23 April 2018. This is a 4 week period.
- 1.4 On this basis and, before setting out Catesby's representations, the Council has failed in its Statutory duty to consult for an adequate period of time. Regulation 35(3) of the Town and Country Planning (Local Planning)(England) Regulations 2012 confirm that the minimum period for consultation of any documents relating to a Local Development Document i.e. the Local Plan is 6 weeks. A 4 week consultation is therefore in contravention of the Regulations.
- 1.5 Given the fundamental nature of the missing information now being consulted upon and its consequential impact on the allocations of land in the Local Plan, the Green Belt boundary review and, the housing delivery trajectory, the Council must undertake a proper legally compliant consultation.
- 1.6 Notwithstanding the above overarching legal compliance issue the remainder of this statement sets out Catesby's representations on the missing information.
- 1.7 The structure of these representations is set out below:

Section 2	Sets out Catesby's representations on the missing information
Section 3	Examines the relationship with the Sustainability Appraisal ("SA")
Section 4	Summary and conclusion

2.0 Representations on Site Selection Missing Information

2.1 The representations below cover the following matters and raise, where appropriate, the soundness tests/legal compliance requirements that the Council fails to meet in this evidence base document:

- Objection to the methodology applied by the Council
- Objection to the assessment undertaken

2.2 The representations focus specifically on the site selection process in relation to North Weald Bassett and Catesby's promotion site, namely Land off Church Lane, North Weald Bassett (Site ID: SR-0003).

Objection to the Methodology Applied by the Council:

2.3 The site selection methodology document prepared by Arup sets out a 4 stage process by which the Council has identified potential housing allocation sites and then examined them to reach a conclusion on the sites to be carried forward in the Local Plan as housing allocations.

2.4 Whilst the general methodology set out by Arup is reasonable (Appendix A of the Site Selection Report) Catesby raises significant concerns with the way in which the Council has applied the methodology in order to contrive the results to reach chosen site allocations specifically in relation to North Weald Bassett.

2.5 Stages 1 – 3 are confirmed in Appendix A of the Site Selection Report to comprise the process by which the Council has assessed the suitability of the various sites put forward for allocation to deliver housing. Paragraph 4.38 on Page A17 of that report confirms the following:

'The purpose of Stage 4 is to consider the deliverability of the candidate Preferred Sites to inform the housing trajectory for the Plan. Stage 1, 2 and 3 considered the suitability of the site and, therefore, this stage focuses on whether a site is deliverable, specifically:

- *Whether the site is available now, or is it likely to become available during the Local Plan period?*
- *Whether there is a reasonable prospect that development will be achievable within the appropriate timescales?'*

2.6 Therefore if a candidate site has passed the assessment in Stages 1 – 3 of the process then the only matter that should knock the site out of the Council's consideration for allocation in Stage 4 of the process is its realistic deliverability.

2.7 The missing Appendix B sets out the conclusions of Stages 1 – 3 and confirms in the tables and accompanying plan on Pages B758 – B761 the sites that passed Stages 1 – 3 and are considered suitable for allocation for housing around North Weald Bassett. This evidence confirms that Catesby's promotion site (SR-0003) passed Stage 3 of the assessment and was identified as a suitable location for allocation and further testing at Stage 4 of the assessment.

- 2.8 The table and aerial photograph at Appendix 1 confirms the promotion site passed the Stage 3 assessment. This corroborates the evidence already provided by Catesby in the Regulation 19 representations submitted in January 2018 that the promotion site comprises a suitable and sustainable location for allocation to deliver housing in the early years of the Plan period.
- 2.9 The Stage 4 assessment should, in accordance with the methodology in Appendix A of the report, have only considered the matter of deliverability and availability. In the context of Catesby's promotion site it has been clear to the Council for some time that the site is available, being under the control of a residential land promoter, and that it is deliverable (as reinforced by the site-specific representations submitted in January 2018) with the capability of delivering housing in the early years of the Plan period. To reiterate the evidence already provided in January 2018 there are no significant infrastructure constraints to the delivery of this promotion site.
- 2.10 It is therefore surprising that the Stage 4 assessment has not concluded the site should be allocated given that when the methodology for that stage is applied, it should have passed.
- 2.11 A consolidated version of the Stage 4 assessment for the site in context with all other locations carried forward to Stage 4 is attached at Appendix 2.
- 2.12 The reasons for the site falling away at Stage 4 are not identified in the missing Appendix B or Appendix C. In fact the Council's justification for the Stage 4 assessment is lacking in any form of clarity or indeed logic.
- [Objection to the Assessment Undertaken at Stage 4:](#)
- 2.13 It is necessary to move away from the Site Selection Report and to review the appendices to reports presented to the Council's Cabinet in March 2017 and July 2017 in order to determine how the Council has assessed sites under Stage 4. The relevant reports are attached at Appendix 3.
- 2.14 What is clear from a review of the relevant Cabinet reports is that the assessment undertaken at Stage 4 by the Council has not followed the Methodology set out in Appendix A of the Site Selection Report. In fact the Stage 4 assessment appears to have been undertaken via two Member workshops during which decisions have been taken over which sites to allocate. In effect the Members have disregarded the technical appraisals undertaken in Stages 1 – 3 of the assessment by Arup and at Stage 4 have made unilateral decisions over which sites to allocate.
- 2.15 Even when the detail in the Cabinet reports attached at Appendix 3 is examined there is no specific evidence, or indeed reference, to support the selection/removal of sites at Stage 4 of the process. Even the conclusions of various public consultations undertaken that were reported to Members do not look at site-specific matters and instead concentrate on general questions relating to housing delivery.

- 2.16 Paragraph 4.43 of Appendix A to the Site Selection Report confirms that the Member workshops, which were not publicly documented, should only have been a 'check and challenge' exercise, not a wholesale and unilateral change to the sites to be selected for allocation.
- 2.17 The output from Stage 4 should be allocations based on the methodology for that stage, which is limited to considerations of availability and deliverability. The reality of the process undertaken by the Council has been allocations based on a completely different, closed and, non-transparent approach.
- 2.18 Turning to consider the evidence in Stages 1 – 3 of the Council's assessment this reinforces Catesby's view that the Stage 4 assessment undertaken by Members was clearly flawed.
- 2.19 As the Inspector will note from the consolidated tables in Appendix 1 and 2 that compares the promotion site with the other locations around North Weald Bassett carried forward through the Stage 4 process the promotion site scores as well as and, in some cases better than, sites that have been carried forward for allocation. In other words the Council's own evidence in Stages 1 – 3 supports its allocation and does not endorse the removal of the site at Stage 4. At no point when the objective evidence is examined does it lead to the removal of the promotion site as an allocation.
- 2.20 Based therefore on the objective and transparent evidence that has been derived from the proper application of Stages 1-3 by Arup and the fact that Catesby has made clear the site is both available and deliverable (thus passing the Stage 4 test) Land off Church Lane should have been proposed for allocation as an outcome of that process. The unilateral removal of the site by Members and without discussion either with Catesby (as per the methodology at Paragraph 4.44 of Appendix A of the Site Selection Report) or indeed on the basis of any new and objective evidence not previously considered in Stages 1-3, nor on the basis of the outcome of public consultation, it is entirely without foundation and clearly fails the following soundness tests:
- Not positively prepared
 - Not effective
 - Not consistent with National policy
 - Not justified
- 2.21 By contrast the evidence presented by Catesby in its January 2018 representations as corroborated by the Stage 1 – 3 assessment by Arup and, indeed the previous North Weald master planning process supported by community consultation, the clear evidence supports the allocation of the site for housing. Given the Council's failure to plan for the correct housing requirement as set out in the January 2018 representations there is a clear and present overwhelming need for housing in the District now and, the Council should not be removing sites that are capable of delivering housing now without material harm to the objectives of the Green Belt.

2.22 In short the Council's approach as confirmed by a review of the missing Appendix B and C is unsound and the Council cannot proceed to the Examination of the Plan without revisiting this exercise and properly assessing the candidate sites to make appropriate allocations.

3.0 Relationship to SA

- 3.1 As confirmed by Catesby in its January 2018 representations the SA corroborates the findings of the Stage 1-3 assessment for the promotion site, which is that allocation of the land for housing comprises part of the most sustainable option.
- 3.2 The publication of the missing Appendix B and C simply reaffirms the position that the most sustainable option is not that set out in the Pre-Submission version of the Local Plan and as a consequence the Council has pursued a draft Plan that is inherently unsustainable and not justified by the evidence base. Furthermore the Plan fails to properly identify and address the full Objectively Assessed Need ("OAN") for the Plan period and therefore the Council cannot afford to remove any suitable sites from consideration for allocation.

4.0 Summary and Conclusions

4.1 To conclude on the basis of the available evidence now including the missing Appendix B and C from the Council's Site-Selection Report it is clear that:

- The community consultations confirm that development in sustainable locations that are accessible to high quality public transport and would be adjacent to established settlement boundaries is preferred by residents;
- North Weald Bassett is a highly sustainable location acknowledged as such by the Council in its Spatial Strategy;
- All of the Council's alternatives assessed in the SA include North Weald Bassett as a constant for a substantial housing allocation;
- Land off Church Lane is of moderate to low landscape sensitivity and does not make a significant contribution to the objectives of the Green Belt;
- All of the scenarios and growth options set out in the North Weald Bassett Master planning document include Land off Church Lane as a constant for allocation for housing;
- Development on Land off Church Lane is confirmed in the SA as part of the preferred option offering potential to align development with existing physical boundaries and promoting settlement rounding;
- Appendix B confirms the site is suitable and has passed Stages 1 – 3 of the Site Selection Assessment;
- The site is deliverable and available and therefore in accordance with the Site Selection methodology should have been allocated as an output of Stage 4;
- The Council has given no reasons or evidence to support the removal of Land off Church Lane from its site selection process. By contrast the objective evidence confirms:
 - The site is suitable for development (passing Stages 1-3);
 - The site scores as well as and in some cases better than the locations chosen for allocation;
 - The site is available and deliverable (passing Stage 4) and can deliver housing in the early stages of the Plan period;
 - The contribution the site currently makes to the Green Belt objectives is limited, which supports its removal for housing;

- The community consultations confirm the acceptability of housing in accessible locations such as this around North Weald Bassett; and,
 - The Council's own SA confirms this site as forming part of the most sustainable spatial option.
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- The Council is not planning to meet the OAN identified by ORS, let alone the correct OAN identified by Neame Sutton, nor is it dealing with its housing land supply or delivery trajectory correctly and as a consequence it cannot possibly suggest that Land off Church Lane is not required to meet clearly identified needs.

4.2 It is perhaps no surprise that the Council excluded Appendix B and C from its Regulation 19 consultation because this reaffirms the fact that its evidence base unequivocally confirms Land off Church Lane, North Weald Bassett (Site Ref: SR-0003) should be allocated for housing. There is no evidence to suggest the previous draft allocation of the site should be removed as has been the case. **The Council's approach in this Local Plan is therefore without foundation and consequently unsound in that it has not been positively prepared, nor supported by evidence, nor effective and it is not consistent with national policy.** Furthermore, the Council's approach fails the Legal Compliance test as confirmed by the fact that there is a live Legal Challenge already in process.

4.3 The draft allocation of the site should therefore be reinstated.
