

Stakeholder Reference:

Document Reference:

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**Part A**

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**Making representation as Agent on behalf of Landowner or Land Promoter**

<b>Personal Details</b>		<b>Agent's Details (if applicable)</b>
Title	Mr	
First Name	Matthew	Matthew
Last Name	Stimson	Stimson
Job Title (where relevant)		Principal Associate
Organisation (where relevant)	S BAINS & SON LIMITED & NIJER ESTATES LIMITED	shoosmiths
Address		
Post Code		
Telephone Number		
E-mail Address		

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## Part B

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### REPRESENTATION

**To which further Main Modification number and/or supporting document of the Local Plan does your representation relate to?**

MM no: 11

Supporting document reference:

**Do you consider this further Main Modification and/or supporting document of the Local Plan to be:**

Legally compliant: Yes

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Consistent with national policy

**Please give details of why you consider the further Main Modification and/or supporting document is not legally compliant or is unsound. Please be as precise and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words. 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.**

EPPING FOREST LOCAL PLAN – FURTHER MAIN MODIFICATIONS

OBJECTIONS BY: S Bains & Son Limited & Nijjer Estates Limited (Previously making representations throughout the Plan-preparation period to date as Freetown Homes Limited)

The Objector considers that there remain fundamental issues with the draft Local Plan, which the Further Main Modifications have failed to satisfactorily address, and we invite the Inspector to recommend that the Plan not be adopted in its present form.

This is because the draft Plan fails the test of soundness. Thus, in the Objector's submission, the Further Main Modifications Plan, do not overcome the basic deficiencies with the Plan in that it has not been:

- Positively prepared – because it does not provide a strategy which, as a minimum, seeks to meet the areas objectively assessed housing needs using a clear and justified method;
- Effective – because it is not deliverable over the Plan period;
- Consistent with national policy – because it does not enable the delivery of sustainable development.

The FMMs in relation to which the Objector raises Objections are:

FMM11 - Amended Table 2.3

FMM15 - Amended Policy SP2 Part A

FMM111 - Monitoring, Local Plan Review and Enforcement

FMM115 - Appendix 5 – Housing, Employment and Traveller Trajectories

The Objector is of course aware that the Plan is still being prepared in accordance with the transitional arrangements provided for under the 2012 version of the NPPF. In all the circumstances and in view of the very significant effluxion of time since the Plan was submitted, this is considered to be a gross abuse of process without any reasonable justification, because at a time of acknowledged housing crisis, the Plan adopts a housing requirement significantly below the up-to-date objectively- assessed local housing need (LP annual requirement + 5% = 500 dwellings/LHN + 20% = 973 dwellings).

However, in the Objector's submission the Council fails to demonstrate that actual delivery will achieve even this manifest under-provision. Thus, the Objector has commissioned (from Emery Planning [EP]) a robust audit of the Council's 5-Year Housing Land Supply position, including the FMM115 Appendix 5 Housing Trajectory, identifying serious deficiencies. The Emery Statement and its detailed assessment of sites is appended to this submission.

The key criticism in the EP audit is the Council's (over-) reliance on the optimistic and unjustified assumption that large (over 50 units) allocated sites presently without planning permission will deliver within 5 years. EP contends that this is plainly unrealistic and will not be achieved. Moreover, there is no objective justification for this approach which clearly, therefore, fails the 'clear evidence' test set out in PPG.

On this basis, Table 4.1 of the EP audit concludes that even against the emerging adopted housing requirement + 5%, there is an undersupply of 1,080 units, translating into a 2.94 years supply! Using the LHN + 20% buffer there would be a 4,293-unit undersupply, translating into a 1.32 year supply.

The situation with regard specifically to Affordable Housing is even more unsatisfactory as evidenced by the attached note prepared by Pioneer Housing and Development Consultants. Thus, on the basis of the EP revised planned overall Housing Supply – row G in EP Table 4.1. of 1,545 and assumption of 40% Affordable Housing = 618 / 5yrs = 124 affordable homes per annum.

Compared to the 167 per annum 2017 SHMA and emerging Local Plan Affordable Housing target (which adds up to 835 over 5 years) this suggests a shortfall of c.217 affordable homes over 5yrs (i.e. 835 minus 618 – this, of course, assumes, unrealistically, that all sites deliver 40% Affordable Housing and assumes Ben's housing land supply position).

LT1011 has now been updated and suggests an Affordable Housing supply of 273 affordable homes 2017/18 to 2021/22 (5yrs) in Epping Forest. When compared to the 167 per annum 2017 SHMA and emerging Local Plan Affordable Housing target (835 over 5 years) this suggests a 562 shortfall in supply of Affordable Housing over past 5yrs (that is, 835 minus 273).

Together with the planned supply shortfall (217) this indicates a shortfall of 779 affordable homes over the next 5years (again assuming that all sites deliver 40% Affordable Housing), applies EP's overall housing land supply position and, given the urgency of meeting this acute Affordable Housing need, strongly suggests that the Affordable Housing shortfall should be addressed within a 5-year period – i.e., through the Sedgefield as opposed to the Liverpool approach favoured by the Council.

The tiny provision of homes for Affordable Home Ownership – just c.6 per annum over past 5 years (29 in total) – should also be noted.

Furthermore, as highlighted in the note prepared by Pioneer Housing and Development Consultants, the SHMA evidence base (owing to the transitional arrangements under which the Plan is being prepared) does not reflect the current definition of eligibility for Affordable Housing contained in the NPPF and (as such) excludes certain households from the net Affordable Housing need calculation thereby significantly reducing the overall housing delivery target compared to that which would be applied through the Standard Method.

These serious deficiencies, in the overall housing land provision and supply and in Affordable Housing, which are either not addressed at all by the proposed FMMs or are inadequately addressed, go to the fundamental soundness of the emerging Plan which should not, therefore, be adopted in its present form.

**Please set out what change(s) you consider necessary to make the further Main Modification and/or supporting document 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 and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words.**

If, despite the compelling objection with respect to the fundamental soundness of the Plan set out above, the Inspector is minded to recommend that the Plan be adopted on the basis of the FMMs, the Objector would urge him to require that FMM11 be further modified to include in the Plan a clear and unequivocal commitment to the commencement of an immediate review of the LP, as soon as it is adopted. This would be necessary to address the acute housing crisis in the District.

## REPRESENTATION

**To which further Main Modification number and/or supporting document of the Local Plan does your representation relate to?**

MM no: 15

Supporting document reference:

**Do you consider this further Main Modification and/or supporting document of the Local Plan to be:**

Legally compliant: Yes

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Consistent with national policy

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The Objector is of course aware that the Plan is still being prepared in accordance with the transitional arrangements provided for under the 2012 version of the NPPF. In all the circumstances and in view of the very significant effluxion of time since the Plan was submitted, this is considered to be a gross abuse of process without any reasonable justification, because at a time of acknowledged housing crisis, the Plan adopts a housing requirement significantly below the up-to-date objectively- assessed local housing need (LP annual requirement + 5% = 500 dwellings/LHN + 20% = 973 dwellings).

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## REPRESENTATION

**To which further Main Modification number and/or supporting document of the Local Plan does your representation relate to?**

MM no: 111

Supporting document reference:

**Do you consider this further Main Modification and/or supporting document of the Local Plan to be:**

Legally compliant: Yes

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Consistent with national policy

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## REPRESENTATION

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Supporting document reference:

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Sound: No

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Signature: Matthew Stimson Date:  
09/12/2022