



Strategic Planning & Research Unit

For and on behalf of
Peer Group PLC

Epping Forest District Council
Local Plan Representations

Regulation 19 Objections on behalf of Peer Group PLC:

**Objections to policies
SP1, SP2, SP4, SP5, SP6, SP7
H1, H2,
DM2, DM3, DM4, DM6, DM8, DM9, DM10,
P1 to P11, D1, D6, D7
Appendices 3 and 5**

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0.0 EXECUTIVE SUMMARY

- 0.1 These Objections to the Local Plan are made by Strategic Planning Research Unit (SPRU) of DLP Planning Ltd on behalf of Peer Group PLC.
- 0.2 Peer Group PLC own a 190ha site, the Ongar Park Estate, to the southwest of North Weald Bassett which is largely a former radio station and a golf course. The owners have consistently promoted 15.26 hectares of the site through the Local Plan process and the current proposal is for part of the site to be allocated for development to deliver up to 285 dwellings, with associated landscaping, suitable urban drainage and public open space including play facilities.
- 0.3 Although consistently promoted by the owners the Council have not assessed the proposal as a reasonable alternative as they are required to do so as part of the Sustainability Appraisal. The only assessments that have been undertaken in this area are of the much larger 190 hectare site for over 6,000 new homes, and clearly the results cannot be applied to this much smaller proposal.
- 0.4 On behalf of Peer Group this representation raises objections to the submitted Local Plan on the following grounds:
- a. Legal Compliance;
 - i. Duty to cooperate;
 - 1. Failure to provide the documentation required that cooperation preceded the submission of the plan.
 - 2. Failure to demonstrate that the plan will deliver the objectively assessed need (OAN).
 - 3. Failure to engage the other neighbouring authorities to assist meeting shortfall in housing in the first five years of the plan prior to engaging the Liverpool approach (SPRU Regulation 19 detailed objection to the Housing Strategy based upon the Objectively Assessed Need for Housing & PPG paragraph 3.035)
 - ii. The sustainability assessment is fatally flawed due to;
 - 1. Incomplete evidence base including the justification for site selection (appendix B1 of the ARUP's December 2017 Report).

2. Failure to consider reasonable alternatives in terms of range of housing and all reasonable alternative sites.
 - iii. The unavailability of a critical background report (the details of site selection process in Appendix B1 of ARUP's December 2017 Report) during the Regulation 19 consultation period.
- 0.5 It is considered that any one of the above shortfalls is sufficient to justify the Inspector not proceeding with the current plan to examination and to require further work on properly identifying and then meeting the OAN within the Housing Market Area. This should include a reassessment of all reasonable alternative sites for housing to meet the revised requirement, further consultation with neighbouring authorities regarding the potential for them to assist on both meeting the overall level of housing need to address the immediate shortfall. Finally, this additional work and background evidence should be published and subject to a Regulation 19 consultation.
- 0.6 If, however the Inspector does wish to proceed then SPRU on behalf of Peer Group PLC object to the following policies with the plan.

Chapter 1

- 0.7 **Paragraph 1.2 & 1.3** It is misleading for the plan to suggest that it provides for the Plan to meet the needs from 2011 to 2033. In reality, the clear objective for submitting the plan prior to 31 March 2018 is to avoid the need to meet a higher housing requirement that will result from the application of a standardised method for calculating need (OAN). This is an approach which is likely to frustrate the Governments objective of increasing the level of housing in response to both demographic and market demand. In these circumstances, if the Government adopt the approach in their consultation, the Plan will become out of date five years after its adoption or possibly sooner- (Epping Forest Committee Report 14 December 2017 "Reasons for decision page 2 & 3 Appendix 10).
- 0.8 **Paragraph 1.5** – Plan has not been prepared in accordance with regulation 17 as required evidence on site selection was not available during the Regulation 19 consultation (Paragraph 4.2 - 4.22) or in accordance with the Planning and Compulsory Purchase Act 2004.
- 0.9 **Figure 1.5** – This graph is out of date. An up to date evidence on affordability ratios are set out in SPRU OAN report charts 4 & 5 (See Regulation 19 detailed objection to the Housing Strategy based upon the Objectively Assessed need for housing).

Chapter 2

- 0.10 **Vision C** does not put in place critical building blocks for looking further ahead to 2050 as the plan will be out of date in 5 years due to adopting a housing requirement which is clearly too low (Epping Forest Committee report 17 December 2017 see SPRU Regulation 19 detailed objection to the housing strategy based upon the Objectively Assessed Need for Housing).
- 0.11 **Plan objectives 8 i) + ii)** The plan does not provide for the OAN to be met in full and be accommodated on the most appropriate sites as not all reasonable alternatives have been considered in terms of meeting a higher housing requirement or as additional sites to meet the OAN in full, as required by paragraph 47 of the NPPF.
- 0.12 **Policy SP1 Part2** - Given the incomplete evidence base and lack of assessment of reasonable alternatives (3.2 to 3.33 and SPRU's Regulation 19 detailed objection to SA and Habitats regulations assessment) it cannot be reliably asserted that the development plan represents sustainable development.
- 0.13 **Policy SP2 and paragraphs 2.43 & 2.44** - The OAN is incorrect (3.14 – 3.19, 4.51 – 4.55 and SPRU OAN report January 2017 [Detailed objection to the Housing Strategy based upon the OAN, SPRU report]) There are additional sustainable sites including our client's site in North Weald Bassett which have not been properly assessed and could be brought forward to meet the full OAN.
- 0.14 The provision of 3,900 dwellings around Harlow is unlikely to meet the OAN as these dwellings are likely to be taken up by migration from the wider East of England Region or the UK in general.
- 0.15 There is little interaction between Harlow and the district with only 6% of migration out of the District relocating to Harlow and only 4% of workers commuting to Harlow to work. (table 3 page 28 SPRU Regulation 19 detailed objection to the housing strategy based upon the Objectively Assessed Need for Housing).
- 0.16 **Policy SP5** - Contribution of dwellings is based on overoptimistic assumptions of lead in times and completion rates (paragraph 3.24, 6.5-6.12 and SPRU housing land supply position report Appendix 1)
- 0.17 **Policy SP6 - Green Belt** – the release of green belt needs to be justified both at a strategic scale and on a site by site basis, this has not been undertaken. The approach taken to Green Belt release is not sound.

0.18 **Policy SP6 – Safeguarded Land** - the plan should identify safeguarded land for development beyond the plan period.

0.19 **Policy SP7** - The plan is contrary to paragraph 113 of the Framework.

Chapter 3

0.20 **Policy H1** - The requirement for all sites to undertake local needs survey is unreasonable.

0.21 **Policy H2** – Part G is unreasonable.

Chapter 4

0.22 **Policy DM2** - This policy is not effective and there is no evidence that the pooling restrictions for S 106 contributions have been taken into account.

0.23 **Policy DM3** - This is contrary to paragraph 113 of framework.

0.24 **Policy DM4** - Object for same reason as our objection to SP6.

0.25 **Policy DM8** - This is an aspiration not a policy.

0.26 **Policy DM9**- This is unsound as it gives development plan status to documents which have not been through the DP process.

Chapter 5

0.27 **Policies P 1 to P 11** - We consider these policies to be unsound as they effectively give development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.

0.28 **Policy P 4 Ongar** – comments on allocations and status of the concept framework

0.29 We consider P 4 to be unsound as the policy effectively gives development plan status to the concept framework. SPRU's Five Year Housing Land Supply Report (see Regulation 19 detailed objection to the Housing Strategy based upon the Five Year Housing Land Supply and Whole Plan Supply), also challenges the delivery of site ONG.R1 and ONG.R2.

0.30 **Policy P 5 Buckhurst Hill** – BUCK.R1 and BUCK.R2 are two site allocations which SPRU do not consider will be wholly delivered within the five year supply period to 2022 (see SPRU's Regulation 19 detailed objection to the housing strategy based upon the impact for five year housing land supply and whole plan supply).

- 0.31 **Policy P 6 North Weald Bassett** – The allocation of sites; of NWB.R1 – Land at Bluemans, NWB.R2 – Land at Tylers Farm, NWB.R4 – Land at Chase Farm, NWB.R3 – Land south of Vicarage Lane and NWB.R5 – Land at The Acorns, Chase Farm is unsound. There is no justification for the allocation of these sites for development and no exceptional circumstances have been set out, as to why these sites should be released from the Green Belt, in preference to sites which are clearly more sustainable and would have a lower impact on the Green Belt (see paragraphs 4.111-4.121). The Council has relied almost exclusively on the Allies and Morrison Masterplanning Study 2014 to inform site allocations in North Weald Bassett. This Study has been misinterpreted and misrepresented by the Council and should not form such a crucial role in the site selection process.
- 0.32 In SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for the Five Year Housing Land Supply and plan period supply, we set out the justification for amending the trajectory downwards (section 5).
- 0.33 **Land at Ongar Park Estate** - It is considered that the environmental impact of this site has been overestimated and the assessment has been heavily influenced by the selection of sites in North Weald Bassett, despite conflicting conclusions that can be drawn from the Council's wider evidence base.
- 0.34 **Policy P 7 Chigwell** – comments on allocations and status of the masterplan.
- 0.35 SPRU contest the delivery rate of proposed housing allocation CHIG.R7 (see SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report).
- 0.36 **Policy P 10 Nazeing** – The rate of delivery from housing allocations NAZE.R1, NAZE.R3 and NAZE.R4 is challenged (see SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report).
- 0.37 **Policy P 11 Thornwood** – The delivery of THOR.R2 the site is contested (see SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report).

Chapter 6

- 0.38 **Policy D 1 Delivery of Infrastructure** - We do not consider D 1 to be sound as it is not effective, in particular all of part C.

- 0.39 **Policy D 6 Neighbourhood Planning** - This is an aspiration of the Council and not a planning policy
- 0.40 **Policy D 7 Monitoring and Enforcement** - This policy is not effective, it is not at all clear how the Local Plan will be monitored. The section regarding planning enforcement is unnecessary, it is a statement and not planning policy.
- 0.41 **Appendix 3 Measures to monitor the effectiveness of policies in the Local Plan** - The monitoring framework set out on page 218 onwards of the Plan is not effective, it does not establish an effective means for monitoring the success of the Plan. We raise a number of issues in how this has been set out.
- 0.42 **Appendix 5 Housing Trajectory** - The Council are over optimistic in their assessment of the delivery of sites both in terms of lead in times and rates of delivery (see SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report).

1.0 INTRODUCTION

- 1.1 This representation is submitted by the Strategic Planning and Research Unit (SPRU) of DLP Planning Ltd (DLP) on behalf of Peer Group PLC in response to the consultation on the 'Submission Version' of the Epping Forest District Local Plan 2011 to 2033.
- 1.2 The representation objects to the Submission Version of the Epping Forest Local Plan 2011-2033 and contends that the plan, in its current form, fails all four tests of soundness at NPPF paragraph 182, namely:
- 1.3 The plan is not positively prepared:
 - a. The plan fails to meet objectively assessed housing needs for the area;
 - b. The plan fails to deliver a five year housing land supply;
 - c. The plan fails to be flexible in order to adapt to rapid change;
 - d. The Council has failed to act upon information provided to it during the plan making phase and;
 - e. The plan will not have a 15-year horizon after it is adopted.
- 1.4 The plan is not justified:
 - a. The robustness of the Sustainability Assessment as an evidence base for the Local Plan is deemed to be questionable. As a result, the plan is not based upon a credible or robust evidence base. The Council's selection of sites is flawed because the evidence based used to justify their selection is not consistent or robust and has not been made available through the consultation period;
 - b. The approach adopted by the Council setting a housing requirement lower than the OAN is not justified, nor is it consistent with national policy. In particular the reduction in the market signals uplift with no evidence to support that outcome and use of alternative migration data.
 - c. The approach adopted by the Council to determining the housing need of the area is not based on an appropriate evidence base which will deliver a significant uplift in the supply of housing; and
 - d. The plan fails to provide any evidence that the sites selected for allocation have been chosen in the pursuit of sustainable development;

- e. The plan is not the most appropriate (or indeed an appropriate) strategy.
- 1.5 The plan is not effective:
- a. The plan fails to deliver Epping Forest's objectively assessed housing needs;
 - b. The Plan does not set clear policies by which developers can plan for development. Many do not give the applicant or decision maker clear guidance;
 - c. The Plan contains several policies which are ineffective or contradictory or have no purpose in a statutory development plan.
- 1.6 The plan is not consistent with national policy:
- a. The plan does not boost the supply of housing and does not meet the full objectively assessed needs for market and affordable housing in the housing market area as required by paragraph 47, the National Planning Policy Framework;
 - b. The plan fails to provide sufficient flexibility to respond to changing circumstances as required by paragraph 14 of the National Planning Policy Framework;
 - c. The Local Plan is not based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area as required by paragraph 158 of the National Planning Policy Framework. The Plan fails to take full account of relevant market and economic signals;
 - d. Epping Forest falls substantially short of demonstrating a five year supply of deliverable housing sites as required by paragraph 47 of the National Planning Policy Framework. If the plan was to proceed in its current form the housing policies within the Plan would be 'out of date' on the day of its adoption;
 - e. This approach taken by Epping Forest District Council to assess the capacity of allocated sites does not allow the Council to prepare an accurate housing trajectory to ensure the emerging plan meets the identified need for housing over the plan period as required by paragraph 159 of the National Planning Policy Framework;

- f. The allocation of sites NWB.R1, NWB.R2, NWB.R3, NWB.R4, NWB.R5 in North Weald Bassett is not sound. For those sites located within the Green Belt, the plan fails to set out the exceptional circumstances for their release.
 - g. The plan fails to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency; a core planning principle outlined in the National Planning Policy Framework;
 - h. The Plan has failed to have proper regard to national policy as required by Sections 19 and 34 of the Planning and Compulsory Purchase Act 2004 and to relevant case law; and
 - i. The Plan, based upon an inadequate evidence base, has failed to allocate the most appropriate sites within the Green Belt.
- 1.7 Further to failing the four tests of soundness at NPPF paragraph 182, we consider that the Plan is not legally compliant for the following reasons;
 - a. The actions taken by the Council leading up to and the Decision to commence regulation 19 consultation and the non-availability or incompleteness of proposed submission documents as described in Part 6 Regulation 17 of The Town and Country Planning (Local Plan) (England) Regulations 2012;
 - b. Duty to Co-operate; in particular;
 - A failure to prepare documents requested by statutory bodies, which should have been available during the plan making and preparation phase of the Plan;
 - A failure to demonstrate through evidence that the Council is, in fact, unable to meet its objectively assessed need.
- 1.8 This representation is made in the context of our client's interest in the land at the Ongar Park Estate and demonstrates that this site should properly be allocated for residential development. The site is shown in appendix 9.
- 1.9 For ease of reference, the representation is structured to relate to the relevant questions which have been set out in the 'Comment Form'. In this regard, the representation will identify which part of the local plan we would like to comment upon, consider whether

the plan is legally compliant, sound and has been prepared in accordance with the duty to cooperate; and if not, provide reasons why; and where possible and appropriate we identify what changes are necessary to make the Local Plan legally compliant or sound.

- 1.10 Section 5 of the representation will provide a detailed assessment of the promoted site at the Ongar Park Estate in order to demonstrate that it is available, suitable and achievable/developable for residential development.

2.0 NATIONAL POLICY CONTEXT

2.1 The National Planning Policy Framework (“the Framework”) sets out the Government’s planning policies for England and how these are expected to be applied.

2.2 At the heart of the Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking (paragraph 14). For plan-making, this means:

- Local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local plans should meet objectively assessed needs in full, with sufficient flexibility to adapt to rapid change, unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate that development should be refused¹.

2.3 The Framework outlines a number of core land-use planning principles at paragraph 17 that should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. The should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the

¹ For example those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

2.4 The policies in the Framework taken as a whole constitute the Government's view of what sustainable development in England means in practice for the planning system and comprise:

- Building a strong, competitive economy;
- Ensuring the vitality of town centres;
- Supporting a prosperous rural economy;

- Promoting sustainable transport;
 - Supporting high quality communications infrastructure;
 - Delivering a wide choice of high quality homes;
 - Requiring good design;
 - Promoting healthy communities;
 - Protecting Green Belt land;
 - Meeting the challenge of climate change, flooding and coastal change;
 - Conserving and enhancing the natural environment;
 - Conserving and enhancing the historic environment;
 - Facilitating the sustainable use of minerals;
- 2.5 In particular, paragraphs 150 to 185 of the Framework relate specifically to 'plan-making'.
- 2.6 Paragraph 150 states that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in the Framework, including the presumption in favour of sustainable development (paragraph 151).
- 2.7 Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued (paragraph 152).
- 2.8 Paragraph 154 states that Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change.
- 2.9 Local Planning Authorities are required to set out the strategic priorities for the area in the local plan, including the strategic policies to deliver the homes and jobs needed in the area; and the provision of infrastructure for transport.
- 2.10 Paragraph 157 states that plans should inter alia:
- Plan positively for the development an infrastructure required in the area to meet

the objectives, principles and policies of the Framework;

- Allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate.

2.11 The Framework provides guidance on using a proportionate evidence base. In particular, paragraph 158 states that each Local Planning Authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local Planning Authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

2.12 With regard to housing specifically, the Framework, at paragraph 159 requires Local Planning Authorities to have a clear understanding of housing needs in their area. They should:

- Prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
 - Meets household and population projections, taking account of migration and demographic change;
 - Addresses the need for all types of housing, including affordable housing and the needs of different groups in the community; and
 - Cater for housing demand and the scale of housing supply necessary to meet this demand.
- Prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic

viability of land to meet the identified need for housing over the plan period.

2.13 The Framework outlines that the role of the Independent Inspector, when examining the Local Plan, is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Paragraph 182 states that for a plan to be 'sound' it should be:

- **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

Housing White Paper: Fixing our Broken Housing Market

2.14 On 7th February 2017, the Government published its Housing White Paper, *Fixing our Broken Housing Market*.

2.15 The proposals in the White Paper set out how the Government intends to boost housing supply and, over the long term create a more efficient housing market whose outcomes more closely match the needs and aspirations of all households and which support wider economic prosperity. The White Paper represents a new comprehensive approach to radical, lasting reform that will get more homes built right now and for many years to come.

2.16 It covers the whole house building process, from finding sites to securing local support and permission as well as getting homes built quickly and sold on fair terms. But it also goes further, seeking to build consensus for a new, positive mind-set to house building.

A can-do approach that simply does not tolerate failure.

- 2.17 The White Paper highlights that the cause of our housing shortage is simple – not enough homes are being built. Fixing it is more complex and requires a radical re-think of our whole approach to home building.
- 2.18 The White Paper outlines four key proposals:
- a. Planning for the right homes in the right places, including but not limited to:
 - i. Building homes faster;
 - ii. Diversifying the market;
 - iii. Helping people now.
- 2.19 With regard to the first proposal, the White Paper sets out, amongst other things, to make sure every part of the country has an up-to-date, **sufficiently ambitious plan**, so the local communities decide where development should go; and ensure that plans start from **an honest assessment of the need for new homes** and that local authorities work with their neighbours so that **difficult decisions are not ducked** (DLP emphasis).
- 2.20 The Government wants to ensure that every area has an effective, up-to-date, plan – by making it easier for plans to be produced and understood, and simpler to identify the homes that are required. Effectiveness means plans meeting as much of that housing requirement as possible, in ways that make good use of land and result in well-designed and attractive places to live (paragraph 1.2). Paragraph 1.3 highlights that in spite of the progress being made to bring more brownfield land back into use, plans don't always encourage a sufficiently wide range of sites to come forward to meet local housing requirements. The Government therefore sets out proposals to reform plan-making, identify sufficient land in the right locations and make the most of development opportunities; with more community involvement to secure the best outcomes for both people and places.
- 2.21 The Government highlights that the current approach to identifying housing requirements is particularly complex and lacks transparency. The White Paper acknowledges that the Framework sets out clear criteria but is silent on how this should

be done. The lack of a standard methodology for doing this makes the process opaque for local people and may mean that the number of homes needed is not fully recognised. It has also led to lengthy debate during local plan examinations about the validity of the particular methodology used, causing unnecessary delay and wasting taxpayers' money. The Government believes that a more standardised approach would provide a more transparent and more consistent basis for plan production, one which is more realistic about the current and future housing pressures in each place and is consistent with our modern Industrial Strategy. This would include the importance of taking account of the needs of different groups, for example older people.

- 2.22 The Government will, therefore, consult on options for introducing a standardised approach to assessing housing requirements. The Government want Council's to use the new standardised approach as they produce their plans. To incentivise Authorities to get plans in place, in the absence of an up-to-date local or strategic plan the Government propose that by April 2018 the new methodology for calculating objectively assessed requirement would apply as the baseline for assessing five year housing land supply and housing delivery.
- 2.23 The Housing White Paper reiterates the responsibility of all Local Planning Authorities to do all they can to meet their housing requirements, even though not every area may be able to do so in full. To strengthen expectations, the Government is proposing to amend the National Planning Policy Framework so that when preparing plans:
- Authorities should have a clear strategy to maximise the use of suitable land in their area, so it is clear how much development can be accommodated; and
 - Their identified housing requirement should be accommodated unless there are policies elsewhere in the National Planning Policy Framework that provide strong reasons for restricting development, or the adverse impacts of meeting this requirement would significantly and demonstrably outweigh the benefits.
- 2.24 With regard to the need to 'build homes faster', where communities have planned for new homes, the Government want to ensure those plans are implemented to the timescales expected. Proposals include, inter alia, holding Local Authorities more closely to account for the delivery of homes that they have planned for, and enable them

to hold developers to account.

2.25 The Government will introduce a new housing delivery test to ensure that local authorities and wider interests are held accountable for their role in ensuring new homes are delivered in their area. This test will highlight whether the number of homes being built is below target, provide a mechanism for establishing the reasons why, and where necessary trigger policy responses that will ensure that further land comes forward. The first assessment period will be for financial years April 2014 – March 2015 to April 2016 – March 2017.

2.26 Where under-delivery is identified, the Government proposes a tiered approach to addressing the situation that would be set out in national policy and guidance, starting with an analysis of the causes so that appropriate action can be taken:

- From November 2017, if delivery of housing falls below 95% of the Authority's annual housing requirement, the Government propose that the Local Authority should publish an action plan, setting out its understanding of the key reasons for the situation and the actions that it and other parties need to take to get home-building back on track.
- From November 2017, if delivery of housing falls below 85% of the housing requirement, Authorities would in addition be expected to plan for a 20% buffer on their five-year land supply, if they have not already done so.
- From November 2018, if delivery of housing falls below 25% of the housing requirement, the presumption in favour of sustainable development in the National Planning Policy Framework would apply automatically (by virtue of relevant planning policies being deemed out of date), which places additional emphasis on the need for planning permission to be granted unless there are strong reasons not to.
- From November 2019, if delivery falls below 45% the presumption would apply.
- From November 2020, if delivery falls below 65% the presumption would apply.

2.27 In order to implement the vision set out in the White Paper, the Government is consulting on a range of specific planning proposals. Many of the changes involve amendments to the National Planning Policy Framework. The Government intends to publish a revised

Framework later this year, which will consolidate the outcome from previous and current consultations. It will also incorporate changes to reflect changes made to national policy through Written Ministerial Statements since March 2012.

- 2.28 Notwithstanding the changes which are to be implemented through national policy, it is plain that the Government has a clear commitment to significantly boost the supply of housing across the country.

Planning for the Right Homes in the Right Places: Consultation Proposals

- 2.29 The Government recently consulted on “Planning for Homes in the Right Places” which applies a standardised calculation for housing need.
- 2.30 In the foreword to this document, the Secretary of State, sets out that he intends to create a system that is clear and transparent, and infers that he intends to move away from complex processes currently used.
- 2.31 This consultation document provides the further detailed consultation which the White Paper 2017 referred to. The proposals are set out, starting on page 12 paragraph 16.
- **Step 1: setting the baseline** should be a demographic baseline using the most recent official projections.
 - **Step 2: an adjustment to take account of market signals.** Government consider that household growth is insufficient on its own, as household formation can be constrained by housing supply and households may wish to move close to work, this may mean moving housing market areas. The important point that that the current consideration of market signals focuses on affordability of new homes and that where income is high, affordability may not be an issue. This could be a particular issue when moving across HMAs. Therefore, the workplace-based median house price to median earnings ratio should be used. The formula proposed to be used is set out in paragraph 21.
 - **Step 3: capping the level of any increase.** Here government recognises that the market adjustment may result in significant increases and therefore should be capped at a 40% increase of that in existing plans.
- 2.32 The OAN figure for Epping Forest when applying the standardised methodology is 923

dwellings per annum (18,460 new dwellings over a 20 year plan period).

- 2.33 The consultation document as a whole yet again reaffirms the Government's opinion on the DCLG 2014-based projections to be a reliable starting point for; household formation rates, population and migration assumptions. In particular paragraph 16; "...*The Office for National Statistics' [ONS] projections for numbers of households in each local authority are the most robust estimates of future growth.* Paragraph 17 "...*the most recent official projections should be used*". In preparing this proposed methodology, Government will have taken into consideration comments made to the LPEG consultation and those to the White Paper consultation. Indeed, it can be inferred from paragraph 12, bullet point 1, that Government has been gaining a better understanding of the methods and processes currently used in preparing a SHMA.
- 2.34 In particular, paragraph 44 states that the proposed method should be used and that only where compelling circumstances exist the proposed method may not be used. However, these circumstances must be properly justified and subject to examination. This infers where such an approach is taken, that deviates from the standard, it can only be used at the examination of a Local Plan. This is supported by paragraph 47. Outside of the examination process the standard methodology, which does not deviate from the baseline demographic projects, must be used.
- 2.35 Paragraphs 48, 49, 52 and 53 and Table 1 deal with the implementation of the new methodology. It is clear that unless a Plan has been published and submitted for examination by the prescribed deadline, the new standard method for calculating OAN should be used.
- 2.36 This OAN methodology consultation is now the third consultation document prepared or instigated by Government that has considered the plan making process. The first such document was the LPEG report which set out the changes they considered necessary to the plan making process and in particular; a standard approach to the calculation of OAN should be used, that official information should be used and that a meaningful and standard approach to market signals should be applied to all local authorities. This was then followed by the housing White Paper, it drew on the conclusion of the LPEG report and set out that a simplification to the plan making process was required, to deliver the key Government objective of addressing the

housing crisis. In particular Government considered the calculation of OAN to be such an integral issue to achieving this objective that a separate consultation paper was published.

2.37 From all three consultation documents it is clear that:

- Government considers the official projections; DCLG based household growth, MYE and census to be robust. This has been repeatedly supported by various reports prepared by ONS in recent years;
- The method to calculate the response to market signals has been inconsistent across the country and that a standard approach is necessary.

3.0 EPPING FOREST DISTRICT LOCAL PLAN 2011-2033 – REVIEW OF EVIDENCE BASE SUMMARY

- 3.1 To support this representation, several accompanying reports have been prepared to assess specific aspects of the Plan and evidence base in more detail. These are appended to this report and should be read in conjunction with this representation, a summary of each is set out below.

Regulation 19 Detailed Objection to the Sustainability Appraisal and Habitats Regulations Assessment

- 3.2 A critical review of the Sustainability Appraisal (SA) of the Epping Forest District Local Plan 2011-2033 has been carried out by SPRU in this detailed objection.
- 3.3 Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. Whilst the Framework describes what sustainable development means in this planning context, it is the Planning and Compulsory Purchase Act 2004, section 39(2) which sets the legal framework for this to be achieved; that those with the authority of preparing a Local Plan must “*exercise the function with the objective of contributing to the achievement of sustainable development.*”
- 3.4 Furthermore section 19 (5) (a) & (b) of the Act requires local planning authorities to carry out a sustainability appraisal of each of the proposals in a Local Plan and prepare a report on the findings of that appraisal.
- 3.5 The preparation of a Sustainability Appraisal is set out within SEA Directive 2001/42/EC along with the Environmental Assessment of Plans and Programmes regulations 2004 and the supporting guidance issues by Government over the past 12 years, in addition to the relevant subsequent High Court and Appeal judgements.
- 3.6 It is a requirement of section 19 of the 2004 Planning and Compulsory Purchase Act that a local planning authority must carry out an SA of each of the proposals in a Local Plan. Furthermore, section 39 requires the authority prepare a Local Plan to do so with the objective of achieving sustainable development.
- 3.7 Guidance set out by Government in 2015 on SEA and SEA (which now forms part of the PPG) clearly summarises what SA is.

*“A sustainability appraisal is a systematic process that must be carried out **during the preparation** of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. [SPRU emphasis]*

This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the Local Plan. By the end of the Sustainability Appraisal process the local authority will have considered a range of suitable and reasonable options to meet the requirements to deliver the objectives of the Framework to meet the identified needs within the local authority area.”

- 3.8 The full SA review is submitted as a separate detailed objection, however in summary the review has identified legal non-compliance. If the SA Report in its current form were to be challenged in the Courts, it is our view that a challenge may succeed, with potential ramifications for the Local Plan itself. Ultimately, this could strike out all or specific policies of an adopted Plan from use in decision-making and determining planning applications.
- 3.9 The most significant areas of non-compliance are as follows:
- The SA contains no discussion of areas likely to be significantly affected by the proposal contained within the Plan this is a requirement of the SEA Directive and SA regulations;
 - Inter-relationships between effects do not appear to have been considered;
 - A non-technical summary has been provided separately from the main SA Report, however it does not contain all the information required by the SEA Directive; and
 - The reasons for selecting the preferred land use allocations, the identification of reasonable alternatives and the rejection of alternatives is not given.
- 3.10 In addition, the review identifies that there are several aspects, that whilst not an issue of legal compliance, do not follow standard good practice on SA. The robustness of the SA as an evidence base for the Local Plan is therefore questioned. As a result the plan

is not justified and is consequently unsound.

- 3.11 Through the review of the Sustainability Appraisal we have also noted areas in which the Council's Habitat Regulation Assessment fails to meet the minimum legal requirements. Both the SA and HRA seem to have been prepared in isolation, with no overlap between the reports; issues identified in one have not been adequately considered in the other.
- 3.12 As such, the robustness of the SA as an evidence base for the Local Plan is questionable, particularly given the inconsistency of the assessment and the failure to publish key evidence for the selection and allocation of different sites or any evidence of consideration by the SA of reasonable alternative sites. As a result, the plan is not justified as it is not based upon a credible or robust evidence base. The Council's selection of sites is flawed because the evidence based used to justify their selection is not robust. The evidence base used to inform Plan making and the SA is incomplete and inadequate, with key documents missing or still in a draft form (in some parts key sections or appendix sections are missing entirely).
- 3.13 It is unacceptable that the key decision making bodies within the Council were not in possession of a complete or legally compliant set of Development Documents or a complete evidence base to allow a reasonable and properly informed decisions on the Local Plan or to commence this Regulation 19 consultation.

Regulation 19 Detailed Objection to the Housing Strategy based upon the Objectively Assessed Need for Housing

- 3.14 This review has been commissioned to gain a better understanding of the current housing needs of Epping Forest District Council. Changes within the Local Plan are required to ensure the submitted Plan is sound and that it adequately expresses, explains and justifies the Council's chosen OAN, based on an up to date SHMA.
- 3.15 The most recent SHMA 2017 does not fully consider the most recent 10 year migration trend, it also unconvincingly reduces the market signal uplift set in the previous SHMA (2015 and 2016 update).
- 3.16 We do not consider there to be sufficient evidence to reduce housing need from the DCLG 2014-based starting point of 684 dwellings per annum for Epping Forest. Applying a 20% uplift to this starting point yields a dpa of 824 from 2011 to 2033. The

uplift applied to the starting point is based upon various market signals explored in the Council's evidence base which show worsening levels of affordability. The Plan is unsound, the objectively assessed need for housing is not based upon a robust evidence base.

- 3.17 Further to the significant move away from the DCLG 2014-based starting point, no consideration has been given to the OAN set within Government's standardised approach to calculating OAN, this is 923 dwellings per annum.
- 3.18 Further to these points, we do not consider the Council or the HMA authorities are meeting housing need in full across the HMA or within Epping Forest.

Table 1 Housing Distribution across the HMA

Local Authority	Housing Requirement 2011 to 2033 (dwellings)		
	DCLG 2014-based household projections ²	Housing MoU March 2017	SHMA 2017
East Herts	17,785	18,000	18,396
Epping Forest	15,049	11,400	12,573
Harlow District	7,903	9,200	7,409
Uttlesford	11,427	12,500	13,332
HMA Total	52,728	51,100	51,700

- 3.19 We do not consider there is sufficient justification by the Council to reduce the market signals uplift of 20%, the market indicators between assessments have not improved. Further to this there does not appear to have been any consideration if a further uplift should be applied to ensure higher levels of affordable housing are delivered, to meet affordable housing needs.

Regulation 19 Detailed Objection in relation to the Housing Strategy Based Upon the Impact for Five Year Housing Land Supply and Whole Plan Supply

- 3.20 SPRU have combined Appendix 3 and Appendix 4 of the Council's Housing Implementation Strategy (2017) into one trajectory, which we consider to be the Council's position of land supply. We have then used this as a starting point to assess the Council's supply of housing land. See SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report for the full assessment.

² No market signals uplift

- 3.21 This provides an overall total supply to 2033 of 11,827 dwellings (excluding completions from 2011 to date which provides an overall total of 13,157 dwellings to 2033) and a five-year supply figure of 3,486 dwellings. The starting point for the Council's trajectory demonstrates that Epping Forest have **5.28 years** of housing land supply when applying a 5% buffer to the supply, and the application of the Liverpool method.
- 3.22 The council are acting contrary to government guidance in applying the Liverpool approach. The Government guidance is clear that shortfall should be dealt with in the first five years. Paragraph: 035 Reference ID: 3-035-20140306 states that local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible. Where it is not possible to address the shortfall within the first five years then the guidance requires that the council approach neighbouring authorities through the Duty to Cooperate to establish if they could assist in meeting this shortfall in the next five years.
- 3.23 There is no evidence that the council have sought to approach the neighbouring authorities on this basis as such there is no justification under this guidance for the adoption of the "Liverpool" approach i.e. meeting what is a substantial shortfall over the whole plan period.
- 3.24 Further the fact that the council cannot meet its shortfall early in the plan period is a direct result of the council's choice of allocations. There is clear evidence that there are suitable, available and deliverable sites which have been omitted from the plan. This is a policy choice and cannot be used to justify not meeting the councils housing needs in the short term.
- 3.25 In our assessment of the five year land supply the "Sedgefield" method of dealing with the backlog in the first five years must be used in these circumstances otherwise the submitted plan fails the Duty to Cooperate.
- 3.26 Within our assessment we consider that a 20% buffer should be applied, because of the Council's poor track record of delivery in recent years. When moving from a 5% to a 20% buffer, on the Council's land supply position, they would not be able to demonstrate a 5 year supply of housing.
- 3.27 The Council's trajectory will be used as the basis for calculating the revised housing

land supply position of the district using the housing requirement identified by Epping Forest District Council in their emerging Local Plan of 11,400 dwellings across the plan period to 2033 or **518 dwellings per annum**.

3.28 Our work has assessed the projected delivery of housing sites set out in the 2017 Housing Implementation Strategy, according to the most up-to-date national and local research of timescales and delivery rates.

3.29 SPRU have undertaken a five year housing land supply review of the Council's position (See SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report for the full assessment). In summary, the contested sites are:

- New Garden Town Communities (Latton Priory, Water Lane Area and East of Harlow)- a reduction of **-1,324 dwellings** from the plan period;
- BUCK.R1; Land at Powell Road- a reduction of **-16 dwellings** from the five year supply;
- BUCK.R2; Land at Queens Road Car Park- a reduction of **-41 dwellings** from the five year supply;
- CHIG.R7; Land at Chigwell Convent- a reduction of **-28 dwellings** from the five year supply period;
- ONG.R1; Land West of Ongar- a reduction of **-19 dwellings** from the five year supply period;
- ONG.R2 Land at Bowes Field- a reduction of **-15 dwellings** from the five year supply period;
- NAZE.R1; Land at Perry Hill- a reduction of **-17 dwellings** from the five year supply period
- NAZE.R3; Land to the Rear of Pound Close- a reduction of **-20 dwellings** from the five year supply period;
- NAZE.R4; Land at St Leonards Farm- a reduction of **-11 dwellings** from the five

year supply period;

- NWB.R5; Land at the Acorns, Chase Farm- a reduction of **-51 dwellings** from the five year supply period;
- THOR.R2; Land East of High Road- a reduction of **-40 dwellings** from the five year supply period.

- 3.30 There are also a number of sites which have either been double counted or sites with planning permission that has expired, erroneously in the trajectory. These are listed in section 6 of SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report for the full assessment. It is important to note that there may be more double counting than those sites outlined above. The Council should undertake a thorough assessment of their land supply to rule out any further instances of double counting or sites with expired consents.
- 3.31 In the five year housing land supply assessment undertaken by SPRU (See SPRU's Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report for the full assessment.), we have deducted **464 dwellings** from the five year supply period. This reduction and the application of the correct approach to dealing with the existing shortfall in the first five years of the plan result in a likely level of housing supply at the time of adoption of just 2.85 years supply.
- 3.32 In terms of the plan period supply, adjustments made by SPRU result in a supply of **10,229 dwellings** to 2033 (a reduction of **1,598 dwellings** from the Council's anticipated figure of 11,827. This further increases the gap between the likely level of dwelling provision that will result from submitted plans and the effective demand as calculated by a correct approach to the OAN.
- 3.33 In terms of the application of a buffer, it is clear from table 2 of our Regulation 19 detailed objection to the Housing Strategy based upon the impact for Five Year Housing Land Supply Report that the Council have a poor record of delivery, and, further to this, it has taken ten years to bring forward a new Plan since the East of England Plan was adopted in 2008. Table 2 of our report highlights that the Council has failed to meet the target set since the start of the plan period in 2011. Therefore, a buffer of 20% is considered appropriate in accordance with Paragraph 47 of the Framework.

3.34 Throughout our assessment of Epping Forest's five year land supply, a number of issues have been highlighted with the Council's assessments. These are;

- Referencing of sites (the reference in the trajectory of the New Garden Town Communities compared with the references in the emerging Local Plan);
- Referencing of Harlow extension site capacity (mixing up the capacity of Latton Priory and East of Harlow);
- Double counting of 13 sites;
- Site Capacities in the Local Plan do not match what sites have permissions for (some are lower, some are higher) i.e. CHIG.R2 has planning permission for 25 retirement living apartments and erection of a 72-bed care home, but is recorded in the trajectory as 23 dwellings.

3.35 This raises issues with the overall robustness of the assessment carried out by the Council. In summary the adjustments required to reflect government guidance and the available local and national evidence on lead in times and delivery result in there being a significant shortfall in the five year land supply at the date of adoption.

Summary of Other Evidence Base Documents Submitted

3.36 In addition to these reports and our main representation, the following documents have been submitted for the Inspector's consideration.

- Covering Letter
- Forms A and B
- Regulation 19 Objections on behalf of Peer Group PLC: Objections to policies SP1, SP2, SP4, SP6, SP7, H1, H2, DM2, DM5, DM8, DM10, DM11, P1 to P11, D1, D6, D7, Appendices 3 and 5
- Regulation 19 detailed objection to the Sustainability Appraisal and Habitats Regulations Assessment
- Regulation 19 detailed objection to the Housing Strategy based upon the Objectively Assessed Need for Housing
- Regulation 19 detailed objection in relation to the Housing strategy based upon the impact for Five Year Housing Land Supply and Whole Plan Supply

- Main Representation Appendices:
 - i. Appendix 1- Ongar Park Estate- Site Selection Report (Deloitte)
 - ii. Appendix 2- Ongar Park Estate- Site Allocations Review (Liz Lake Associates)
 - iii. Appendix 2 (A)- Ongar Park Estate- Site Allocations Review Appendix A (Liz Lake Associates)
 - iv. Appendix 2 (B)- Ongar Park Estate- Site Allocations Review Appendix B (Liz Lake Associates)
 - v. Appendix 2 (C)- Ongar Park Estate- Site Allocations Review Appendix C (Liz Lake Associates)
 - vi. Appendix 2 (D)- Ongar Park Estate- Site Allocations Review Appendix D (Liz Lake Associates)
 - vii. Appendix 2 (E) -Ongar Park Estate- Site Allocations Review Appendix E (Liz Lake Associates)
 - viii. Appendix 3- Ongar Park Estate- Sustainability Report (Hillbreak)
 - ix. Appendix 4- Ongar Park Estate- Landscape Sensitivity and Capacity Study (Liz Lake Associates)
 - x. Appendix 5- Ongar Park Estate- Green Belt Review (Liz Lake Associates)
 - xi. Appendix 5 (A&B)- Ongar Park Estate- Green Belt Review Appendices A & B
 - xii. Appendix 5 (C)- Ongar Park Estate- Green belt Review Appendix C
 - xiii. Appendix 6- Ongar Park Estate- Environmental Issues- Report (Liz Lake Associates)
 - xiv. Appendix 6 (A1) - Ongar Park Estate- Environmental Issues- Appendix A (1-3)
 - xv. Appendix 6 (A2) - Ongar Park Estate- Environmental Issues- Appendix 2 (2-3)
 - xvi. Appendix 6 (A3) - Ongar Park Estate- Environmental Issues- Appendix a (3-3)
 - xvii. Appendix 6 (B, C & D) - Ongar Park Estate- Environmental Issues- Appendix B, C & D
 - xviii. Appendix 6 (E) - Ongar Park Estate- Environmental Issues- Appendix E

- xix. Appendix 7- Ongar Park Estate- Heritage Assessment (Peter Stewart Consultancy)
- xx. Appendix 8- Ongar Park Estate- Ecological Review (Liz Lake Associates)
- xxi. Appendix 9-(A)- Site Location Plan
- xxii. Appendix 9 (B)0 Aerial Site Plan
- xxiii. Appendix 9 (C)- Illustrative Layout
- xxiv. Appendix 10- Report to the Cabinet 14th December 2017
- xxv. Appendix 11- Welwyn Hatfield Green Belt Review Inspector's Note
- xxvi. Appendix 12- Evidence of the incomplete nature of the Site Selection Report 2017 ARUP EFDC Screenshots

4.0 EPPING FOREST DISTRICT LOCAL PLAN 2011-2033

- 4.2 This section of the representation draws on the various assessment and review documents to support our comments on the soundness and legal compliance of the Plan.

Legal Compliance

Public Consultation of the Plan

- 4.3 The Town and Country Planning (Local Planning) (England) Regulations 2012³, specifically Part 6 Local Plans, sets out the necessary documents to be prepared and actions for Local Planning Authorities to take during public consultation for Local Plans. We do not consider that the Council has met this minimum requirement.

- 4.4 Regulation 17, establishes what ‘proposed submission documents’ are:

- Local Plan;
- Policies Map;
- Sustainability Appraisal;
- A consultation statement;
- Such supporting documents as in the opinion of the Local Planning Authority (LPA) are relevant to the preparation of the Local Plan...

- 4.5 Regulation 19, requires that before a Plan is submitted under section 20 of The Act, the LPA must:

- Make a copy of each of the proposed submission documents and a statement of the representation procedure available in accordance with Regulation 35.

- 4.6 Regulation 35 (1) reads:

“A document is to be taken to made available by an LPA when

a) made available for inspection, at their principal office and at such other places within their area as the LPA considers appropriate

b) published on the LPA website”

³ http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf

- 4.7 Sections 2 and 3 of Regulation 35 relate to Section 113(4) of the Planning and Compulsory Purchase Act 2004; that the documents must be available for at least 6 weeks.
- 4.8 Referring back to the Regulation 19 detailed objection to SA Review by SPRU, it is clear that an incomplete SA has been considered by Officers and Members of the Council and published as part of the necessary statutory public consultation was in an incomplete form. The key issue is the lack of justification for the site selection, the SA in Stage 6.2: Quantitative and qualitative assessment (page 34) explains briefly the site selection process in general terms and states in paragraph 7.17 that the Report on Site Selection Epping Forest District Council (2017) prepared by ARUP) will include a table that identifies those sites for which representations from site promoters were made and where a change was made to the assessment in response to the representation. This is clearly a crucial piece of evidence in the plan making process but at the time of the closing of the regulation 19 consultation this report remained incomplete with Appendix B1 “Assessment of Residential Sites” simply stating that the appendix was being finalised at the time of publication (Appendix 12, Evidence of the incomplete nature of the Site Selection Report 2017 ARUP). In addition to this omission of evidence we have identified other omissions in the SA in Our Detailed regulation 19 objection to the SA. In addition to this omission of evidence we have identified other omissions in the SA in Our Detailed regulation 19 objection to the SA. It can can not be disputed by the Council as there are clear sections of the SA which indicate the information is not yet available.
- 4.9 In addition, the latest update to the (albeit incomplete) SA was not submitted to the Council for approval until 15 December 2017 and the “Final Draft for Consultation” was submitted on 18 December 2017. This was plainly after the Council’s Decision, on 14 December 2017, to commence Regulation 19 consultation.
- 4.10 The Regulation 19 consultation fails the minimum legal requirement because the Sustainability Appraisal (a statutory document – Section 19 (5) (a) and (b) of the Planning and Compulsory Purchase Act 2004) that accompanies the Local Plan at consultation, has not been published in completed form, it is still being prepared and is reliant upon other work which is yet to be completed or published. Regulation 17 of the Planning and Compulsory Purchase Act 2004 defines the “proposed submission documents” as including:

- a) the local plan which the local planning authority propose to submit to the Secretary of State;
- (b) if the adoption of the local plan would result in changes to the adopted policies map, a submission policies map;
- (c) the sustainability appraisal report of the Local Plan.

- 4.11 As such a completed SA should have been made available for a minimum of 6 weeks at the Council's offices or on their website. A complete SA should have been available to inform the Council's decision to consult on this version of the Plan. The complete SA was not available at the time of the committee meeting, nor has it been made available during this consultation process. It is not acceptable to rely on an incomplete document for the consultation and it is not acceptable for the Council to take a key decision using an incomplete evidence base, particular when the missing evidence is part of a statutory document.
- 4.12 Further to this, we consider that the Council has failed to meet the minimum requirements of the consultation on a second count. A complete version of the Council's Site Selection Report (SSR), (which is a key evidence base document to the Plan and the SA as it is intended to address why particular sites are proposed for allocation and others are omitted from the Plan), has been unavailable during the consultation. We consider that this document should also fall within Regulation 17 in that the Council should regard the report as relevant to the preparation of the Local Plan; it is integral to the SA and it has been clearly used in the plan making process. At the very least the SSR would be required to properly assess spatial distribution, site allocations and reasonable alternatives.
- 4.13 It is not at all clear why Council officers have chosen not to make complete versions of these documents available for Members to consider, and for the public to have access to, when considering representations to the Plan. The only credible explanation is that those documents did not exist or were not in the Council's possession at the commencement of Regulation 19 consultation.
- 4.14 At the time of submission on Monday 29 January 2018, being the final day for Regulation 19 representations, the complete SSR and a complete SA are still not available on the

Council's evidence base. The prejudice caused by the failure of the Council to meet its statutory obligations for Regulation 19 consultation cannot now be remedied without the Regulation 19 consultation being undertaken again, when all of the necessary documents and evidence is available to the Council and to the public.

- 4.15 In the wider interests of openness and transparency to Local Plan consultations with the general public, who are not planning experts, we do not consider this consultation has been carried out in a fair and reasonable manner. These documents, which we have identified (there could possibly be more), could reasonably have informed interested persons why decisions have been made. Indeed, the public are entirely in the dark as to why sites have been allocated or omitted. By withholding these documents from the consultation process the Council's actions could have excluded persons from making representations. The circumstances and failures created by the Council have caused severe prejudice.
- 4.16 The Council's Statement of Community Involvement is a statutory requirement under Section 18 of The Planning and Compulsory Purchase Act 2004 and should set out how it will consult on planning documents and planning applications. It has not been possible to locate a recent SCI or one that is published on the Council's website. A version, from 2013 which sits within the evidence base section of the Local Plan consultation was however found⁴.
- 4.17 The third version within the evidence base section does not appear to have been updated since 2013, some 4 to 5 years prior to carrying out this consultation exercise. As it is in the Local Plan evidence base, we will take that as the version the Council has used.
- 4.18 Paragraphs 11 to 40 set out the different stages of preparing a Local Plan. Upon reading this document, the reader would assume the Council are still at Stage Four (Draft Plan preparation (paragraphs 23 and 24). This is clearly not the case. The SCI, is at best misleading. An SCI should be used to inform interested persons.

⁴ <http://www.efdclocalplan.org/wp-content/uploads/2017/11/Statement-of-Community-Involvement-EFDC-2013-EB104.pdf>

- 4.19 Taking the stages from this document, it would seem the Council have passed through stages 4, 5 and 6 and are within stage 7.
- 4.20 Paragraph 8, 9 and 10 sets out that the Local Development Scheme (a statutory document under Section 15 of The Planning and Compulsory Purchase Act 2004) should have a list of evidence base documents that are being prepared to support the Plan and that these be used to help guide the policies that will be in the final document. It also states in paragraph 8 that these documents will be available on the Council's website when they are finished.
- 4.21 In respect of the Statement of Community Involvement the first point to note is that it has not been updated since 2013. The second point is that we do not consider the Epping Forest Local Plan has been prepared in accordance with the Statement of Community Involvement insofar as the fact that the relevant background evidence which paragraph 8 of the SCI describes as helping to guide the policies that are going to be in the final document and perhaps identify options that are not feasible have not been made available – notably Appendix B1 of the Site Selection Report 2017. As a result, the Plan was not ready for Regulation 19 consultation and is not legally compliant.
- 4.22 We do not consider the Epping Forest Local Plan has been prepared and consulted on in accordance with all of the statutory requirements including the Town and Country Planning Regulations 2012. As such the Plan is not legally compliant.
- 4.23 It is also important to note that the Council decided to consult on the Plan over the Christmas and New Year period. This timetable was neither fair nor reasonable. At least 3 days of the 6 week consultation period were lost to public holidays and the fact that most people will be on holiday over this period of time for 1 to 2 weeks will have impacted upon their ability to properly consider and respond to the consultation. Further to this, the Council offices were closed from 22nd December 2017 to 2nd January 2018⁵, this period of time included 3 days of public holidays and 3 days that were not public holidays. Whilst some of the evidence base was available on-line, officers were unavailable for more than a week.

⁵ <http://www.eppingforestdc.gov.uk/news/?p=34361>

Duty to Co-operate

- 4.24 The Council have not prepared a Duty to Co-operate statement to support this consultation. There is no clear evidence trail of the strategic issues the Plan needs to consider and no clear evidence of the outcomes the Council has arrived at. Of particular concern is the Council's lack of evidence which supports the Plan's approach to not meeting its housing needs in full.
- 4.25 We also note objections from previous versions of the Plan for adjoining authorities and statutory consultees.
- 4.26 We note that from meetings of the strategic planning board key evidence base documents, which have been requested by statutory bodies, have failed to be available to inform plan making. These documents were also not available during the consultation of the Plan.
- 4.27 If these documents, which have been requested by the statutory bodies, have not been available for plan making to the Council and for this consultation, we do not consider the Council has fulfilled its duties under Section 33A of the Planning and Compulsory Purchase Act 2004 (which engages Section 110 of the Localism Act 2011) so as to maximise the effectiveness of the plan making process when planning for strategic matters that cross administrative boundaries.
- 4.28 The plan also fails the Duty in respect of its approach to dealing with the existing housing shortfall. Paragraph: 035 Reference ID: 3-035-20140306 states that local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible. Where it is not possible to address the shortfall within the first five years then the guidance requires that the council approach neighbouring authorities though the Duty to Cooperate to establish if they could assist in meeting this shortfall in the next five years. In adopting the approach of meeting the shortfall over the whole of the remaining plan period without engaging the Duty first the council have acted contrary to this guidance.
- 4.29 On this matter, we do not consider the Council has met the minimum legal requirements of Section 33A of the Act and the Plan is therefore, not legally non-compliant.

Site Selection Process

Site Selection Report and Site Assessment

4.30 The Council's evidence base for the selection of sites to include within the Plan is comprised of a SHLAA prepared in 2016 by NLP, a Site Selection Report prepared in 2016 by Arup and an (incomplete) update to this report in 2017. In addition to this, and as stated in the Plan in particular for North Weald Bassett (paragraph 5.89), the North Weald Bassett Master Plan 2014 (prepared by Allies & Morrison) has significantly informed site selection.

4.31 Our overall concerns with the site selection process undertaken by the Council is that:

- It is not transparent;
- The site information used is not accurate;
- Sites put forward have not been assessed;
- The balance and consideration performed by the Council in the selection of sites is not clear, consistent or transparent;
- The role and standing of the Allies and Morrison Masterplan 2014 is unclear, particularly as a foundation for site selection;
- The Arup Site Selection Report 2017 was not available, in full, during the consultation period of the Plan and, in particular, there were no details whatsoever in respect of the selection or assessment of allocated residential sites (Appendix B) or allocated employment sites (Appendix F).

Site Boundaries

4.32 We have significant concerns over the site boundaries used to assess the Peer Group's site, the failure by the Council to assess the correct site boundaries has resulted in an incorrect assessment. This is set out in more detail below.

SHLAA

4.33 The 2016 SHLAA is an update of previous versions prepared by, or for the Council. At paragraph 2.4 the report sets out the various sources of potential sites. Within this long list, it is interesting to note, by its omission, that the Allies and Morrison North Weald

Master Plan Study 2014 is not included on that list; despite the Plan (as set out above) taking that document into significant consideration in the selection of sites in North Weald Bassett.

- 4.34 The methodology adopted by the Council to assess the Peer Group land is of particular concern. Within the 2016 SHLAA, sites SR-0310 and SR-0269 have been assessed by Arup, on behalf of the Council, for over 6,000 new homes on 190 hectares. The Peer Group land has never been advanced for such a large development and there is no rational explanation for the Council's assessment. Despite repeatedly drawing the Council's attention to their mistake, since 2014, the Council has failed to assess the 15.26 hectare site being advanced by Peer Group for approximately 285 new homes.
- 4.35 The sites being advanced by Peer Group are entirely consistent with the site boundaries in the Allies and Morrison Masterplanning Study 2014. That study was published in 2014, two years prior to the 2016 SHLAA undertaken by Arup.
- 4.36 The Council has ignored previous representations put forward by Peer Group and has not considered the potential allocation of the Peer Group site considered in the A&M Masterplan for North Weald Bassett.
- 4.37 There has been no explanation from the Council as to why the promoted site of 15.26 hectares, for approximately 285 dwellings was not assessed in the SHLAA and no attempt by the Council to remedy its error, despite repeated requests.
- 4.38 Resultant from the SHLAA's failure to record or assess the Peer Group site correctly, this has led to a series of compounded errors in later assessments; notably the Arup Site Selection Report and the Sustainability Appraisal.

North Weald Bassett Masterplan

- 4.39 In this section, we deal specifically with the site boundaries identified by the Allies and Morrison Masterplanning Study 2014.
- 4.40 The masterplan study was prepared by Allies and Morrison on behalf of the Council in 2014; which would have allowed all sites within it to be assessed in the 2014 and subsequent versions of the SHLAA. The masterplan at pages 100 and 101 identifies SHLAA sites (from an older version) which are within the local area.

4.41 Within section 6 of the masterplan, growth scenarios are set out. Specifically at pages 120 and 121, the Peer Group site (as shown here in two portions) to the east of the settlement is shown within the map for Scenario A, Options 1, 2 and 3 sites (1C and 2D).

4.42 Peer Group agrees with the site boundaries identified in the Allies and Morrison Masterplan Study 2014 and all subsequent communications, including Regulation 18 Representations have adhered to the boundaries for sites 1C and 2D.

Site Selection Report and Sustainability Appraisal

4.43 The Site Selection Report (SSR) prepared by Arup in 2016 and updated in 2017 and the SA do not use the site boundaries from the North Weald Bassett masterplan / Peer Group PLC regulation 18 submissions, but instead use the incorrect boundaries taken from the 2016 SHLAA. There is no explanation by the Council why the Masterplan site boundaries, or those used by Peer Group in its Regulation 18 representations have not been properly and objectively considered.

4.44 The masterplan site boundaries are entirely consistent with the recommendation from Allies and Morrison and there can be no justification why these sites have not been assessed by the Council within the Local Plan evidence base.

Implications of Incorrect Site Boundaries

4.45 As a consequence, the sites assessed in the SHLAA, SSR and SA are not those put forward by Peer Group PLC, the Council do not have an accurate or relevant assessment of the Peer Group site. Clearly the much smaller site as proposed will have significantly less impact on:

- The Green Belt;
- Heritage Assets;
- Ecological Assets
- Sports Facilities;
- Landscapes.

- 4.46 Further to this, Peer Group are the landowners of the whole of the Ongar Park Estate, which includes the promoted site, which affords an opportunity for wider planning benefits that have not been properly (or at all) assessed or considered by the Council.
- 4.47 The SHLAA, SSR and SA are not robust documents and cannot be relied upon by the Council for plan making.
- 4.48 The submitted Local Plan is not sound because it has relied on documents in the evidence base which are not accurate or robust.

Arup Site Selection Report 2017

- 4.49 For reasons set out above, the SSR cannot be considered to be a complete or robust evidence base document. This is in addition to the fact a completed document was not available at all during the Local Plan consultation and that the Sustainability Appraisal relied upon an incomplete version of the document whilst being prepared.
- 4.50 The report has failed to properly assess the site put forward by the Peer Group PLC and as shown in the Allies and Morrison North Weald Bassett Masterplanning Study 2014.
- 4.51 These are issues which were raised in the regulation 18 responses submitted on behalf of Peer Group and have still not been considered or addressed by the Council.

Allies and Morrison North Weald Bassett Master Plan 2014

- 4.52 Within the Peer Group's regulation 18 representations comments and objections were made to the Council's specific questions and in particular to the specific reasons stated by the Council for their selection of sites for North Weald Bassett. These comments and objections remain valid. The headline concerns are, in summary:
- The role which the Masterplan fulfilled in the site selection process and what weight has it been afforded to it by officers or Members? This is not at all transparent.
 - The role in which the 'consultation' process has performed in the site selection process (noting also that the A&M Study refers to the 'consultation' as an 'exhibition'). Given the very limited scope of the consultation/exhibition and the very limited level of response, we hold significant concerns as to what extent the

Council's decisions have relied upon this.

- The failure of the Council or Allies and Morrison to be able to supply the Peer Group with copies (in either paper or electronic format) of the consultation responses received by the Council, brings into serious doubt the validity or substance of the findings. Both parties have stated these have been lost or destroyed since the consultation, which would, at best, be negligent. A more cynical explanation would be that the consultation responses do not support the position adopted by the Council. Considering the Council is now plainly giving great weight to, or relying entirely upon, the A&M Masterplan Study and the consultation responses, as evidence for site allocations in North Weald Bassett, this is of great concern.

4.53 The issues set out in the regulation 18 response (page 6 onwards), still remain. They are quoted below as a reference point for this latest set of representations.

a) The content of the North Weald Bassett Master Plan (prepared by Allies and Morrison in September 2014) has informed the site selections.

The Allies and Morrison study (September 2014) identifies the best sites to the southeast and northwest of the village to provide 458 new dwellings (Scenario A Option 1). This includes the site (1C – as designated by A&M) which is being promoted by Peer Group on the OPE.

2. As a second step, the A&M study identifies the best sites to the southeast and northwest of the village to provide 1,012 new dwellings (Scenario A Option 2). This includes both sites (1C and 2D – as designated by A&M) which are being promoted by Peer Group on the OPE.

3. As a final step, the A&M study identifies a third tier of sites, all to the northwest of the village, which would be necessary to provide 1,540 new dwellings (Scenario A Option 3) in North Weald Bassett. This again included both sites (1C and 2D) to the southeast of the village. However, in order to increase the housing provision from 1,012 new dwellings to 1,540 new dwellings, A&M introduce sites (all to the northwest of the village) which are on high quality agricultural land, in open countryside.

4. The sequential approach to site suitability adopted by the A&M study is consistent with the Council's own stated policy for sequential site selection in paragraph 3.54 of the draft Local Plan.

b) Scenario B from the A&M Master Plan was identified as the preferred approach for new development in the village.

For reasons that are not explained and which sail in the face of the Council's own site selection policy, A&M consider an alternative site selection scenario, Scenario B, where only land to the northwest of the village is considered. This scenario is without logic, without any evidential support and results in the irrational allocation of additional high

quality agricultural land, in open countryside, on the most valuable green belt land. Scenario B is therefore (i) not compliant with the NPPF and (ii) not compliant with the Council's own stated strategy (paragraph 3.54) for site selection.

2. In order to justify its decision to adopt Scenario B Option 3, in preference to the more suitable and sustainable Scenario A Option 3, the Council relies entirely on its own interpretation of the public the response to an "exhibition" on 28 June 2014 (11.00am until 3.00pm) where 160 people attended. There is no demographic information on the Council's evidence base about those 160 people. The A&M study informs (page 139) that 35 people who attended the exhibition completed "feedback forms" and 9 people made written representations. None of the feedback forms or the written representations are available on the Council's evidence base.

3. At page 142 of the A&M study, it states that of the 35 respondents, 20 showed a preference for Scenario B and 8 showed a preference for Scenario A. It states that 7 respondents showed no preference for Scenario A or Scenario B. However, when the "Questions" that were asked of the respondents in respect of Scenario A and Scenario B are examined, it is clear that the Council has misinterpreted the responses it received. Question 2 (page 141 of the A&M study) simply asks: "How do you feel about scenario B (no growth to the south-east of the settlement) and associated options?" The responses state that (i) The distribution of housing is uneven, (ii) Insufficient distribution of development, being too concentrated to one side (the northwest) of the village, (iii) Too much concentration in one area, (iv) Noise could be an issue. In contrast, Question 3 (page 141 of the A&M study) asks: How do you feel about scenario A (growth to the south of the settlement) and associated options?". Firstly, the question is factually wrong. Scenario A proposes growth to the northwest and southeast of the settlement, of which only a small proportion (sites 1C and 2D) would be to the southeast. Secondly, the public responses to the question which are ascribed to Scenario A are, in fact, equally (or more) applicable to Scenario B, for instance, an answer ascribed only to Scenario A states: "The scale of development is too large for the village". That answer is clearly relevant to both Scenario A and Scenario B. Furthermore, given that only 250 homes were being proposed to the southeast of the village and over 1250 new homes to the northwest of the village, this response is more relevant to land on the northwest of the village. The exception to this is the answer provided by some of the respondents to Scenario A, where they state that Scenario A provides a "Better distribution of housing".

4. From the above, it is clear that the questions asked by A&M were not relevant to specific site allocations but, nevertheless, those responses which did address specific and relevant planning considerations, favoured Scenario A. However, the Council's interpretation of the A&M study is further undermined where the Council fails to consider the more detailed analysis of the public responses at page 142 of the A&M study which reveals that 7 people preferred Scenario B Option 1 (463 new dwellings) and 2 preferred Scenario B Option 2 (1,202 new dwellings) but none preferred Scenario B Option 3 (1,616 new dwellings). Given the fact that the Council is now advancing the Local Plan based on site allocations which closely resemble Scenario B Option 3, it is safe to assume that none of the 35 respondents who attended the public exhibition on 28 June 2014 supported the strategy that the Council is now claiming to be the bedrock of its site allocations. The Council has been requested to make the 35 "feedback forms" and the 9 written representations, from the public exhibition, available for inspection.

c) The area to the south of the settlement is highly sensitive to landscape change and views across the Ongar Redoubt Hill are an asset to the character of the local area.

The Council has not undertaken or published on its evidence base a comprehensive Landscape Sensitivity and Capacity Study for any of the sites in its district. As such, the Council is not in a position to examine the sensitivity of the landscape to the south of the North Weald settlement or to compare it to the sensitivity of land to the north of the settlement. Peer Group has commissioned an expert report from Liz Lake Associates, which assess the land being advanced by Peer Group for development to the southeast of the settlement (section 5 of this representation). That report concludes that land to the southeast of the settlement has a “Low Sensitivity” and “Low Landscape Value”.

2. The Council has not undertaken or published on its evidence base any assessment of the setting of the Redoubt, other than the assessment within the A&M study. That study (page 118) provides a buffer zone around the Redoubt stating: “Preserve Ongar Redoubt Landscape Setting”. The proposed site for housing development (site 1C) is entirely outside of the A&M prescribed buffer zone.

3. Peer Group has commissioned an expert report (section 9 of this representation) from Peter Stewart Consultancy, which has carefully considered the setting of the Redoubt and has concluded at (paragraph 5.5 of that expert report): “We see no reason why development coming forward on the proposed allocation site, incorporating a clear landscape strategy, would not enhance the setting of the Redoubt”.

d) Development to the north of the village promotes a more compact settlement pattern.

1. The A&M study considers the settlement pattern at page 118 of its report and demonstrates that the expansion of the village to the southeast is entirely consistent with the existing rectilinear edge of the settlement. What is also clear from the A&M study is that development to the northwest of the existing village, particularly Scenario B Option 3, would be substantially into open countryside and would fundamentally change the rectilinear form of the village and would cause significant sprawl.

e) The choice of sites to the east of the village would represent an unsustainable pattern of settlement growth beyond its existing rectilinear edge, constituting sprawl.

As made clear by the A&M study, development to the northwest of the existing village, particularly Scenario B Option 3, would be into open countryside and would fundamentally change the rectilinear form of the village and would cause significant sprawl. Development to the southeast of the village would be entirely consistent with the rectilinear form of the settlement and would be contained by the topography of the land and other mature boundaries.

The principal conclusions from the Council’s own evidence base and our detailed assessment of the OPE land are:

- 1. The proposal is a highly sustainable development, which is connected to and will be fully integrated into the existing village, within walking distance of all local services, amenities and facilities.*

- 2. The Council's SLAA finds the OPE site to be "suitable, available and achievable".*
- 3. The proposed site (being to the southeast of the village) has been assessed by the Council to have a lesser impact on the purposes of the Green Belt, particularly when compared to land to the northwest of the village.*
- 4. The proposed site is non-agricultural land, which should be developed before causing loss and harm to the high quality agricultural land to the northwest of the village.*
- 5. The proposed OPE site, to the southeast of the village, has a Low Sensitivity to change, a Low Landscape Value and a Medium to High Capacity to accommodate change.*
- 6. Due to the topography of the land, there are no significant views to or from the proposed site, from any major receptors.*
- 7. The site maintains and enhances the rectilinear edge of the settlement and does not contribute to sprawl, which is in significant contrast to the proposed development to the northwest of the village, which would fundamentally change the shape and character of the settlement, with significant encroachment and sprawl into open countryside.*
- 8. Road access to the proposed OPE site is excellent.*
- 9. During construction, all HGV traffic would use the existing site access directly from the A414 (to the north of the site) such that no construction traffic would pass through the existing village.*
- 10. The A&M Master Planning Study contains no evidence to support Scenario B in preference to Scenario A. The assessment of public responses, on page 141 of that study ("how do you feel about Scenario A or Scenario B), favours Scenario A, not Scenario B including the clear public opinion that Scenario A provides a "Better distribution of housing".*
- 11. Comments which are claimed by the Council to be negative towards Scenario A, in the A&M study, are not specific to the proposed OPE site. These comments are generally related to overall growth, not site specific issues and are equally valid as comments relating to Scenario B. For example, "The scale of development would be too large for the village", where the scale of proposed development is the same in both Scenario A and Scenario B.*
- 12. Other negative comments which are ascribed to Scenario A in the A&M study are without foundation.*
- 13. The A&M study identifies those parcels of land which it considers to be the most appropriate sites for development (coloured red) in Scenario A Option 1, followed by the next most appropriate sites (coloured orange) in Scenario A Option 2. This includes all the land to the southeast of the village advanced on the OPE. Finally, the A&M study identifies the next tier of sites which might be considered for development (coloured yellow) in Scenario A Option 3 and Scenario B Option 3. All of the third tier sites, coloured yellow, are to the northwest of the village, not to the southeast.*

14. The Council's own policy towards sequential site selection (paragraph 3.54 in the draft Local Plan), favours land to the southeast of North Weald Bassett in preference to the majority of land to the northwest of the village.

Site Selection Assessment – Deloitte (Appendix 1)

- 4.54 Prior to the publication of the regulation 19 Local Plan consultation, Deloitte were appointed by the Peer Group, to undertake an independent assessment of the promoted site (parcels 1C and 2D as per the Masterplan). The assessment was carried out using the same site selection methodology as Arup in the Site Selection Report.
- 4.55 It is important to note that the assessment by Deloitte was completed before the Council published the regulation 19 Local Plan and the Deloitte report was formally sent to the Council on 24 November 2017.
- 4.56 As the Arup Site Selection Report is still incomplete, there is no way of telling if the Council has actually assessed the promoted site through its evidence base. As set out in other sections of these representations, the Council has made a significant omission by failing to assess the promoted site through various evidence base documents (SHLAA, SSR, Green Belt, SA, etc)
- 4.57 Section 3 of the Deloitte report reviews the steps taken by the Council and Arup in complying with their own methodology, importantly, as we have already set out, our promoted site (approx. 15ha) has been omitted, with the significantly larger 190ha site being erroneously assessed. At stage 3, step 1 of the site selection process the 190ha site was sifted out and did not proceed for further testing.
- 4.58 Section 4 of the Deloitte report sets out their approach in undertaking the assessment of the promoted site and how it should have been considered at each stage of the Council's site selection methodology. This is set out in detail and is summarised within table 6, page 33 of how the site scores, or performs, against each of the criteria in the Council's site selection methodology. In summary it can be demonstrated through evidence, that the promoted site would have passed each stage of the methodology and is suitable and available to meet part of the Council's housing need within North Weald Bassett. As set out within paragraph 5.3, page 34, of the Deloitte report, it has been determined that:

- *Is not the subject of any major policy constraints*

- *Is not subject to any environmental, landscape, physical, and accessibility constraints that preclude its development for housing*
- *Is located in an area that is spatially suitable for the expansion of North Weald Bassett*
- *Is a sustainable location for new housing*
- *Is land that has the least value to the Green Belt, immediately adjacent to the settlement of North Weald Bassett, and can create a new defensible boundary for the Green Belt while maintaining the rectilinear shape of the village*
- *Scores better in the sequential hierarchy than sites to the north of the village*
- *Is suitable, available and achievable for delivering housing development*

Soundness Issues

- 4.59 This section of the representation examines the Plan policy by policy and sets out where we do not consider the Plan to be sound. Where appropriate we make suggestions as to how the Plan policies should be modified to achieve soundness.

Chapter Two – Strategic Policies

- 4.60 As set out within our review of the Council's SHMA (see SPRU's Reg 19 objection to housing strategy based upon the OAN) we do not consider the Council has either explored the possibility or sought to meet its OAN in full, within Epping Forest. We do not consider the 2017 SHMA update is sufficiently robust to support the Council's OAN. We consider that the Plan should be modified in the first instance to ensure that the OAN is met in full; there are sufficient suitable sites (or, in the case of Ongar Park Estate, sites which have not been assessed), which are currently omitted from the Plan, which could be allocated to meet this need. Secondly we consider that the DCLG 'starting point of the 2014-base House Hold Projects plus an appropriate uplift for market signals of 20%, to give a OAN of 18,128 (2011-2033) dwellings over the Plan period or, 824dpa, should be used in the Plan as the Council's OAN figure.

Policy SP 2 Spatial Development Strategy 2011 to 2033 and background to it

- 4.61 As set out in our review of the OAN, we question the Council's decision to not meet the OAN in full and the approach the Council has taken in meeting housing need. The spatial strategy proposed by the Council, is heavily reliant upon the delivery of large urban extensions to Harlow. We set out in our review of the Council's housing land supply, and we conclude that the Council's expectations of these sites is significantly over optimistic. As a result, the submission Plan will not be able to meet the housing

requirement in full over the Plan period. The plan is not therefore sound on this single fundamental issue.

- 4.62 We do not consider that the Council has given sufficient consideration to a strategy which would ensure that the housing requirement will be met in full. We consider that the Plan should be realistic about the foreseeable under-delivery of the Harlow extensions and should through modifications to the Plan, propose a wider geographical and more realistic allocation of smaller sites which are capable of cumulatively being delivered in full within the Plan period.
- 4.63 The Plan does not set out why the OAN for Epping has not been met, nor does it adequately explain the spatial strategy across the HMA, the Plan is not justified.
- 4.64 The proposed distribution within the area is also unlikely to address the objectively assessed need within the district this is because of the distribution of development. It is our view that the 3,900 dwellings to be provided around Harlow are likely to address the demand arising in Harlow not the demand arising from Epping forest. This is because there is little interaction between Harlow and Epping Forrest in terms of either migration or commuting.
- 4.65 In terms of migration only 6% of recorded moves out of Epping Forrest in the 2011 census relocated to Harlow (see Reg 19 objection to the housing strategy based upon the OAN, Table 3 page 28). This is a very low level of interaction and does not suggest that provision made on the edge of Harlow is likely to meet the needs of the residents of Epping Forrest or meet the aspirations of those moving into the District.
- 4.66 There is a slightly lower level of workers (4%) who travel into Harlow to work from Epping Forrest but this is also a very low level of interaction between the two locations again suggesting that locations on the edge of Harlow are unlikely to meet the aspirations of those who wish to live in Epping Forest District but work elsewhere. London is by far the most important location for workers living in the district with some 54% of workers resident in the district commuting to London for work according to the 2011 census.
- 4.67 As set out within our review of the land supply, we consider that the Council have double counted sites and also planning permissions. Therefor table 2.5 of the Plan is not robust and its use in setting a future level of housing from allocations is flawed. The Council

should ensure that their housing supply figures are accurate and the table should be updated.

Policy SP 4 Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town & Policy SP 5 Garden Town Communities

- 4.68 The spatial strategy contained within the Draft Local Plan includes the provision of three new Garden Communities (also referred to as Garden Town Communities) with the intention of delivering 3,900 new homes by 2033.
- 4.69 The three new Garden Communities are:
- Latton Priory (approximately 1,050 homes by 2033);
 - Water Lane Area (approximately 2,100 homes by 2033);
 - East of Harlow (approximately 750 homes by 2033).
- 4.70 The Draft Local Plan states that all three Garden Communities will deliver and be fully completed by the end of the plan period. The Council consider that only two sites (Water Lane Area and East of Harlow) will contribute to the five-year supply period (2017-2022).
- 4.71 Expressions of Interest to developers were sought in October 2016 by East Herts Council, Epping Forest District Council and Harlow Council for Harlow and Gilston Garden Town, a larger area in which these three sites are located. There is no evidence of the outcome of this exercise and there is yet to be any evidence of any developers with interest in the site. Latton Priory is being promoted by Hallam Land but has yet to be sold to a developer.
- 4.72 The bidding proforma outlines that the first applications are expected late-2018. Given the scale of these sites, one would expect at least an EIA scoping request to have been made to the Council.
- 4.73 We have applied an annual rate of delivery of 60 dwellings to each of these site in line with the local research on delivery rates. The average lead-in times for these sites will likely be a minimum of 4 years from the date of first receiving planning permission.
- 4.74 Considering none of these proposed garden town communities have either planning permission or a planning application lodged, it is unrealistic that these three sites will

deliver any completions in the five year period to 2022. A masterplan (which conforms to the Council's expectations) is required to be prepared prior to the submission of any application and there is yet to be any evidence of these having been prepared. This is likely to add a delay to the usual lead-in times, as well as the cross-boundary collaboration required between Harlow, Epping Forest and East Herts. These sites will require extensive amounts of infrastructure to support the development.

- 4.75 It is highly unlikely that any of the Garden Town Communities will deliver the number of dwellings anticipated in the Plan period. This would result in a reduction of -150 dwellings from the five year supply period and -1,324 dwellings from the total plan period supply.

Policy SP 6 Green Belt and District Open Land

- 4.76 Our comments to the evidence base and process the Council have taken to releasing land from the Green Belt is set out here.
- 4.77 The Local Plan infers that it would not be possible for the objectively assessed need for housing set by the Council to be met in full through the delivery of non-Green Belt sites, therefore there is a need for Green Belt release. We consider that this is a sound approach for the Council to take and there is a justification for the Council to consider releasing sustainable sites from the Green Belt.
- 4.78 Two recent High Court judgments set out the process LPAs should take in releasing land from the Green Belt; firstly *IM Properties Development Ltd v Lichfield DC* [2014] EWHC 2440 (Admin), Patterson J and secondly *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin), Jay J. In summary these set out that Green Belt release should happen in a two part process. It is necessary for the 'strategic' level exceptional circumstances for Green Belt release to be justified and secondly it is necessary for the site specific exceptional circumstances to be justified also.
- 4.79 SPRU have made similar representations to the Welwyn and Hatfield Local Plan examination, where the Inspector accepted these points. His recent letter to Welwyn and Hatfield Council (appendix 11), succinctly summarises the approach taken by other local planning authorities when considering Green Belt release, an approach which aligns with the aforementioned high court judgements.

- 4.80 The circumstances between Epping and Welwyn and Hatfield are not identical, however the similarity lies in the fact exceptional circumstances have not been identified within the Plan. Furthermore, the Council's objective of protecting the high valued Green Belt areas has not been achieved; sites which are of high value have been allocated in preference to sites of lower value. This approach is not consistent with the High Court judgments referred to in paragraph 4.77 above.
- 4.81 Paragraph 2.142 of the Plan sets out that The Council has sought to protect the most high value Green Belt land wherever possible. This same sentence also states that the final choice of sites has been informed by suitability and availability. It is not clear (i) how these issues have been considered by the Council, (ii) what evidence has informed these decisions or (iii) if exceptional circumstances have been considered for the release of Green Belt land on a site by site basis.
- 4.82 Paragraph 2.135 correctly references the Framework's requirement on Green Belt, stating that exceptional circumstances must be demonstrated. However, the Plan does not state that the exceptional circumstances for specific sites do exist, for those sites to be released from Green Belt.
- 4.83 Considering the Plan's objective, that high value Green Belt land will be protected wherever possible, it is surprising that several sites which are high value Green Belt have been chosen over and above sites which have a lower Green Belt value. In this regard the Plan cannot be considered sound because it is not justified and it is not consistent with National Policy.
- 4.84 Further to our comments on the Council's approach to the Green Belt assessment, Liz Lake Associates have undertaken a detailed review of the proposed Green Belt release sites in North Weald Bassett, this report is set out in appendix 5.
- 4.85 Section 3 of the LLA Green Belt assessment undertakes an assessment of sites 1C and 2D (as identified in the Allies and Morrison Masterplan Study 2014), which are the sites being promoted by Peer Group.
- 4.86 The LLA Green Belt assessment at paragraph 4.2.10 onwards, summarises that the release of the site promoted by Peer Group (1C and 2D combined) would not cause significant harm to the Green Belt. Furthermore, when compared to the Council's

proposed allocations within the submission Plan, to the northwest of the settlement, the release of the Peer Group sites (1C and 2D) would cause less harm to the Green Belt.

- 4.87 The assessment by Liz Lake Associates further demonstrates that the approach taken by the Council is not based on robust evidence and is not sound. Therefore the Plan cannot be considered to be justified in respect of its approach to the release of Green Belt.

Safeguarded Land

- 4.88 The Framework allows for Local Plans to identify areas of safeguarded land. Paragraph 85, bullet point 3;

Where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.

- 4.89 Given that Epping Forest District is extensively covered by Green Belt and is within an area of high economic growth it is almost certain that further Green Belt release will be required in future Local Plans to allow for future growth.
- 4.90 Therefore, on the basis that Green Belt boundaries should endure beyond the Plan period (NPPF paragraph 83), it is surprising that the Council has not identified any safeguarded land in the Local Plan. We consider that the Council’s approach is unsound. Sufficient land to meet future housing needs beyond the Plan period should be safeguarded.
- 4.91 When considering the need to safeguard land for beyond the Plan period, the Council should also take into account of bullet point 2, paragraph 157, of the Framework;

“Local Plans Should;

be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;”

- 4.92 Safeguarding land would help to ensure key sections of Section 9 of the Framework are met:
- Paragraph 79;

- Paragraph 83;
- Paragraph 85.

4.93 We do not consider the Plan has taken national policy into consideration and therefore the Plan is unsound, it fails to take into account longer term requirements of the area and as a predominantly Green Belt authority, Safeguarded land should have been identified within the submission Local Plan.

Policy SP 7 The Natural Environment, Landscape Character and Green and Blue Infrastructure

4.94 Policy SP 7 is unsound because it is not in conformity with National Policy, specifically paragraph 113 of the Framework. The Plan makes no distinction between the hierarchy of designations whether they be for ecological or landscape purposes.

Chapter Three – Housing, Economic and Transport Policies

Policy H 1 Housing Mix and Accommodation Types

4.95 Policy H 1 is unsound, in particular

A (i) It is unrealistic for all new developments to undertake an assessment of local needs as part of the planning application process. This should be qualified to major sites only.

(iii) This is not effective, it is unreasonable to require are the Council requiring each new planning application to undertake an assessment of existing housing stock.

(v) This is not required as it would be covered by Building Regulations.

B – Concerns set out above are also given to this section of the policy

D - This is repetition of other policy in the Plan and is not needed here

F – There is no justification in the Council's evidence base for protecting the loss of bungalows in preference to the protection against loss of all existing housing stock

Policy H 2 Affordable Housing

- 4.96 As with our concerns to policy H 1, this policy also refers to meeting Building Regulations, we do not consider this appropriate for a development plan.
- 4.97 Further to these points on the policy wording, as set out within our review of the OAN (see SPRU's Reg 19 detailed objections to the housing strategy based upon OAN) it is not clear if the Council have considered a further uplift to delivery more affordable housing.

Chapter Four – Development Management Policies

Policy DM 2 Epping Forest SAC and the Lee Valley SPA

- 4.98 We do not consider this policy is sound, part C is not clear and is ineffective. It is assumed that these financial payments will be through an S106 agreement. Can the Council demonstrate that this policy is effective when taking into consideration the pooling restrictions in place for S106; i.e. no more than 5 contributions for a scheme. The role which Visitor Surveys will play in the implementation of this policy is also unclear.

Policy DM 3 Landscape Character, Ancient Landscapes and Geodiversity

- 4.99 Similar to SP 7, we consider DM 3 is unsound as it is not in conformity with National Policy, specifically paragraph 113 of the Framework. The Plan makes no distinction between the hierarchy of designations whether they be for ecological or landscape purposes.

Policy DM 4 Green Belt

- 4.100 Our concerns to the Council's approach to the Green Belt are set out in response to policy SP 6.

Policy DM 6 Designated and Undesignated Open Spaces

- 4.101 We consider DM 6 to be unsound as it effectively gives development plan status to the Infrastructure Delivery Plan and the Open Space Strategy, by virtue of the strict wording of this policy, ...*in accordance with*..... There is no justification for this approach.

Policy DM 8 Heritage at Risk

- 4.102 This is an aspiration of the Council not a planning policy. Therefore it cannot be considered to be effective. This policy should be deleted from the Plan.

Policy DM 9 High Quality Design

- 4.103 We consider DM 9 to be unsound as, within Criteria I, it effectively gives development plan status, by virtue of the strict wording of this policy, specifically ...*proposal must demonstrate that they are in general conformity*.... The documents listed within this criteria, apart from Neighbourhood plans, should only be given material consideration in determining applications.

Policy DM 10 Housing Design and Quality

- 4.104 Policy DM 10 requires the Nationally Described Space Standards should be applied to all new development. The PPG is clear at paragraph 56-020 that local planning authorities will need to justify this requirement on the basis of:

- 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 standard should be considered as part of a 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 transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.

- 4.105 For this policy to be sound the Council must provide sufficient justification on all these elements required by PPG. If no such evidence is available then part A of DM10 must be deleted.

Chapter Five – Places

Policy P 1 Epping

- 4.106 We consider P 1 to be unsound as, within the policy it effectively gives development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.

Policy P 2 Loughton

- 4.107 We consider P 2 to be unsound as, within the policy it effectively gives development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.

Policy P 3 Waltham Abbey

- 4.108 We consider P 3 to be unsound as, within the policy it effectively gives development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.

Policy P 4 Ongar

- 4.109 We consider P 4 to be unsound as, within the policy it effectively gives development plan status to the concept framework. The framework should only be given material consideration in determining applications. This sentence should be modified or deleted.
- 4.110 In SPRU's five year housing land supply (See SPRU's Reg 19 objection to housing strategy based upon the impact for five year housing land supply and whole plan supply), the delivery of site ONG.R1 and ONG.R2 are contested. SPRU consider these two sites to be undeliverable in the five year period to 2022. The emerging submission Local Plan requires sites ONG.R1 and ONG.R2 to be developed in accordance with the Concept Framework Plans. Policy P4 of the Emerging Local Plan states that these relate to a number of sites which should be undertaken jointly between these two applicants of the site allocation subject to the Concept Framework Plan and shall be produced by the applications prior to the submission of any planning applications. This, in combination with the fact the site does not have planning permission, nor a planning application lodged, would make it unrealistic to expect completions in the five year period.

Policy P 5 Buckhurst Hill – comments on allocations

- 4.111 BUCK.R1 and BUCK.R2 are two site allocations which SPRU do not consider will be wholly delivered within the five year supply period to 2022. Neither site has planning permission or a planning application lodged. BUCK.R1 is currently in the green belt, and BUCK.R2 is currently in operation as a car park for the nearby Underground Station. See SPRU's Reg 19 objection to housing strategy based upon the impact for five year housing land supply and whole plan supply for the full assessment.

Policy P 6 North Weald Bassett –

- 4.112 We consider P 6 to be unsound as, within the policy (sections K, L and M) it effectively gives development plan status to the Allies and Morrison Masterplan Study 2014. That masterplan should only be given material consideration in determining applications. This sentence in Policy P 6 should be modified or deleted.
- 4.113 The Allies and Morrison Masterplan 2014 is not a robust Master Plan, it is not adopted in any capacity by the Council, it is not suitable even as a reference document for the purposes of a planning application and it has no standing in the submission Local Plan. All reference to the Allies and Morrison Masterplan Study 2014 should be removed from paragraphs 5.84 to 5.93 and from Policy P 6.
- 4.114 We consider section M of policy P 6 to be unsound, particularly with reference to planning applications, because this is not in conformity with national policy and is not justified. It will give unjustified status to a design review panel. We accept the council may consider it necessary to obtain the view of external design experts, however this should not be a requirement for each application. Nor should applications be required to be informed by a review panel; this again would give development plan status to a document which is not part of the development plan.
- 4.115 Further to the removal of references to the Masterplan, we do not consider it sound for application
- 4.116 There is no explanation as to why the proposed level of housing with North Weald has decreased from 1,500 dwellings (as proposed in the Draft Local Plan Regulation 18 consultation in 2016) to just 1,050 dwellings within the Plan period.
- 4.117 The allocation of sites; of NWB.R1 – Land at Bluemans, NWB.R2 – Land at Tylers Farm, NWB.R4 – Land at Chase Farm, NWB.R3 – Land south of Vicarage Lane and NWB.R5 – Land at The Acorns, Chase Farm is unsound. There is no justification for the allocation of these sites for development and no exceptional circumstances have been set out, as to why these sites should be released. from the Green Belt, particularly in preference to sites which are clearly more sustainable, do not cause the loss of high quality agricultural land, retain the rectilinear character of North Weald Bassett and would have a lower impact to the Green Belt.

- 4.118 In our assessment of five year housing land supply, we adjusted the trajectory to reflect 83dpa as per the local evidence contained in section 5 of SPRU's Reg 19 objection to housing strategy based upon the impact for five year housing land supply and whole plan supply.
- 4.119 The delivery of site allocation NWB.R5 is contested in SPRU's five year housing land supply (See SPRU's Reg 19 objection to housing strategy based upon the impact for five year housing land supply and whole plan supply). The site forms part of a wider strategic masterplan area for North Weald Bassett. The site is surrounded on three sides by proposed housing allocations NWB.R3 and NWB.R4. It would not make sense for this site to come forward ahead of NWB.R3 and NWB.R4 as currently anticipated by the Council and we consider it more likely these sites would come forward together or NWB.R5 at a later stage due to its isolated location.
- 4.120 In addition to considering the deliverability of the proposed allocations in North Weald Bassett, an environmental issues review has been carried out by Liz Lake Associates (appendix 6) which also draws on reports also authored by LLA:
- Environmental Issues report (Appendix 6);
 - Landscape Sensitivity and Capacity Study (appendix 4);
 - Green Belt Review: Site and Boundaries Study (appendix 5);
 - Ecological Review (appendix 8).
- 4.121 The review appraises the Environmental Issues (including landscape, visual, ecological aspects) associated with North Weald's proposed site allocations.
- 4.122 The review contrasts the key environmental issues associated with the proposed allocations and compares these to issues relevant to the site being promoted by Peer Group. The LLA report is at Appendix 6.
- Summary of NWB.R1 – Land at Bluemans*
- 4.123 Development of NWB.R1 would extend the settlement edge to adjoin a longer length of the A414. It would also have a permanent, adverse effect on the contribution the site currently makes to the transition between the settlement and the predominantly rural

surroundings because it is located nearby to one of the 'urban gateways' of North Weald Bassett. It would cause the loss of Grade 2 Agricultural Land. These issues could not be easily mitigated.

- 4.124 NWB.R1 does not offer any additional land on which to provide habitat enhancement that would offset any ecological losses resulting from development.

Summary of NWB.R2 – Land at Tylers Farm

- 4.125 Development of NWB.R2 is likely to involve significant intensification of the existing land use and would likely cause significant tree loss. It would cause the loss of a section of Grade 2 agricultural land. Without very careful design, the enclosed nature of this site and its soft green edges which are key to maintaining the urban-rural transition at the 'urban gateway' of North Weald Bassett, are likely to be lost as a result of the development of NWB.R2.

- 4.126 NWB.R2 does not offer any additional land on which to provide habitat enhancement that would offset any ecological losses resulting from development.

NWB.R3 – Land south of Vicarage Lane

- 4.127 Development of NWB.R3 would extend the settlement edge much further north than it is currently and due to its large size it would completely alter the 'linear' character of the settlement, noted as one of the key characteristics of LCA F5 and one of the key spatial aims within the North Weald Bassett Masterplanning Study. It would also cause the loss of Grade 2 Agricultural Quality. These issues could not be easily mitigated.

- 4.128 NWB.R3 does not offer any additional land on which to provide habitat enhancement that would offset any ecological losses resulting from development.

NWB.R4 – Land at Chase Farm

- 4.129 NWB.R4 does not abut the existing settlement edge of North Weald Bassett. Development of NWB.R4 for residential purposes has the potential to introduce suburban features into an area that is currently predominantly rural in character. Careful consideration for mitigating any adverse effects on the landscape character would be required to avoid adverse landscape and visual effects on the surrounding area and receptors.

- 4.130 NWB.R4 does not offer any additional land on which to provide habitat enhancement that would offset any ecological losses resulting from development.

NWB.R5 – Land at The Acorns, Chase Farm

4.131 NWB.R5 does not abut the existing settlement edge of North Weald Bassett. Development of NWB.R5 for residential purposes has the potential to introduce suburban features into an area that is currently predominantly rural in character. It would cause the loss of some Grade 2 agricultural land.

4.132 NWB.R5 does not offer any additional land on which to provide habitat enhancement that would offset any ecological losses resulting from development.

Land at Ongar Park Estate

4.133 Within the Environmental Issues Review (Appendix 6 at Table 2, Appendix D of the LLA report, it provides a clear comparison of the issues associated with each allocated site and the Land at Ongar Park Estate.

4.134 In summary,

- The north portion of the site is of low landscape sensitivity and the southern portion of medium landscape sensitivity. This is lower than any of the other proposed residential allocations.
- It is of moderate low visual prominence, this is also lower than any of the other proposed residential allocations.
- The site's soils are classified as non-agricultural use.
- The resultant harm on the Green Belt if the site were released is comparable with the other proposed allocated sites.
- Unlike the other proposed allocations, the Land at Ongar Park Estate can offer a significant amount of additional land to the south west of the development which would be the subject of a comprehensive and sympathetic conservation management, to off-set any biodiversity losses associated with a proposed scheme and provide substantial long term ecological gain.

4.135 As stated in the LLA review;

Upon review of the environmental issues pertaining to each allocated site it is clear that there are similar landscape, visual and environmental issues relating to the potential development of the residential allocations than of the Site being promoted by Peer

Group plc. There appears to be no clear reason why those sites that have been allocated should be treated more favourably than the Land at Ongar Park Estate.

- 4.136 Further to the environmental issues raised, we do not consider the Council has taken into full consideration the operation of the North Weald Airfield and the recent announcement that the Police will be using the airfield for helicopters. It is anticipated that 20,000 movements will be made each year (approximately 55 Police helicopter movements per day, which are in addition to the normal day to day activities at the airfield). Considering the Council have allocated sites closer to the airfield, than away from it, this does not seem to be a sound approach, nor is it justified.
- 4.137 The Council's approach to the allocation of sites in North Weald Bassett appears to be entirely based on the Council's own interpretation of the Allies and Morrison Masterplanning Study 2014. That Study was not robust and the Council's interpretation of the Study is wholly inaccurate and unjustified. There are multiple references to the Study in paragraphs 5.84 to 5.93 of the submission Local Plan and further reference in Policy P 6.
- 4.138 In relying unduly and without rationale on the Allies and Morrison Masterplanning Study 2014, the Council has failed to apply its own sequential approach to the selection of sites in North Weald Bassett, as stated in Policy SP 2. The Plan is therefore unsound.

Policy P 7 Chigwell – comments on allocations and status of the masterplan

- 4.139 We consider P 7 to be unsound as, within the policy it effectively gives development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.
- 4.140 SPRU contest the delivery rate of proposed housing allocation CHIG.R7. The site has no planning permission nor is there an application lodged. The emerging Local Plan requires sites ONG.R1 and ONG.R2 to be developed in accordance with the Concept Framework Plans and is required to be undertaken jointly between the applicants of these two sites prior to the submission of any applications. This is likely to add a delay to the delivery of the site which, in combination with the planning status of the site, would make it unrealistic to expect completions in the five year period. We do not dispute the rate of delivery anticipated by the Council.

Policy P 8 Theydon Bois – comments on allocations and status of the masterplan

- 4.141 We consider P 8 to be unsound as, within the policy it effectively gives development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.

Policy P 9 Roydon – comments on allocations and status of the masterplan

- 4.142 We consider P 9 to be unsound as, within the policy it effectively gives development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.

Policy P 10 Nazeing – comments on allocations and status of the concept framework

- 4.143 We consider P 10 to be unsound as, within the policy it effectively gives development plan status to the concept framework. The framework should only be given material consideration in determining applications. This sentence should be modified or deleted.
- 4.144 Proposed housing allocations NAZE.R1, NAZE.R3 and NAZE.R4 currently lie within the Green Belt and have neither an application lodged or extant planning permission. In SPRU's assessment of five year housing land supply (See SPRU's Reg 19 objection to housing strategy based upon the impact for five year housing land supply and whole plan supply) the anticipated delivery of these sites has been moved on by one year to allow for the site to be released from the Green Belt.

Policy P 11 Thornwood – comments on allocations and status of the masterplan

- 4.145 We consider P 11 to be unsound as, within the policy it effectively gives development plan status to the masterplan. The masterplan should only be given material consideration in determining applications. This sentence should be modified or deleted.
- 4.146 Proposed housing allocation THOR.R2 has been assessed in SPRU's assessment of the Council's five year housing land supply (See SPRU's Reg 19 objection to housing strategy based upon the impact for five year housing land supply and whole plan supply). The delivery of the site is contested by SPRU as not only is the site located in the Green Belt, but there are no extant planning permissions on the site or an application lodged. It is considered more realistic for the site to deliver completions in the year 2021/22 allowing for a period of two years from the anticipated date of adoption of the Local Plan to obtain planning permission and the first dwelling to be completed.

Chapter Six – Infrastructure and Delivery

Policy D 1 Delivery of Infrastructure

4.147 We do not consider D 1 to be sound as it is not effective, in particular all of part C.

- (i) it is not clear what the Council considers to be meant by harm.
- (iii) the Council can only require such investigations to be proportionate with the scale of the application and scale of the infrastructure issue
- (iv) any obligations agreement entered into by the Council and applicant must be in conformity with the CIL regulations. We do not consider this policy to be justified. Secondly it is not effective, how would such an obligation be monitored?

Policy D 6 Neighbourhood Planning

4.148 This is an aspiration of the Council and not a planning policy. Therefore it cannot be considered to be effective. This policy should be deleted from the Plan.

Policy D 7 Monitoring and Enforcement

4.149 This policy is not effective, it is not at all clear how the Local Plan will be monitored. The section regarding planning enforcement is unnecessary, it is a statement and not planning policy.

Appendix 3 Measures to Monitor the Effectiveness of Policies in the Local Plan

4.150 The monitoring framework set out on page 218 onwards of the Plan is not effective, it does not establish an effective means for monitoring the success of the Plan. We raise a number of issues in how this has been set out.

4.151 Firstly, the table is proposed as a minimum of what will be used, it does not seem rational to include new monitoring indicators part way through the Plan period.

4.152 Secondly, the monitoring indicators do not all make sense. Those for SP 1 fail to identify what are they monitoring, the targets, or the implications if targets are not met. This just seems to be a list of contextual information that could be used when starting a review of the Plan. The indicators with regard to housing, do not make clear their purpose or the reason that only 75% of the annualised requirement or completion rate is met for 3 years. The housing requirements should be met on an annual basis. The Plan should clearly set out what will happen if it fails to meet the housing requirement.

- 4.153 To ensure the Plan is sound, we consider meaningful indicators should be used, which can be easily monitored and the Council should clearly set out what actions it will take if targets are not met. This is important as these will be indicators included within the Council's Annual Monitoring Report.

Appendix 5 Housing Trajectory (take from various policies and 5 year review)

- 4.154 Our comments to the housing trajectory are set out in detail within SPRU's Reg 19 objection to housing strategy based upon the impact for five year housing land supply and whole plan supply. We do not consider the Council can demonstrate a 5 year land supply, or a sufficient supply of housing to meet the Plan's housing requirement across the Plan period.

5.0 DESCRIPTION OF THE PEER GROUP SITE

- 5.1 This section will provide details regarding the site context and will summarise why the site is considered to be suitable and appropriate for residential development.

Site Context

- 5.2 The site is located to the southeast of North Weald Bassett (see Appendix 9 for site location plan). The site comprises circa 15.26 hectares of land that is in single ownership. Whilst there are no built structures, the site is previously developed, formerly used as the Marconi and in more recent years was occupied by BT radio station and transmitter site. The land still contains substantial areas of concrete foundations and anchors from the numerous radio aerials located around the site. Part of the site is currently used as a golf course.

Development Proposals

- 5.3 The site is considered to be appropriate for residential development as it forms an area of undeveloped land immediately adjacent to the settlement edge. Development of the site would align with the current pattern of development and would not result in urban sprawl. In contrast, the Council's proposed site allocations to the north of the village would result in sprawl and encroachment into open countryside. Sites to the north of the village are also of higher value in Green Belt terms, as is evident in the Council's own Green Belt Review. Having regard to the single ownership of the site, it is also "deliverable".
- 5.4 Appendix 9 provides an Indicative Masterplan Plan for this phase of the development. The plan demonstrates that the scheme could provide 285 dwellings together with open space, sustainable urban drainage, landscaping.
- 5.5 The Landscape Assessment finds that the site has a low landscape value and a medium/high capacity to accommodate change. The LLA report concludes that development of the site would not result in any significant adverse impacts to the landscape or views across the wider area.
- 5.6 The proposal is to incorporate a landscape setting which retains 6 hectares of open space, including planting and green infrastructure enhancements. The residential element of the would occupy 9 hectares of the site.

5.7 With regard to the setting of Redoubt Scheduled Ancient Monument, heritage experts Peter Stewart Consultancy have undertaken a Heritage Assessment which concludes that development of the OPE site would not cause harm to the setting of the Redoubt or the surrounding landscape.

5.8 The development of the site would provide a mix of tenures, providing both affordable and private market types in a variety of bedroom sizes. Allocating the site would help the Council to deliver the homes it requires in order to meet the objectively assessed housing need for the Epping Forest.

Green Belt

5.9 As set out within section 4 of this representation, the Council have failed to assess the promoted site throughout the Local Plan evidence base and have instead continuously assessed a site of some 190ha to the south of the settlement. Because of this, the Green Belt assessment carried out for the Council has not adequately assessed the promoted site.

5.10 We consider that the promoted site would not impact upon the strategic objectives of the Green Belt in this area. This is reflected in the Council's assessment of the 190ha site, which it did not consider to be of high value. The site contributes little to the 4 purposes of Green Belt which can be reasonably assessed for parcels of land. As set out in paragraph 80 of the Framework

- to check the unrestricted sprawl of large built-up areas; *the loss of Green Belt would still restrict sprawl of large built up areas;*
- to prevent neighbouring towns merging into one another; *the loss of Green Belt in this location would still ensure towns do not merge into one another;*
- to assist in safeguarding the countryside from encroachment; *the land within this parcel of Green Belt is currently partly used as a golf course and has the remnants of the Marconi radio towers. The land uses, or previous uses cannot be considered to be typical of the countryside and therefore the site does little to perform this function. Furthermore, land beyond the site is also used as a Golf Course.*

- to preserve the setting and special character of historic towns; *whilst North Weald Bassett does have heritage assets, it cannot be considered to be a historic town, which required the Green Belt to preserve its setting and special character. The Green Belt here does not contribute to this purpose.*

5.11 The site clearly has a low Green Belt value and should be considered for allocation in the Local Plan.

Access and Highway Considerations

5.12 There are several direct access points to and from the site to the public highway on the High Road and the A414. There are no major constraints in this respect. Furthermore, an existing access from the A414 could provide access to the site directly from the A414 such that no construction traffic would need to pass through the village of North Weald Bassett during the construction phase.

Access by Sustainable Travel Modes:

5.13 The site has excellent access to public transport. A regular bus service operates in the village approximately once every half hour from 6.00 am until 8pm. The service has direct links to surrounding towns, including Epping and Harlow. Epping Underground Station is on the Central Line tube service with a direct link to Central London. There is also a direct rail service from Harlow to London Liverpool Street Station

Access to Local Amenities:

5.14 The site is located in a highly sustainable area, directly adjacent to the existing settlement of North Weald Bassett. It has good access to local facilities and services in the village. Epping is also close to the village, approximately 3 miles to the south, and Harlow is approximately 6 miles to the north.

Landscape and Visual Impact

5.15 A Landscape Sensitivity and Capacity Study of the site is submitted with the representation (Appendix 4).

5.16 The report concludes that given the nature and character as well as visual qualities of the adjacent settlement, it is considered that the site has a high capacity to accommodate change. The appraisal states that there are a limited number of constraints or issues in landscape and visual terms that reduce the site's capacity to accommodate development. It considered that the characteristics of the existing built

form as well as the opportunities to provide mitigation will ensure that the impacts of any such development on the wider landscape can be minimised.

Agricultural Land

- 5.17 Natural England's Agricultural Land Classification Map, shows the site as being 'Non-Agricultural Land'. Its current use is part golf course, with the majority of the site being the former Marconi Radio Station.

Sport Facilities – Golf Course

- 5.18 Part of the site is Blake's 18 hole Golf Course, which is owned by the Peer Group PLC. The proposed site boundaries would result in the loss of 2 'holes' on the golf course, which could be replaced on land within the ownership of Peer Group.
- 5.19 Therefore, we consider that paragraph 74, bullet point two can be satisfied and there will be no loss of sports facilities.

Flood Risk and Drainage

- 5.20 The Environment Agency flood maps indicates that the site is within flood zone 1, which is the lowest risk area. Development of the site would accord with the NPPF which seeks to avoid locating development in high risk flood zones (i.e. flood zones 2 and 3).

Ecology and Trees

- 5.21 An Ecological Review (ER) (Appendix 8, which consists a Phase 1 Habitat survey, has been undertaken by Liz Lakes Associates (updated in January 2018). It finds that, although there are no SSSIs or sites of international ecological importance e.g. SAC or RAMSAR designations, the western section of the site adjoins Weald Common LNR/LoWS, a site of ecological importance at the national (LNR) and county (LoWS) level.
- 5.22 Results of the ER indicate that, while the LNR/LoWS is a material consideration to any future planning application, the meadow and wetland habitats would not be directly impacted by the proposed scheme. Mitigation, in the form of good design, would avoid any significant adverse, indirect impacts through the provision of an effective buffer strip and effective habitat enhancement measures.
- 5.23 The proposed development scheme could be linked to the ecological enhancement of the adjoining open area to the east. This would be subject to a strategy of habitat

enhancement, restoration and creation as well as long term conservation management which incorporates compensation and mitigation of any adverse impacts associated with the former grassland.

- 5.24 The semi-mature woodland to the west of the site should be retained as part of the scheme. There would be no loss of woodland, hedge, individual trees or wetland.
- 5.25 A more detailed specialist ecological assessment would be required at the next planning/design stage to determine the presence or otherwise of protected or notable species (flora or fauna).
- 5.26 The scheme provides significant opportunity for positive ecological impact as a result of the potential for extensive habitat enhancement in the adjacent area, encompassing the Ongar Radio Station LoWS to the east of the site.
- 5.27 The proposals have the scope, through the implementation of substantial, ecologically sympathetic habitat enhancement measures within and adjacent to the proposed development Site, to both compensate for habitat losses and mitigate against potentially adverse impacts on wildlife and also to provide significant biodiversity gain.

Heritage and Conservation

- 5.28 Heritage experts Peter Stewart Consultancy has undertaken a heritage assessment of the site which provides an expert assessment on the effect of the proposed development on the setting of Redoubt SAM The report was completed in January 2018 (Appendix 11).
- 5.29 The promotion site lies to the northwest of the Redoubt. At its closest point it lies some 230 metres away from the Redoubt. The North Weald Bassett Masterplan Study, produced for the Council in 2014 by Allies and Morrison, suggested a proposed buffer (page 118 of the A&M Study) to protect the landscape setting of the Redoubt. That buffer has been adopted by Peer Group in all of its proposals for the promoted site.

Capacity

- 5.30 The capacity of the site is approximately 285 new dwellings, which could make a contribution to the 5 year housing land supply and would be built out within the Local Plan Period.

Availability

- 5.31 Peer Group plc are the registered owners of all the land being promoted through this representation and are committed to delivering development on the site as soon as possible. There are no ownership or legal impediments to the commencement of development.

Suitable

- 5.32 The site is not unduly constrained in terms of access, landscape and visual considerations, flood risk, ecology or heritage.
- 5.33 The site is located adjacent to the existing urban area of a sustainable settlement which has been identified as a location for growth. The site would have access to a wide range of services and facilities that would be accessible by sustainable modes of transport.
- 5.34 The Peer Group site is consistent with Policy SP 2 in terms of its sequential suitability, particularly when compared with the alternative sites in North Weald Bassett.
- 5.35 The site is therefore suitable for residential development.

Achievable/Deliverable

- 5.36 The site is a greenfield site on the edge of the urban area. There are no known development constraints requiring extensive mitigation. The site is therefore considered to be achievable in terms of viability.
- 5.37 The site is not constrained by ownership issues and the landowners are willing and able to pursue development at the site.
- 5.38 The site is therefore considered to be realistically deliverable within the first five years of the plan period.

Pursuit of Sustainable Development

National Planning Policy Framework

- 5.39 Paragraphs 150 through to 155 set the context in which Local Plans should be prepared; principally this is with the objective of contributing to the achievement of sustainable development (paragraph 151). It goes on to state '*To this end they should be consistent with the principles and policies set out in this Framework. Including the presumption in favour of sustainable development*'.

- 5.40 The achievement of sustainable development is expanded in the following paragraph at 152, stating:

“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce, or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measure to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”

The Presumption in Favour of Sustainable Development

- 5.41 It is inevitable in the preparation of a Local Plan that a balance will need to be reached in the pursuit of one or more strands of sustainable development, or indeed the overall balance to be reached (as set out in paragraph 152).
- 5.42 Paragraph 14 of the Framework sets out the balance in which the decision maker must reach in considering the most appropriate strategy; the presumption in favour of sustainable development.
- 5.43 Table 2 below summarises the sustainable nature of promoted site for residential development, having regard to the three dimensions of sustainable development; economic, social and environmental identified at paragraph 7 of the Framework. In particular, the table will demonstrate how development of the site would contribute to sustainable development having regard to the Government's view of sustainable development which is outlined in paragraphs 18 to 219 of the Framework.

Table 2 Assessment of policies within the Framework

Framework Paragraph	Summary
<p>Paragraph 17: Core Planning Principles</p>	<p>The allocation of the site will help to deliver the homes that the country needs and meet the objectively assessed housing need.</p> <p>The site is located within a reasonable walking distance to all local facilities.</p>
<p>Paragraph 14: The presumption in favour of sustainable development</p> <p>At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.</p> <p>For plan-making this means that:</p> <ul style="list-style-type: none"> Local Planning Authorities should positively seek opportunities to meet the development needs of their areas; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change unless: <ul style="list-style-type: none"> Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or Specific policies in the Framework indicate that development should be restricted. 	<p>The representation has demonstrated that site should be allocated for development to assist the Council in meeting the housing needs of the area.</p> <p>There would be no adverse impacts that would outweigh the benefits.</p> <p>With the exception of Green Belt, there are no policies in the Framework to indicate that development should be restricted. The site compares favourably in terms of causing less harm than other sites in North Weald Bassett to be released from the Green Belt.</p>
<p>Section 4: Promoting Sustainable Transport</p> <p>Paragraph 30: In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.</p>	<p>The site is accessible by sustainable travel. There are a range of bus services that are served from many bus stops that are a short walk from the site, providing direct links to the town centre and the Railway Station. The site is also well connected to a network of footways and signed cycle routes in residential areas that are relatively lightly trafficked.</p>

<p>Paragraph 32 Plans and decisions should take account of whether: The opportunities for sustainable transport modes have been take up depending on the nature and location of the site, to reduce the need for major transport infrastructure.</p> <p>Paragraph 34; Plans... should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised.</p> <p>Paragraph 35 Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people...</p> <p>Paragraph 38: For large scale developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.</p> <p>Paragraph 41: LPAs should identify and protect, where this a robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.</p>	<p>The site is located within a reasonable walking distance to all local facilities.</p> <p>The indicative Landscape Framework and Development Concept Plan demonstrates that, if fully implemented, the scheme could provide for a mix dwellings across all market sectors including, public open space/leisure and play facilities</p> <p>The site can be designed with legible and safe access and egress for pedestrians, cyclists as well as vehicles, to ensure it would have a positive effect upon promoting sustainable travel options, and ensuring that they are available to residents throughout the site.</p> <p>.</p>
<p>Section 6: Delivering a wide choice of high quality homes</p> <p>Paragraph 47: To boost significantly the supply of housing, Local Planning Authorities should inter alia:</p> <ul style="list-style-type: none"> • 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, as far as is consistent with the policies set out in 	<p>The allocation of the site will bring forward 285 new dwellings. The site will make a significant contribution to the delivery of new homes in Epping Forest over the plan period including delivery within the first 5 years of the plan</p>

<p>the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.</p> <ul style="list-style-type: none"> 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. 	
<p>Section 7: Requiring Good Design</p> <p>Paragraph 58: Planning policies and decision should aim to ensure that development, inter alia, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.</p>	<p>The indicative Landscape Framework and Development Concept Plan demonstrates that, if fully implemented, the scheme could provide for a significant amount of residential units along with associated landscaping, sustainable urban drainage and public open space/play facilities.</p>
<p>Section 8: Promoting Healthy Communities</p> <p>Paragraph 69: Planning policies should aim to achieve places which promote amongst other things, opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.</p>	<p>As above, the indicative Landscape Framework and Development Concept Plan demonstrates that, if fully implemented, the scheme could provide for a significant amount of residential units along with associated landscaping, sustainable urban drainage, public open space/play facilities.</p>

<p>To deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should inter alia plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.</p> <p>Paragraph 72: Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:</p> <ul style="list-style-type: none"> • Give great weight to the need to create expand or alter schools; and • Work with schools promoters to identify and resolve key planning issues before applications are submitted. <p>Paragraph 73: Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and qualitative or quantitative deficits or surpluses of open space, sports and recreation facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.</p> <p>Paragraph 75: Planning policies should protect and enhance public rights of way and access. Local Authorities should seek opportunities to provide better facilities for users, for example by adding</p>	
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links to existing rights of way networks including National Trails.	
<p>Section 11: Conserving and enhancing the natural environment</p> <p>Paragraph 109; The planning system should contribute to and enhance the natural and local environment by inter alia: protecting and enhancing valued landscapes; and minimising impacts of biodiversity and providing net gains in biodiversity where possible.</p>	<p>The LVA submitted with the representation demonstrates that the site has the capacity to accommodate change.</p> <p>Given the limited vegetation that exists on site currently, the Indicative Landscape Framework and Development Concept Plan suggest that once developed the site can accommodate substantial blue and green infrastructure that will provide significant net gains in terms of landscape and biodiversity.</p> <p>Suitable Alternative Natural Greenspace (SANGs) could be contributed towards and the site will be the subject of a project-level Habitats Regulations Assessment (HRA) to assess the impact of recreational pressure on the Epping Forest SAC.</p>
<p>Section 12: Conserving and enhancing the historic environment</p> <p>Paragraph 126: Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment...In doing so they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.</p> <p>Paragraph 129: Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid</p>	<ul style="list-style-type: none"> •The Council's North Weald Bassett Masterplan plan on page 118 includes a buffer zone which takes into consideration the setting of the Redoubt. Landowner Peer Group plc have accepted the recommendation of Allies and Morrison and drawn the boundary of the site taking into consideration the Masterplan findings. •The Heritage Assessment concludes, it is the view of Heritage Experts Peter Stewart Consultancy, that there will be no harm to the setting of the SAM from the type of development envisaged. •The proposal/potential site allocation would accord with the NPPF and Epping Forest Local Plan policies.

<p>or minimise conflict between the heritage asset's conservation and any aspect of the proposal.</p> <p>Paragraph 132: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</p> <p>Paragraph 133: where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <ul style="list-style-type: none"> • the nature of the heritage asset prevents all reasonable uses of the site; and • No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and • Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and 	
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<ul style="list-style-type: none">• The harm or loss is outweighed by the benefit of bringing the site back into use.	
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6.0 SUMMARY AND CONCLUSIONS

- 6.1 It is clear from examining the Submission Local Plan and the supporting evidence that the Council has acted in haste to submit the plan for Regulation 19 consultation and with the clear intention to submit the flawed Plan for Examination in Public, for the sole purpose of meeting the proposed deadline on 31 March 2018, after which it might have had to provide and deliver a significantly higher number of sites to meet the actual housing need.

Legal Compliance

- 6.2 The plan should not proceed to examination as it is not legally compliant for the following reasons:

- a. Duty to cooperate
 - i. Failure to provide documentation required
 - ii. Failure to demonstrate that the plan will deliver the objectively assessed need (OAN) (Framework paragraphs 178 to 181)
 - iii. Failure to engaged other authorities to assist in meeting present shortfall prior to engaging the “Liverpool” approach (PPG Paragraph 3.035).
- b. The sustainability assessment is fatally flawed due to the incomplete evidence base including the justification for site selection and its failure to consider reasonable alternatives in terms of range of housing requirement and all reasonable alternative sites.

- 6.3 It is considered that any one of the above shortfalls is sufficient to justify the Inspector not proceeding with the current Plan to examination.

Soundness

- 6.4 Should the Inspector accept the submission Local Plan in its flawed condition, there are numerous objections to many of the Plan’s policies. In terms of the Plan strategy it is clearly very short term given the evidence on Housing Need. The Spatial Strategy is also misconceived as the reliance on a large proportion of housing in the form of extensions to Harlow are not going to meet the needs of the district or address the issue

of affordability as there is little interaction between the Harlow housing market and the District.

- 6.5 Some of these objections are derived from the Council's unexplained approach to site selection which has resulted both the OAN not being met but also reasonable alternative sites not be assessed which would assist meeting the OAN.
- 6.6 The following paragraphs summarise our substantive objections to the submitted plan.
- 6.7 The Plan is misleading in paragraphs 1.2 & 1.3 to suggest that it meets the needs of the area from 2011 to 2033. Factually the plan is not meeting the OAN as now calculated by the Council's consultants and falls substantially short of meeting the appropriate OAN figure based on the DCLG household projections with a proper response to market signals. In the present circumstances, if the Government adopt the approach in their consultation, the Plan will become out of date five years after its adoption or possibly sooner.
- 6.8 The impact of the planned approach will be a further worsening of affordability from the already very poor position in 2013 (Figure 1.5 of the plan and the up to date evidence on affordability ratios are set out in SPRU OAN report charts 4 & 5).
- 6.9 Contrary to the statement in Chapter 2 the plan does not put in place critical building blocks for looking further ahead to 2050 (Vision C) as the plan will be out of date in 5 years due to adopting a housing requirement which is clearly too low.
- 6.10 The plan does meet its own objectives (8 i) + ii)) as it does not provide for the OAN to be accommodated on the most appropriate sites. Equally, not all reasonable alternatives have been considered in terms of meeting a higher housing requirement or as additional sites to meet the OAN in full, as required by paragraph 47 of the NPPF.
- 6.11 The incomplete evidence base and lack of assessment of reasonable alternatives means that Policy SP1 Part 2 cannot reliably assert that the development plan represents sustainable development.
- 6.12 Policy SP2 and paragraphs 2.43 & 2.44 are unsound as the OAN is incorrect and in addition there are additional sustainable sites including our clients site in North Weald

Bassett which have not been properly assessed and could be brought forward to assist in meeting the full OAN.

- 6.13 The provision of 3,900 dwellings around Harlow is unlikely to meet the OAN as these dwellings are likely to be taken up by migration from the wider East of England Region or the UK in general.
- 6.14 Policy SP5 is unsound as the Council have made overoptimistic assumptions of lead in times and completion rates and as such these sites will not come forward as suggested and housing need will remain unmet in the short term and over the plan period.
- 6.15 The release of green belt needs to be justified both at a strategic scale and on a site by site basis, this has not been undertaken. The approach in Policy SP 6 to Green Belt release is not sound. In addition, the plan should identify safeguarded land for development beyond the plan period.
- 6.16 It is also considered that the monitoring policy to check the progress of the plan is ineffective (Policy D 7 Monitoring and Enforcement) as it is not at all clear how the Local Plan will be monitored. Appendix 3 Measures, to monitor the effectiveness of policies in the Local Plan, does not establish an effective means for monitoring the success of the Plan. This is particularly important as our review of local and national evidence reveals that, in Appendix 5 Housing Trajectory, the Council have adopted unrealistic assumptions on lead in times and build out rates in their assessment of the delivery of sites. A Plan based on unrealistic assumptions will fail and as such Monitoring policies would need to set out precise response that could be quickly implemented if necessary. One response would be to identify Safeguarded Land that could be brought forward for development without the need for a Plan review.
- 6.17 In addition to these strategic objections that go to the very core of the soundness of the plan there are also a number of more specific objections regarding the policies of the plan that will require main modifications to enable the plan to be made sound.
- 6.18 Finally, there must be considerable doubt as to whether the changes required to secure a sound plan could be brought forward in the form of major modifications to the plan and as such a new plan might be the only solution.

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