

19th April 2018

Forward Planning
Epping Forest District Council,
Civic Offices,
High Street
Epping
Essex
CM16 4BZ

Via email: ldfconsult@eppingforestdc.gov.uk

Dear Sir / Madam,

RE: EPPING FOREST DISTRICT LOCAL PLAN - SUBMISSION VERSION (2017) - Persimmon Homes Representations

1. Introduction

I refer to EFDC letter received on the 23rd March 2018 advising of the opportunity to supplement representations following the Council's publication of the 'finalisation version' of the Site Selection Report (v3 March 2018) and Appendices.

2 Scope of representations

Persimmon Homes made representations to the Submission Version of the Local Plan by way of letter dated 25th January 2018. Persimmon's representations highlighted that the consultation which concluded in January 2018 did not include critical supporting evidence regarding the site selection process and as such did not comply with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Persimmon Homes Representations of the 25th January 2018 objected to the removal of the draft residential allocation of Site ref: SRO208, Theydon Place, Epping between the Draft Local Plan Regulation 18 Consultation (Oct 2016) and the Submission version of the local plan Reg 19 (Dec 2017).

These additional representations should be read in conjunction with those representations.

3 Site selection

Soundness – No. Concern regarding soundness of the evidence and rationale as to why certain sites have been rejected between Reg 18 and Reg 19 stages remain.

EFDC ‘Report on site Section – Issue V3’ (March 2018) details the site selection and assessment process undertaken. The report (March 2018) outlines the process by which sites identified for inclusion in the Local Plan Regulation 18 Consultation (Oct 2016) (See para 2.127, p44). The report details;

‘In 2016, following completion of the indicative net capacity assessment and the availability and achievability assessment a Local Plan Officer Working Group meeting was held on 28 July 2016 to identify which sites should be allocated in the Draft Local Plan. At the meeting a decision was made for each site as to whether it should be allocated or not in the Draft Local Plan. This decision was informed by all relevant material considerations, which included the findings of the availability and achievability assessment and the emerging settlement visions, which helped to identify the quantum of development which should be allocated in each settlement. A justification for the judgements made was documented’.

‘In accordance with paragraph 4.43 of the SSM a second Member workshop was held on 6 August 2016 to ‘check and challenge’ the sites identified for allocation. Where appropriate, Member feedback was incorporated in the decisions made. This process informed the draft site allocations presented in the Draft Local Plan’.

The above assessment process resulted in Local Plan Regulation 18 Consultation (Oct 2016) Emerging Policy P1 (2016) identifying a residential allocation for land at Theydon Place, Epping (**site ref. SR0208**) for 66 homes. Persimmon Homes own this site freehold and have been promoting its inclusion within the local plan.

In December 2016 Persimmon Homes made representations in relation to the Epping Forest District Draft Local Plan Regulation 18 Consultation (Oct 2016). These representations included support for the strategy of delivering new residential development in the settlement of Epping. Draft Policy SP2 at that time identified that 1,640 new homes will be accommodated in Epping. The associated draft Policy P1 sought the inclusion of land at Theydon Place, Epping (site ref. SR0208) for 66 homes.

Theydon Place (site ref. SR0208) is available, offers a suitable location for development now and is achievable with a realistic prospect that housing will be delivered within the timescales envisaged. A Deliverability Statement accompanied Persimmon Homes Dec 2016 representations to;

- a) supports its draft allocation
- b) provide detail on technical issues which support its delivery and
- c) begin the design process and illustrate what the site could achieve.

EFDC’s ‘Report on site Section– Issue V3’ (March 2018) identifies the process by which the Council re-visited the conclusions reached in 2016 and determined whether ‘any draft site

allocations should be removed from the Submission Local Plan and/or whether any sites not previously identified for allocation should be' (para 2.128, p44).

Between the regulation 18 consultation and the regulation 19 consultation land at Theydon Place, Epping (site ref. SR0208), has been excluded from the draft Local Plan. Persimmon Homes are concerned that the decision to exclude the site is not based upon sound evidence and an objective assessment.

EFDC's 'Report on site Section– Issue V3' (March 2018) Appendix B.1.1 (page B20) confirms that Theydon Place Epping (SR-0208) proceeded through stages 1 to 4 and 6.1 to 6.3 and did not proceed via stage 6.4 which is 'Deliverability'. Para 2.9 of the Site Selection Report (p38) details the methodology used to assess Deliverability. This includes;

- Land Promoter / Developer Survey
- Availability and Achievability Assessment – this includes an assessment of the following against a Red-Amber-Green' (RAG) rating system;
 - o (i) Availability,
 - o (ii) Achievability
 - o (iii) Cumulative achievability (in combination with proposed traveller site allocations)
 - o (iv) Overview Assessment of constraints

The Local Plan evidence base 'Report on site Section– Issue V3' (March 2018) acknowledges that;

- The site [Theydon Place Epping ref: SR-0208] is considered to be **available** within the first five years of the Plan, and;
- The site [Theydon Place Epping ref: SR-0208] has **no identified constraints or restrictions** which would prevent it coming forward for development

Both Appendix B1.6.6 (Results of identifying sites for allocation) and Appendix B.1.1 (page B20) details the justification for not taking forward the draft residential allocation of Theydon Place Epping (SR-0208). This decision was derived from the Member Workshop on the 18/19th October 2017;

*'This site was proposed for allocation in the Draft Local Plan (2016). While it was considered to be available within the first five years of the Plan period and has no identified constraints or restrictions which would prevent it coming forward for development, the **indicative capacity assessment** noted that the capacity is reduced due to the presence of BAP Habitats and TPOs. On balance, it was considered that **other sites in Epping were more preferable in terms of their overall suitability**, and if these sites were allocated they would cumulatively provide the desired growth in the settlement. The site is therefore not proposed for allocation'.*

These matters are considered in turn;

- (a) *'the indicative capacity assessment noted that the capacity is reduced due to the presence of BAP Habitats and TPOs'.*

The Local Plan evidence base 'Report on site Section– Issue V3' (March 2018) acknowledges that;

- The site [Theydon Place Epping ref: SR-0208] is considered to be available within the first five years of the Plan, and;
- The site [Theydon Place Epping ref: SR-0208] has no identified constraints or restrictions which would prevent it coming forward for development

The draft Local Plan Regulation 18 Consultation (Oct 2016) **Emerging Policy P1** (2016) identified a residential allocation for land at Theydon Place, Epping (site ref. SR0208) for 66 homes.

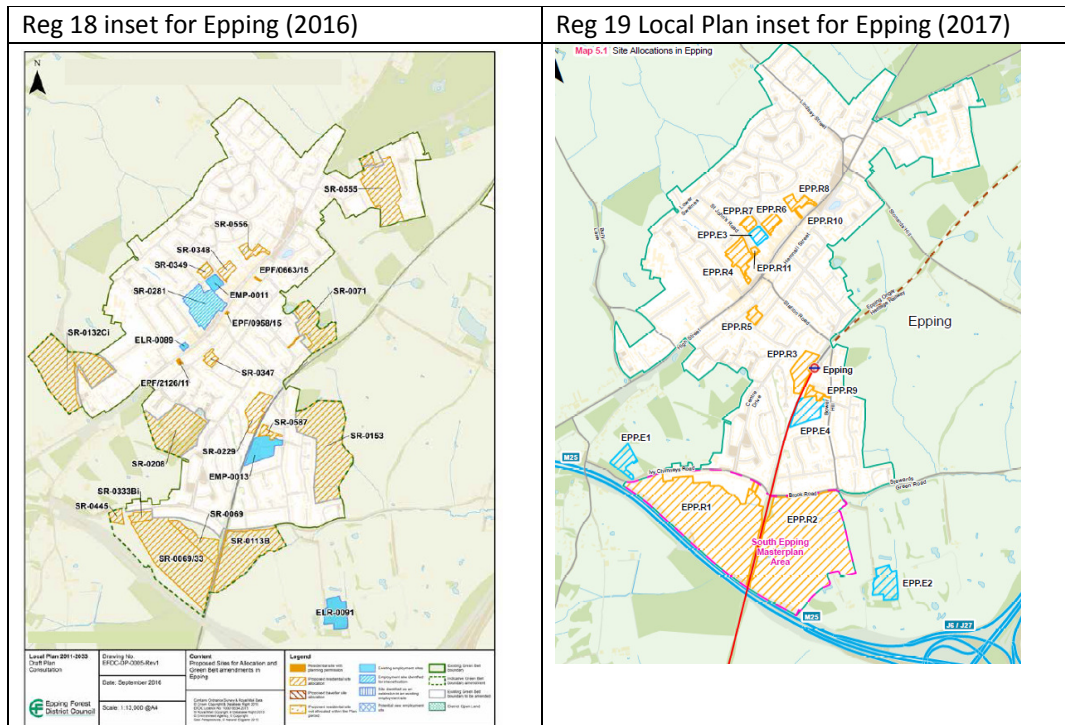
In December 2016 Persimmon Homes made representations in relation to the Epping Forest District Draft Local Plan Regulation 18 Consultation (Oct 2016). These representations included a Deliverability Statement (Persimmon Homes Dec 2016) informed by ecological and arboricultural assessment. The Deliverability Statement supported the emerging allocation of the site for 66 homes and showed how such a quantum could be accommodated.

EFDC '*Report on site Section– Issue V3*' (March 2018) contains at Appendix 'B1.6.4 Capacity / Deliverability Assessment' for site SR-0208 states that the site has '*indicative net site capacity (units) 65*' and '*updated indicative net site capacity (units): 65*'.

It is not clear why the indicative capacity was amended by the Council from 66 homes (Oct 2016) to 65 units (March 2018). Irrespective of this, it is considered that a change in the indicative capacity by 1 unit is not a sound rationale for not taking forward the site.

(b) 'other sites in Epping were more preferable in terms of their overall suitability, and if these sites were allocated they would cumulatively provide the desired growth in the settlement. The site is therefore not proposed for allocation'

Detailed below is the Regulation 18 and Regulation 19 inset plans for Epping.



EFDC's 'Report on site Section– Issue V3' (March 2018) does not contain a comparative assessment of the sites within Epping.

In terms of the rational for statement (b) above, EFDC's 'Report on site Section– Issue V3' (March 2018)(para 2.137) and para 5.13 of the Reg 19 Local Plan (2017) state;

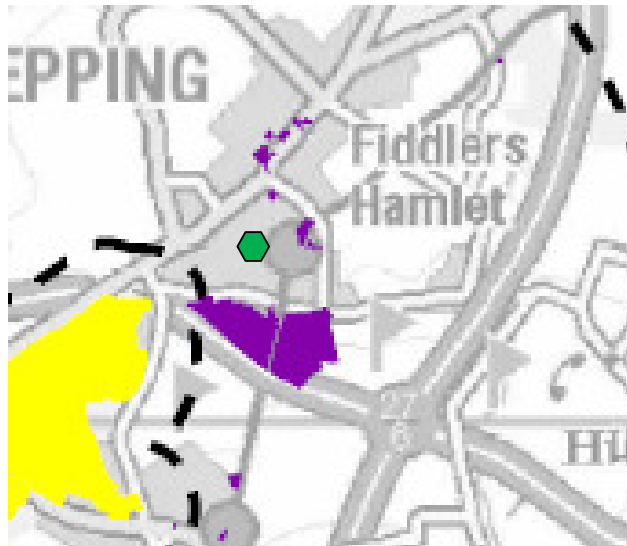
'Epping: site allocations amended to reduce the overall quantum of growth proposed in the settlement and associated impacts on Epping Forest in terms of air quality and traffic congestion. Focus of non-urban brownfield sites to the south of the settlement ensured greater alignment with the emerging Neighbourhood Plan and provided greater critical mass and potential for new and improved infrastructure'.

In relation to the points raised above;

(a) Site (SRO208), Theydon Place, is located in very close proximity to Epping Forest Tube Station and the town centre of Epping. In addition to being a sustainable site in its own right, it is also in comparatively closer proximity than the now enlarged 'South Epping Masterplan Area' (EPP.R1 and EPP.R2). If the objective is to reduce **impact on air quality and traffic congestion**, it is considered illogical to remove a

site which is comparatively in a more sustainable location for promoting sustainable transport choices.

- (b) As detailed in the plan below Site (SRO208), Theydon Place (indicated by the green hexagon) is **located further away from Epping Forest Special Area of Conservation (EF-SAC)** than the now enlarged 'South Epping Masterplan Area' (EPP.R1 and EPP.R2).



Part of the evidence base published alongside The Reg 19 Local Plan is the report '*Habitats Regulations Assessment of Epping Forest District Council Regulation 19 Local Plan*' AECON, Dec 2017. This recommends that '*all allocations above a certain size (such as for more than 400 dwellings) in the core catchment of the SAC...should consider any potential to deliver their own on-site accessible natural greenspace*' (p111). As detailed in the Site Delivery Statement submitted for Site (SRO208) by Persimmon Homes in 2017 as part of the Reg 18 Representations, the Theydon Place site has the potential to deliver a sizable area of naturally accessible green space. An extract from the Site Delivery Statement (Dec 2016) is detailed below.



Figure: Persimmon Homes Site Delivery Statement, Theydon Place (Dec 2016)

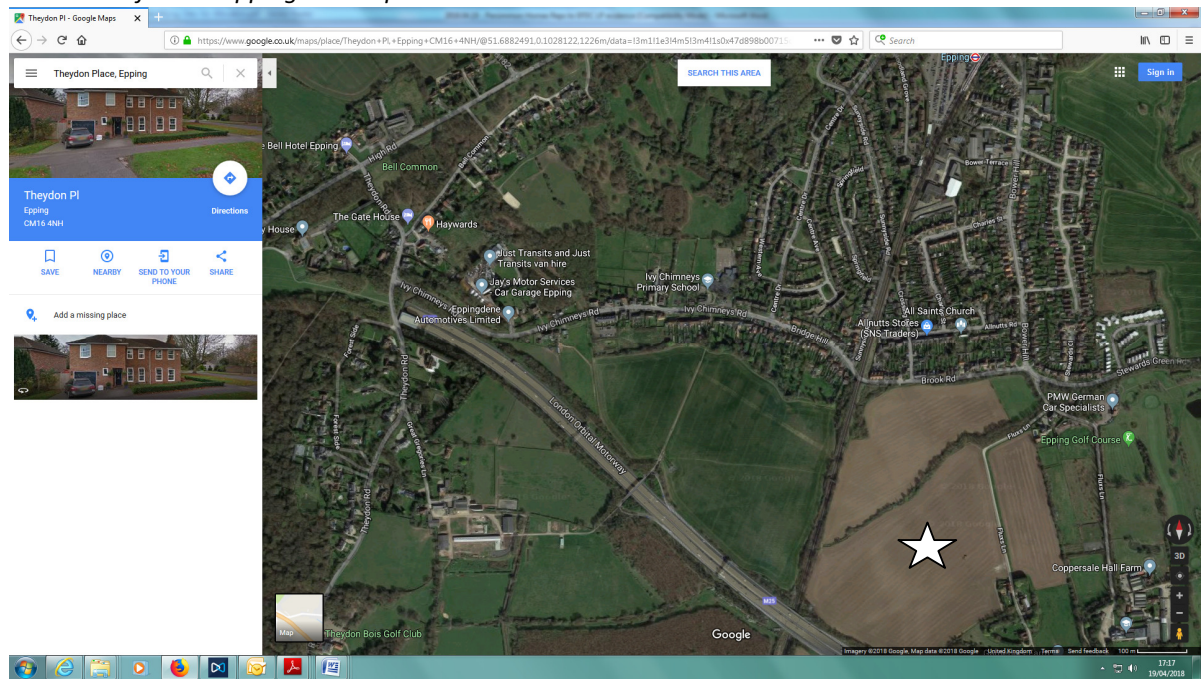
- (C) Epping Forest DC published the Stage 2 **Green Belt Review** in October 2016. This document seeks to identify which sites within the Green Belt do not meet the Green Belt function is full and are therefore suitable for release from the Green Belt for development. The report concludes that the Site (SRO208), Theydon Place (as part of area 044.1) responds moderately to purpose 3 of the Green Belt and strong to purpose 4 of the Green Belt. However, the site has no contribution to purpose 1 of the Green Belt and is therefore suitable for release from the Green Belt.
- (d) In terms of '*ensured greater alignment with the emerging Neighbourhood Plan*', Epping Town Council has yet to publish or consult upon the **Neighbourhood Plan**. It is therefore unclear as to rationale for the decisions made with regards to site de-selection.
- (e) In terms of provided greater critical mass and potential for **new and improved infrastructure**, it is not clear from the Local Plan Evidence base why the reduction in quantum of development and the change in allocations between Reg 18 and Reg 19 Local Plans assist in this regard. 'Policy P1 Epping' identifies the following Infrastructure requirements;

- (i) New primary school;
- (ii) Appropriate provision of health facilities;
- (iii) Highways and junction upgrades;
- (iv) Upgrades to Lindsey Street electricity sub-station;
- (v) Necessary upgrades to existing waste water infrastructure; and
- (vi) Appropriate provision of green infrastructure and open space throughout the settlement.

Item (i) can be met through the identification of a site for a new school and through financial contributions from qualifying developments. In terms of item (ii), (iii), (iv) and (v) given the scale of allocations, developments are likely to make a proportionate contribution towards such infrastructure, usually through financial contribution. In terms of (vi), the focusing of development to the south does not lead to GI throughout the settlement. The Reg 18 proposals had a more spatially spread allocation that would assist in terms of delivering enhanced Green Infrastructure.

- (f) In terms of *'Focus of non-urban brownfield sites to the south of the settlement'*, the submission Local Plans has sought to extend the South Epping Masterplan Area further south into what is presently farmland. This is evident in the below ariel photograph. The star denotes the extension to the draft allocation. The rationale given is erroneous.

Extension of South Epping Masterplan Area



Conclusions

Persimmon Homes maintain their concerns regarding the Local Plan's soundness.

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.

In line with NPPF para 47; to boost significantly the supply of housing, local planning authorities should: 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 unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

Persimmon Homes maintain that the Council must base their OAN on the 2014 based household projections with a more significant uplift for market signals than the current 14% being proposed.

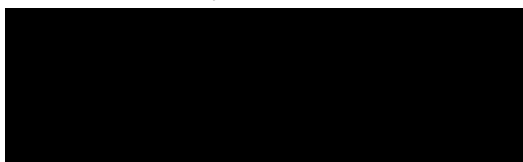
As detailed in EFDC's '*Report on site Section– Issue V3*' (March 2018), Site (SRO208), Theydon Place is 'available' and 'deliverable'. Furthermore the site is recognised in the Council's evidence base as having '*no identified constraints or restrictions which would prevent it coming forward for development*'. This inclusion of this suitable, available and deliverable site would assist the Council meet full OAN and boost housing land supply.

In terms of whether the plan is ***justified***, the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Persimmon Homes are of the view that the decision-making that led to the Submission Plan excluding Site (SRO208) Theydon Place is unsound as it is not justified based on the evidence base. Theydon Place was deemed suitable site for allocation in the Regulation 18 Consultation (Oct 2016). Whilst Members considered that '*other sites in Epping were more preferable in terms of their overall suitability*', no specific comparable assessment was undertaken between Theydon Place and these other sites [i.e. the draft allocations] nor is there sound evidence of why these sites were '*more preferable*'. The rationale given in '*Report on site Section– Issue V3*' (March 2018)(para 2.137)' does not stand up to scrutiny.

The Council can rectify this by seeking to include suitable additional sites (including Theydon Place). I would be grateful if you could acknowledge receipt of these representations.

Yours sincerely



David Moseley

Planning Manager, Persimmon Homes Essex