

**EPPING FOREST DISTRICT LOCAL PLAN
FURTHER MAIN MODIFICATIONS CONSULTATION (OCTOBER 2022)
PIGEON INVESTMENT MANAGEMENT
LAND AT EPPING EAST**

INTRODUCTION

The Council has published further main modifications to the Epping Forest District Local Plan for consultation. The consultation ends on **9th December 2022**.

MAIN MODIFICATIONS REPRESENTATIONS

MM11: Table 2.3 Housing Land Supply 2011-2033

OBJECT

SOUNDNESS TESTS: NOT POSITIVELY PREPARED AND NOT CONSISTENT WITH NATIONAL POLICY

Introduction

Pigeon has previously raised concerns about the reduction in the proposed housing land supply for EFDLP during the examination process. The Council has introduced a stepped housing trajectory to address the inevitable delayed delivery of new homes on the larger allocations included within the plan, which has the effect of delaying the delivery of affordable and market housing. At no stage has the Council considered the alternative option of allocating additional deliverable sites to boost housing land supply and the early delivery of new homes. The housing land supply buffer now included in EFDLP is only 7%, which is a very limited buffer compared to the housing requirement and provides limited flexibility. In order to deliver a sufficient housing land supply, EFDLP is reliant on the three strategic allocations on the edge of Harlow. The Council claims to be confident in the delivery assumptions for the edge of Harlow sites, but the housing trajectory has been amended so that the same number of dwellings are delivered from these strategic allocations but over a shorter time period and at higher annual delivery rates. There is no assessment of past housing delivery rates in and around Harlow to inform the predicted delivery rates included in the housing trajectory for EFDLP. The resilience test of the housing trajectory undertaken by the Council did not consider a delay to the delivery of housing at the three strategic allocations on the edge of Harlow. The predicted housing land supply and housing trajectory contained in EFDLP are not therefore robust. However, if the Inspector decides that the amendments included in MM11 should be made, then an immediate review of EFDLP should be required to review the housing land supply so as to address current national policy on meeting housing needs as requested in Pigeon's representations to Main Modification MM112.

Representations

MM11 contains amendments to Table 2.3 and provides updated details of the housing land supply during the plan period for EFDLP. Doc Ref. ED144 includes additional commentary to explain and

justify the proposed housing land supply. The housing land supply includes a land supply buffer and is reliant on the three Garden Communities on the edge of Harlow to be delivered as predicted in the proposed housing trajectory (see Main Modification MM115). It should be noted that delivery against the housing requirement is based on the use of a stepped trajectory, which moves a higher proportion of housing delivery towards the end of the plan period.

It is proposed in MM11 that the total housing land supply during the plan period would be 12,199 dwellings, compared with a minimum housing requirement of 11,400 dwellings. It is noted that the total housing supply has reduced from 13,152 dwellings in the pre-submission version of EFDLP to 12,199 dwellings as modified, a reduction of more than 950 dwellings. As a result, there is even less flexibility in the housing land supply, particularly when a significant proportion of the supply is made up of large strategic sites all located on the edge of Harlow.

As explained in Doc Ref. ED144 the housing land supply includes a 7% buffer above the housing requirement, or 799 dwellings, to provide sufficient flexibility to the housing supply (see 'Overall Housing Land Supply Position' section at pg.17). The Council claims to be confident in the housing delivery assumptions contained in the revised housing trajectory to meet the identified housing land supply. It is considered that the proposed land supply buffer is actually very limited, particularly when a significant proportion of the future land supply is reliant on the timely delivery of three strategic allocations located on the edge of Harlow within Epping Forest District and those allocations are expected to be delivered towards the end of the plan period. As set out in Pigeon's representations to Main Modification MM115, the revised housing trajectory includes unrealistic delivery assumptions for those three strategic allocations to Harlow. Those assumptions are unrealistic because of the close proximity of other strategic sites within Harlow that are still under construction or allocated on the edge of Harlow which will have an impact on housing delivery; these factors have not been assessed in the revised housing trajectory. It is noted that the Council has undertaken a resilience test of two sites included in the housing trajectory to assess the potential impact of a delay to the delivery of these sites, but there has been no testing of the potential impact on the housing land supply if there was a delay to any or all of the three strategic allocations on the edge of Harlow.

In general terms, a significant proportion of the housing supply is predicted to be delivered towards the end of the plan period on large strategic sites where delivery rates are uncertain, which represents a considerable risk to the housing supply in Table 2.3 and the overall development strategy in EFDLP.

Requested Further Modifications

It is requested that the housing land supply in Table 2.3 is adjusted to reflect more realistic delivery assumptions for the three strategic allocations on the edge of Harlow; consistent with Pigeon's representations to MM115.

If the Inspector decides that the amendments included in MM11 should be made, then an immediate review of EFDLP should be required to review the housing land supply to address current national policy on meeting housing needs as requested in Pigeon's representations to Main Modification MM112.

MM15: Policy SP2

OBJECT

SOUNDNESS TESTS: NOT POSITIVELY PREPARED, NOT JUSTIFIED AND NOT CONSISTENT WITH NATIONAL POLICY

Introduction

Pigeon has previously raised concerns about the use of a stepped trajectory in EFDLP. The stepped trajectory pushes a larger proportion of housing delivery towards the end of the plan period, which has negative consequences for the supply and delivery of affordable housing. The predicted housing delivery rates at the three strategic allocations on the edge of Harlow are not robust, and if as expected delivery is delayed this would have further negative consequences for housing supply. The effect of the stepped trajectory on affordable housing has never been assessed. The adopted Local Plans for Harlow and East Hertfordshire do not include a stepped trajectory. The recently adopted North Hertfordshire Local Plan and adopted Brentwood Local Plan do include a stepped trajectory, but both these documents are subject to an early or immediate review. If the Inspector decides that the amendments to the stepped trajectory included in MM15 should be made, then an immediate review of EFDLP should be required to review the housing land supply and associated housing trajectory as requested in Pigeon's representations to Main Modification MM112.

Representations

MM15 sets out proposed changes to Policy SP2: Spatial Development Strategy including new text after Part A relating to amendments to the proposed stepped trajectory. It is noted that the revised stepped trajectory includes higher annual delivery rates for the plan period 2025/26 to 2032/33, at 980 dwellings per annum. In effect, the revised housing trajectory pushes a significant proportion of the future housing land supply towards the end of the plan period.

As set out in Pigeon's representations to the previous Main Modifications consultation in July 2021 the use of a stepped trajectory is not justified, and none of the circumstances for a stepped housing trajectory set out within the Planning Practice Guidance exist for EFDLP. It was previously noted that the adopted Local Plans for both Harlow and East Hertfordshire (within the same housing market area and also providing urban extensions to Harlow) do not include a stepped trajectory, so it would be inconsistent to adopt a different approach in EFDLP.

A stepped trajectory is proposed through modifications to EFDLP in order to address soundness concerns related to the five-year housing land supply. It is considered that the stepped trajectory has been proposed as the only option to address the housing land supply when other options including identifying additional allocations have not been considered or assessed.

The impact of the proposed stepped trajectory on the supply and delivery of affordable housing has not been assessed. The delivery of affordable housing in the District is currently very poor. A need for 2,851 affordable dwellings between 2016 and 2033 equates to an average of 168 affordable dwellings per annum. The latest annual monitoring data demonstrates that there has been inadequate delivery of affordable housing in Epping District, and it has fallen well short of what is required. Table 2 of the

Annual Monitoring Report 2019-20 [Doc Ref. EB1708Q] shows the affordable housing delivery in recent years as follows: 2013/14 – 9 dwellings; 2014/15 – 69; 2015/16 – 38; 2016/17 – 0; 2017/18 – 89; 2018/19 – 45; 2019/20 – 93; and 2020/21 – 47. Only 390 affordable dwellings have been provided between 2013/14 and 2020/21, compared with an annualised average requirement for 1,344 affordable dwellings during this period; a shortfall of more than 950 affordable dwellings. The proposed stepped trajectory would not address the current shortfall in affordable housing and would delay meeting identified affordable housing needs until towards the end of the plan period. The stepped trajectory has negative consequences for the supply and delivery of affordable housing and should not be allowed to continue for any length of time. An immediate review of EFDLP would address the shortcomings of the stepped trajectory so that housing and affordable housing needs can be met as soon as possible.

It is noted that the recently adopted North Hertfordshire Local Plan and Brentwood Local Plan do include a stepped trajectory in order to demonstrate a five year housing land supply throughout the plan period. However, the Local Plans for North Hertfordshire and Brentwood are subject to an early or immediate review - see Policy IMR2: Local Plan Early Review in North Hertfordshire, and Policy MG06: Local Plan Review and Update in Brentwood. The Inspector for North Hertfordshire accepted the use of a stepped trajectory in that case as a short term measure on the basis that an early review would be undertaken – see Paragraph 116 of North Hertfordshire Local Plan Inspector’s Report. If it is decided that the use of a stepped trajectory is appropriate for EFDLP then the document should be subject to an immediate review as requested in Pigeon’s representations to MM112, which is an approach consistent with the policy requirements in the North Hertfordshire Local Plan and Brentwood Local Plan.

Requested Further Modifications

It is requested that the proposed stepped housing trajectory, as proposed to be modified in MM15, are not made because of the impact on affordable housing.

If the Inspector decides that the amendments to the stepped trajectory included in MM15 should be made, then an immediate review of EFDLP should be required to review the housing land supply and associated trajectory as requested in Pigeon’s representations to Main Modification MM112.

MM16: Supporting Text to Policy SP3

OBJECT

SOUNDNESS TESTS: NOT JUSTIFIED

Introduction

Pigeon supports the principle of a masterplan being prepared for the Strategic Masterplan Areas. However, Pigeon has previously raised significant concerns about the submission of a strategic masterplan alongside a planning application. Such an approach makes the strategic masterplan process ineffective and would not allow the strategy for the strategic allocation to be consulted upon,

discussed, refined and agreed in advance of the submission of an application. It will be too late for the Council to assess whether the key principles for the strategic allocation will be delivered if the strategic masterplan is submitted alongside an outline planning application. The submission of a strategic masterplan in advance of a planning application(s) is particularly important for the South Epping Masterplan Area because of the multiple landownerships and land promoters involved in the site, overlapping infrastructure requirements on different parts of the site and the associated phasing of infrastructure.

Representations

MM16 contains proposed additional supporting text for Policy SP3: Place Shaping, including amended text to Paragraph 2.95 relating to the process for the submission and endorsement of strategic masterplans. MM16 also includes additional text after Paragraph 2.94 that refers to the Strategic Masterplan Briefing Note prepared by the Council in August 2018 [contained within Doc Ref. EB133]. In summary, the Strategic Masterplan Briefing Note sets out detailed requirements for community engagement and the scope and content of strategic masterplans. It is expected that site promoters would work collaboratively to prepare the strategic masterplan. The amended text to Paragraph 2.95 requires planning applications for development at the Strategic Masterplan Areas to be accompanied by a strategic masterplan to demonstrate that the development requirements set out in the policy have been accommodated and anticipates that the strategic masterplan would be endorsed by the Council prior to the determination of a planning application.

It is essential that the key principles for the Strategic Masterplan Areas are established, agreed and endorsed before a planning application is submitted, particularly in those areas where there are multiple landowners and site promoters. Pigeon has submitted detailed representations for the proposed South Epping Masterplan Area and has provided additional representations to the Further Main Modifications MM77 and MM78. There are multiple landownerships within the South Epping Masterplan Area, there are two sites within this Masterplan Area, and it is being promoted by two separate land promoters. The policy requirements for the South Epping Masterplan Area strategic allocation are contained in a single policy in EFDLP – Policy P1: Epping – which is subject to main modifications and further main modifications. The policy requirements (as modified) for the South Epping strategic allocation specifies the quantum of development, the delivery of health and community facilities, a new primary school, walking and cycling infrastructure, transport infrastructure, sufficient SANG and open space, measures to address air quality and noise impacts, and a defined development area to address landscape and Green Belt impacts. It is proposed that the primary school would be delivered on one part of the allocation and SANG would be delivered on another part, but different site promoters would be responsible for the delivery of those infrastructure items. The SANG at South Epping needs to be delivered in the first phase of the allocation to provide that alternative recreation area for residents. It is clear from the policy requirements for the South Epping strategic allocation that a single masterplan is necessary because of the overlapping policy requirements for infrastructure and the need to ensure that these are delivered in a co-ordinated manner. These are all important matters that need to be resolved and agreed prior to the submission of an application and should also involve consultation with local residents, Epping Town Council and the Epping Town Neighbourhood Plan Group.

Requested Further Modifications

It is requested that the masterplan for the strategic allocations, including South Epping, are endorsed by the Council prior to the submission of an application, and not simply in advance of determination of a planning application.

MM46: Amendments to supporting text for Policy DM2

COMMENT

Introduction

Pigeon supports Policy DM2 and associated text and the amendments made in MM46. The amendments in MM46 have been made to address the changes recommended by the Inspector.

Representations

MM46 set out amendments to the supporting text to Policy DM2: Epping Forest SAC and the Lee Valley SPA. Policy DM2 seeks to protect these areas.

In summary, for Epping Forest SAC the proposed modifications seek to set out the strategic approach and measures to address air quality impacts from traffic and recreational pressure from visitors. The modifications identify three adopted strategies for Epping Forest that will be material considerations when determining planning applications, which are as follows: Air Pollution Mitigation Strategy; Approach to managing Recreational Pressure on the Epping Forest Special Area of Conservation (SAMM Strategy); and Green Infrastructure Strategy. It is noted that the monitoring results for the Air Pollution Mitigation Strategy are due to be completed in 2024/2025. The Green Infrastructure expects strategic developments to provide SANG to address potential adverse effects of recreational pressure from residential developments. Pigeon supports the proposed changes contained in MM46 (and MM47). It is considered that air quality monitoring and the delivery of suitable areas of green infrastructure will enable an effective strategy to be put in place for development in and on the edge of Epping in the future.

It is considered that Policy DM2 and associated supporting text is essential to the proposed South Epping Masterplan Area, to ensure that suitable areas of SANG are provided within this strategic allocation to meet the requirements of the Green Infrastructure Strategy. The delivery of SANG is important for all of the strategic allocations but is particularly important for the development at South Epping because of its close proximity to Epping Forest SAC, given there is a direct footbridge connection to the SAC. The South Epping Masterplan area is also the only location where SANG is to be delivered at Epping and is required to mitigate the recreational pressure of existing and future residents in other parts of the town. For these reasons, Pigeon's representations to Main Modifications MM77 and MM78 seek to ensure that all of the policy requirements for the South Epping Masterplan Area, as set out in Policy P1: Epping are actually delivered through the Masterplan e.g. capacity of 450 dwellings, noise and air quality buffers adjacent to the M25, offset distances from

the electricity pylons, strategic landscaping, open space, and appropriate levels of SANG, services and facilities for the community, and a bridge crossing the railway.

No additional further main modifications are required to Policy DM2 and associated supporting text. However, the modifications to the supporting text to Policy DM2 do support a detailed and robust review of the Masterplan for the South Epping strategic allocation as requested in Pigeon's representations to Further Main Modifications MM77 and MM78, in order to ensure that necessary mitigation including SANG is actually delivered as intended.

MM77: Supporting Text to Policy P1

OBJECT

SOUNDNESS TESTS: NOT JUSTIFIED

Introduction

As highlighted in Pigeon's representations to Further Main Modification MM16, there are particular circumstances that exist for the South Epping Masterplan Area that justify an amended approach to this strategic allocation i.e. to require that a single masterplan document be prepared for the entire South Epping Masterplan Area. There are multiple landowners and two site promoters for South Epping. There are two separate parts to the South Epping strategic allocation, and different parts of the allocation are expected to accommodate items of infrastructure and policy requirements to address impacts and to serve the development as a whole. As requested in the representations to MM16, the masterplan for the South Epping Masterplan Area should be endorsed by the Council prior to the submission of an application and not simply in advance of determination.

The new paragraph after Paragraph 5.16 refers to a capacity of 450 dwellings within the South Epping Masterplan Area, but also allows the land promoters to increase the number of dwellings that could be delivered at the site subject to further assessment of constraints. This approach is not supported by the Council's own evidence of site capacity and introduces uncertainty about how much development could be accommodated at the site, the impacts of additional development, and the delivery of infrastructure.

Representations

MM77 includes two amendments to the supporting text to Policy P1: Epping. The proposed amendments to the text in Paragraph 5.16 refer to the strategic masterplan to be prepared for the South Epping Masterplan Area. It is expected that the strategic masterplan would demonstrate that the policy requirements for this strategic allocation can be accommodated at the site, and that the masterplan would be endorsed by the Council and used to determine planning applications for development at the site. The proposed amendment inserting additional text after Paragraph 5.16 refers to the capacity of 450 dwellings within the South Epping Masterplan Area, and that any material increase in the number of dwellings above the identified capacity would require further information to demonstrate no adverse effect on the integrity of Epping Forest SAC.

Policy SP3 and its associated supporting text (as modified) provides the general approach towards the Strategic Masterplan Areas. The amendments to the supporting text to Policy SP3 are contained in MM16. In summary, it is expected that site promoters of the Strategic Masterplan Areas would work collaboratively to prepare the strategic masterplan, and that the strategic masterplan could be submitted with a planning application, but the Council would need to endorse the masterplan document prior to the determination of the application. Pigeon submitted representations to MM16, which referred to the proposed South Epping Strategic Masterplan Area. As highlighted in the representations to MM16, there are particular circumstances that exist for the South Epping Masterplan Area that justify an amended approach to this strategic allocation i.e to require that a single masterplan document be prepared for the entire South Epping Masterplan Area. There are multiple landowners and two site promoters for South Epping. There are two separate parts to the South Epping strategic allocation, and different parts of the allocation are expected to accommodate items of critical infrastructure to address impacts and to serve the development as a whole e.g a new primary school would be provided as part of the development on one part of the allocation, and SANG would be accommodated within another part of the allocation. There are other infrastructure requirements for the South Epping strategic allocation that are expected to be delivered by both parts of the development and need to be co-ordinated e.g the delivery of health and community facilities, walking and cycling infrastructure, transport infrastructure, open space and strategic landscaping, and measures to address air quality and noise impacts. It is clear from the policy requirements for the South Epping strategic allocation that a single and comprehensive masterplan is essential because of the overlapping policy requirements for infrastructure and the need to ensure that these are delivered in a co-ordinated manner. The phasing of housing and infrastructure is particularly important for South Epping, in that SANG needs to be delivered in conjunction with the first phase of housing development in order to provide the necessary suitable alternative recreation area for residents and reduce impacts on Epping Forest SAC. It is requested that Paragraph 5.16 includes a specific requirement for a single strategic masterplan to be prepared for the South Epping Masterplan Area and include references to phasing for housing and infrastructure.

The new paragraph after Paragraph 5.16 refers to a capacity of 450 dwellings within the South Epping Masterplan Area, but also allows the land promoters to increase the number of dwellings that could be delivered at the site subject to further assessment of constraints. This approach is not supported by the Council's own evidence of site capacity and introduces uncertainty about how much development could be accommodated at the site, the impacts of additional development, and the delivery of infrastructure. A more detailed review of the site capacity at the South Epping strategic allocation is provided in the representations to MM78. In summary, in Doc Ref. ED144 (at pg. 20 to 27) the Council has provided a detailed assessment of the capacity within the South Epping Masterplan Area, taking into account site specific constraints and policy requirements, and concluded that the site capacity is 450 dwellings. If the number of dwellings at South Epping increased then additional land would need to be set aside within the allocation for SANG, open space, and additional primary school places for example. The new paragraph refers to impacts on Epping Forest SAC, which is appropriate because of potential increases on recreational pressure if there was an increase in dwelling numbers, but there are other impacts that would also arise that should be assessed e.g on highway capacity in this location, a need for additional public transport services to serve the development, and impact on health facilities. The Council has undertaken an assessment of capacity within the South Epping

Masterplan Area and has clearly concluded that the policy and infrastructure requirements would be delivered by a capacity of 450 dwellings. In order to avoid uncertainty, it is requested that the new paragraph after Paragraph 5.16 should be deleted.

Requested Further Modifications

It is requested that MM77 is subject to further main modifications.

Paragraph 5.16 to be amended to the following:

Planning applications for Sites EPP.R1 and EPP.R2 should be accompanied by a **single** Strategic Masterplan **for the whole allocation** which demonstrates that the development requirements set out in this policy **including phasing and delivery of infrastructure** have been accommodated and which has been endorsed by the Council. **The Strategic Masterplan should be submitted and approved in advance of a planning application for the South Epping Masterplan Area.** The endorsed Strategic Masterplan will be taken into account as an important material consideration in the determination of any planning applications.

It is requested that all of the proposed new paragraph after Paragraph 5.16 is deleted.

MM78: Amended Policy P1

OBJECT

SOUNDNESS TESTS: NOT JUSTIFIED AND NOT EFFECTIVE

Introduction

Pigeon supports the Council's assessment of capacity at the South Epping Masterplan Area, which takes into account site specific constraints and policy requirements for the strategic allocation. In summary, the land and policy requirements for the South Epping Masterplan Area are as follows: 60m buffer with M25 for noise and air quality impacts; 30m noise buffer with Central Line; 25m buffer for the overhead power line; land retained to avoid landscape and Green Belt impacts; land required for open space and recreation; 8.64Ha of SANG for a strategic allocation of 450 dwellings; 2.1Ha for two-form entry primary school; and 1.1Ha for community, health, employment and retail uses. The developable area for the strategic allocation is 10.85Ha taking into account the constraints and policy requirements. The Council's assumptions about land requirements appear to be reasonable. The Council has concluded that the site capacity is 450 dwellings. As set out in these representations, the site capacity should be expressed as a maximum of 450 dwellings based on the conclusions of the capacity assessment.

Representations

MM78 sets out the further amendments to Policy P1: Epping and includes amendments to the policy requirements for the South Epping Masterplan Area.

Pigeon supports the Council's assessment of capacity at the South Epping Masterplan Area, which takes into account site specific constraints and policy requirements for the strategic allocation. The

Council has concluded that the site capacity is 450 dwellings. As set out in these representations, it is requested that the site capacity is expressed as a maximum of 450 dwellings based on the clear conclusions of the capacity assessment.

As highlighted in previous representations by Pigeon to EFDLP, it is noted that much of the promised infrastructure originally proposed for the South Epping Masterplan Area has been removed from Policy P1. For example, the following infrastructure has been removed and no longer needs to be provided within the South Epping Masterplan Area: the delivery of a vehicular bridge across the railway to provide connections for walking, cycling and buses; a neighbourhood centre; early years childcare facilities; and health hub. Those attributes that were described as clear benefits for locating growth at South Epping are no longer included, and the wider community benefits previously promised at the site will now not be delivered. It is acknowledged that the Council's assessment of site capacity (in Doc Ref. ED144) does include a local centre and early years childcare facilities in the analysis, but it remains uncertain whether they would be provided within the allocation. It is considered that the South Epping Masterplan Area now comprises of two separate mainly residential developments. For this reason, it is considered essential that a single Strategic Masterplan is prepared for the whole of the South Epping strategic allocation, to ensure that the remaining policy requirements of Policy P1 are actually delivered, the delivery of necessary infrastructure is co-ordinated between the two parts of the strategic allocation, and that the identified constraints are addressed.

One of the reasons for the selection of South Epping as a preferred strategic allocation was the apparent consistency with the emerging Epping Town Neighbourhood Plan. It is noted that the draft Neighbourhood Plan published for consultation in May 2018 described the South Epping strategic allocation as a sustainable urban extension, which would include a school, GP surgery, local centre and open spaces, and that would address existing traffic congestion in local area. The next version of the Neighbourhood Plan would need to be substantially altered to be consistent with EFDLP as modified.

Amendments to Part B - Quantum of Development

The proposed amendments to Part B include a reference to the capacity at the South Epping Masterplan Area being a minimum of 450 dwellings. The use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity at the site taking into account identified constraints and policy requirements.

The previous Inspector's Advice After Hearings Letter [Doc Ref. ED98] raised a number of concerns about the proposed South Epping allocation, and of relevance to the main modifications indicated that the number of dwellings at the site should not be expressed as a minimum or approximate figure – see Paragraph 24. The previous Inspector was concerned about the proposed South Epping allocation primarily in terms of Green Belt and landscape impacts, constraints associated with the M25 and the railway line, the requirement for a buffer with the overhead powerlines, and the impact on Epping Forest SAC from additional residents. Therefore, Part B as modified should not use the term 'minimum' to describe the dwelling capacity at the South Epping Masterplan Area.

In Doc Ref. ED144 (at pg. 20 to 27) the Council has provided a detailed assessment of the capacity within the South Epping Masterplan Area, taking into account site specific constraints and policy requirements, and concluded that the site capacity is 450 dwellings. Therefore, it would be appropriate to express the dwelling capacity at South Epping as a maximum of 450 dwellings. This approach would be consistent with the Council's assessment of site capacity.

It is requested that Part B is amended to express the dwelling capacity at South Epping as a maximum of 450 dwellings.

Amendments to Part J – Masterplan Requirements

It is noted that the proposed amendments to Part D requires development at Epping to deliver or contribute towards the delivery of infrastructure.

It is also noted that Part K sets out the policy requirements (as modified) for the South Epping strategic allocation, including the quantum of development, the delivery of health and community facilities, a new primary school, walking and cycling infrastructure, transport infrastructure, sufficient SANG and open space, measures to address air quality and noise impacts, and a defined development area to address landscape and Green Belt impacts. There are multiple landowners and two site promoters for South Epping. There are two separate parts to the South Epping strategic allocation, and different parts of the allocation are expected to accommodate items of infrastructure and policy requirements to address impacts and to serve the development as a whole e.g. a new primary school would be provided as part of the development on the western part of the allocation, and SANG would be accommodated within the eastern part of the allocation.

Part J contains amendments to the requirements for the Strategic Masterplan for the South Epping strategic allocation. However, it is not clear from the amendments that a single masterplan document would be prepared for this allocation, and as such further amendments are requested to provide clarity. It is clear from the policy requirements for the South Epping strategic allocation that a single masterplan is necessary because of the overlapping policy requirements for infrastructure and the need to ensure that these are delivered in a co-ordinated manner. The phasing of housing and infrastructure is particularly important for South Epping, in that SANG needs to be delivered in conjunction with the first phase of housing development in order to provide the necessary suitable recreation area for residents and reduce impacts on Epping Forest SAC.

It is requested that Part J be amended to include a specific requirement for a single strategic masterplan to be prepared for the South Epping Masterplan Area and that the masterplan include references to the phasing of the development and specifically critical infrastructure.

Amendments to Part K - Capacity Analysis

The proposed amendments to Part K refer to the capacity at the South Epping Masterplan Area being a minimum of 450 dwellings. As explained in the representations to Part B, the use of the term 'minimum' is not consistent with the advice of the previous Inspector and does not reflect the Council's assessment of capacity at the site, taking into account identified constraints and policy requirements.

In Doc Ref. ED144 (at pg. 20 to 27) the Council has provided a detailed assessment of the capacity within the South Epping Masterplan Area, taking into account site specific constraints and policy requirements, and concluded that the site capacity is 450 dwellings. The plans showing the site constraints and the developable area for the South Epping Masterplan Area are provided at Appendix C of Doc Ref. ED144A.

It is considered that the assessment contained in Doc Ref. ED144 and the associated plans in Appendix C provide a detailed analysis of the site capacity within the South Epping Masterplan Area. The 'Further Analysis Undertaken by the Council' section (at pg. 21 to 23) includes an assessment of the following: the site constraints associated with M25 noise and air quality, Central Line noise, overhead power lines, and BPA oil pipeline; the need to address landscape sensitivity and Green Belt impacts; and the land required for non-residential uses including SANG. The 'Assessment of ED120' section (at pg. 26) includes an assessment of the requirements for SANG derived from the Council's draft Green Infrastructure Strategy. The assessment of the requirements for SANG at South Epping is supported. In addition, it should be noted that the delivery of SANG is a critical policy requirement for the South Epping Masterplan Area because this is the strategic allocation that is closest to Epping Forest SAC, and it has direct pedestrian and cycle connections to it.

Therefore, it would be appropriate to express the dwelling capacity at South Epping in Part K as a maximum of 450 dwellings. This approach would be consistent with the Council's assessment of site capacity.

New part after (xiii) - Build to line plan on South Epping Masterplan Map

The proposed additional text after (xiii) refers to the build to line for Site Ref. EPP.R2. The build to line is shown on the South Epping Masterplan Map included in Doc Ref. ED146. For the reasons set out above in representations to Part K, and for consistency, it would be appropriate for a build to line to also be identified for Site Ref. EPP.R1 to define where built development is acceptable on this part of the allocation; the Council's capacity analysis identifies the developable areas within the South Epping Masterplan Area. In addition, for clarity it is requested that the South Epping Masterplan Map is referred to within the text after (xiii).

Requested Further Modification

Pigeon continues to object to the allocation of the South Epping Masterplan Area on the basis that it is not a suitable or sustainable location for significant growth, and because many of the previously proposed benefits that were associated with growth in this location are now no longer being delivered.

It is requested that further amendments are made to MM78 as set out below.

It is requested that Part B is amended to express the dwelling capacity at South Epping as a maximum of 450 dwellings.

It is requested that Part J includes a specific requirement for a single strategic masterplan to be prepared for the South Epping Masterplan Area and include references to phasing. The Strategic Masterplan should be submitted in advance of a planning application for the South Epping Masterplan Area.

The Council's capacity analysis for the South Epping Masterplan Area contained in ED144 is supported. It is requested that Part K is amended to express the dwelling capacity at South Epping as a maximum of 450 dwellings.

The proposed build to line for Site Ref. EPP.R2, as shown on the South Epping Masterplan Map in Doc Ref. ED146 is supported. For consistency, it is requested that a build to line is also identified for Site Ref. EPP.R1 to define where built development is acceptable on this part of the allocation.

For clarity, it is requested that the South Epping Masterplan Map is referred to within the text after (xiii).

MM112: Amendments to Policy D7 – Monitoring, Local Plan Review and Enforcement

OBJECT

SOUNDNESS TESTS: NOT EFFECTIVE AND NOT POSITIVELY PREPARED

Introduction

Pigeon's other representations to the Further Main Modifications have identified the following: the uncertainty about the housing land supply; the lack of evidence to inform the predicted delivery assumptions in the housing trajectory; the negative consequences for affordable housing delivery and supply associated with the stepped trajectory; and changes to national policy including the standard method for calculating local housing needs. All of these matters point towards a need for an immediate review of EFDLP with a clear timetable for that review process.

Pigeon has previously raised significant concerns about the approach towards a review of EFDLP and concluded that the review mechanism was not justified because the identified factors for updating policies already exist e.g. changes to national policy including the standard method for calculating local housing needs. The proposed amendments contained in MM112 do not address those previous concerns, and the proposed local plan review mechanism is unlikely to be triggered because of the use of a stepped trajectory in EFDLP. Pigeon's previous representations requested a local plan review mechanism that was similar to the approach used for the adopted Bedford Local Plan i.e. commence a review within one year of adoption and submitted for examination within three years. However, the local plan review policy requirements contained in the recently adopted North Hertfordshire Local Plan and Brentwood Local Plan are more applicable to EFDLP because the circumstances for an early or immediate review are very similar.

Representations

MM112 contains proposed additional text for Policy D7 that identifies the factors to determine whether the policies in the Epping Forest District Local Plan (EFDLP) need updating, and the triggers for an earlier review of adopted policies. MM111 provides amendments to the supporting text to Policy D7 as modified. It is considered that the identified factors for updating policies already exist, and that the triggers for an earlier review would be ineffective. It is noted that a commitment to an

early review was included at examination stage for the recently adopted North Hertfordshire Local Plan and Brentwood Local Plan, which have very similar circumstances to those for EFDLP e.g. plan periods at adoption of less than 15 years, housing requirements subject to a stepped trajectory, and containing land within the Green Belt. In addition, the housing requirement for the North Hertfordshire Local Plan was assessed against the 2012 version of the NPPF. As set out below, it is considered essential that further modifications are made to Policy D7 to include a firm commitment to an immediate review of EFDLP, as included in the North Hertfordshire Local Plan and Brentwood Local Plan.

Paragraph 157 of the 2012 NPPF expects local plans to have a timescale of preferably 15 years, and Paragraph 47 expects local planning authorities to identify a supply of specific and developable housing sites for years 6 to 10 and where possible for years 11 to 15. Paragraph 22 of the 2021 NPPF expects strategic policies to have a minimum 15-year period from adoption. If EFDLP is adopted in early 2023 it would have a timeframe of approximately 10 years from adoption, which is inconsistent with national policy in the 2012 and 2021 versions of the NPPF. There is a strong case for an immediate review of EFDLP to ensure that development needs are provided for at least a 15-year period.

The EFDLP is being examined under transitional arrangements against the national policy contained in the 2012 version of the NPPF and the PPG that applied at the point of submission. The NPPF has been revised since 2012, and the latest version was adopted in July 2021. The Government has indicated an intention to revise the current adopted NPPF. There have been some significant changes to national policy and guidance since 2012, and most notably in relation to the assessment of housing needs. For example, Paragraph 61 of the 2021 version of the NPPF expects housing needs to be determined using the standard method. Section Id. 2a in the PPG explains how the standard method is used to calculate a minimum annual local housing need figure. However, the standard method for calculating local housing need would not apply to EFDLP and will not apply until the Council decides to undertake a review of strategic housing policies. It is acknowledged that EFDLP is being examined against the 2012 NPPF, but it should be noted that the 2021 NPPF would apply for the determination of planning applications and indicates that development plan policies should be revised to take into account the national policies contained within it. Paragraph 218 of the 2021 NPPF states: *“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made”*. The 2021 NPPF contains policy changes to the assessment of housing needs that should be reflected in planning policies for Epping Forest District as soon as possible. Therefore, two of the factors identified in proposed amendments to Policy D7 – *“conformity of policies with national planning policy”* and *“changes to local circumstances (including a change in local housing need)”* – already exist now, and in these circumstances the policies in EFDLP should be subject to an earlier review and not in 5 years’ time.

The proposed amendments to Policy D7 and its supporting text, as contained in MM111 and MM112, only commits the Council to a review of policies in EFDLP within 5 years of adoption e.g. in early 2028 if adoption occurs in early 2023. If the Council decides to review its adopted policies in early 2028, it would then take at least another 3 years before revised policies are adopted (and very likely much longer based on the time taken to complete the process for EFDLP and for development plan documents in Green Belt authorities elsewhere). It cannot be justified for changes to national policy

on housing needs (in Paragraph 61 of the 2021 NPPF) to not be implemented in Epping Forest District until at least 10 years after they have come into force i.e. by 2031 at the earliest. In addition, the evidence base used to inform the policies in EFDLP was completed a number of years ago and should be updated e.g. evidence related to housing and employment needs, transport, landscape, natural environment, and open space and recreation needs.

There are two criteria included as proposed amendments to Policy D7 that would trigger an earlier review of the policies in EFDLP; annual housing delivery of less than 75% of annualised requirement for 3 consecutive years, and/or a five-year housing land supply cannot be demonstrated. It is considered that these two triggers would be ineffective for the following reasons. The proposed stepped trajectory of Policy SP2 (contained in MM15) has been deliberately drafted with low housing requirements in the early and middle years of the plan period to ensure sufficient housing delivery rates and a housing land supply, making it very unlikely that either trigger would be applied within 5 years of adoption. There is typically a time lag of 6 to 9 months before housing monitoring data is collected and published, which would delay any decision about whether to review the policies in EFDLP and pushing any decision on an early review closer to the national requirement for a review within 5 years. There are existing development management tools contained in the 2021 NPPF relating to the presumption in favour of sustainable development where housing supply and housing delivery targets are not met (see Paragraph 11d), but these do not apply in land designated as Green Belt unless very special circumstances can be demonstrated, and in these circumstances there is no incentive for the Council to commit to an early review of policies in EFDLP when the presumption in favour of sustainable development has limited effect in most parts of Epping Forest District.

For all these reasons, it is requested that there should be a firm commitment in Policy D7 to an earlier review of EFDLP, including a timetable for that review process to start and for the submission of a draft plan review document for examination.

The outcome of the examinations for the recently adopted North Hertfordshire Local Plan (adopted November 2022) and the adopted Brentwood Local Plan (adopted March 2022) provides support for the requested commitment to an earlier review of EFDLP. For example, most of North Hertfordshire and Brentwood are designated as Green Belt. The North Hertfordshire Local Plan was assessed against the 2012 NPPF, and in particular the housing requirement in the document was not based on the standard method for calculating local housing needs. The housing requirement in the Brentwood Local Plan was based on the national standard method. The housing land supply for both North Hertfordshire and Brentwood include the use of a stepped trajectory, which pushes the delivery of housing and affordable housing towards the end of the plan period. The end date for the North Hertfordshire Local Plan is 2031, which means that it has a remaining plan period of approximately 9 years. The end date for the Brentwood Local Plan is 2033, which represents a remaining plan period of 11 years. The plan periods for the North Hertfordshire Local Plan and Brentwood Local Plan are less than the 15-year period from adoption expected in national policy. In comparison, the remaining plan period for EFDLP would be 10 years if it is adopted in early 2023. The North Hertfordshire Local Plan includes an early review policy with a requirement for the review process to start by the end of 2023 – see Policy IMR2: Local Plan Early Review. The Brentwood Local Plan includes an early review policy with a requirement for the review process to start immediately and for the review document to be submitted within 28 months of adoption – see Policy MG06: Local Plan Review and Update. An

effective early review mechanism should be adopted for EFDLP because the circumstances are very similar to those for the recently adopted North Hertfordshire Local Plan and Brentwood Local Plan.

It is therefore requested that an effective early review policy with a fixed timetable is included in EFDLP, in order to provide for development needs for a minimum 15-year period and to implement the national standard method for calculating local housing needs.

Requested Further Modifications to MM112

It is requested that MM112 is subject to further modifications and Policy D7 is amended to the following:

New Parts after part A:

The Council will undertake an immediate review of the Epping Forest District Local Plan upon adoption to accommodate up to date local housing need, and to meet development needs for a minimum 15-year period. An updated or replacement plan will be submitted for examination no later than 28 months after the date of adoption of the plan.

The Council will have particular regard to the following factors when reviewing policies within the Local Plan and determining whether or not relevant policies require updating:

- *the latest Authority Monitoring Report, including reported progress against the requirements for the planned delivery of development and infrastructure;*
- *conformity of policies with national planning policy;*
- *changes to local circumstances (including a change in local housing need);*
- *transport modal shift and the takeup of ultra low emission vehicles;*
- *appeals performance;*
- *significant local, regional or national economic changes; and*
- *progress in plan-making activities by other local authorities.”*

MM115: Amended Appendix 5 – Housing Trajectory

OBJECT

SOUNDNESS TESTS: NOT POSITIVELY PREPARED, NOT JUSTIFIED AND NOT CONSISTENT WITH NATIONAL POLICY

Introduction

Pigeon has previously raised concerns about predicted housing delivery rates at the strategic allocations on the edge of Harlow. Previous representations have observed that those assumptions are unrealistic because of the close proximity of other strategic sites within Harlow that are still under construction or allocated on the edge of Harlow which will have an impact on build out rates and housing delivery. These factors have not been assessed in the revised housing trajectory.

It is noted that the Council has undertaken a resilience test of two sites included in the housing trajectory to assess the potential impact of a delay to the delivery of these sites, but there has been no testing of the potential impact on the housing land supply if there was a delay to any or all of the three strategic allocations on the edge of Harlow.

Representations

MM115 provides an update to the housing trajectory in Appendix 5 of EFDLP. The housing trajectory for the three Garden Community sites on the edge of Harlow, within Epping Forest District, have been modified. In summary, the proposed housing delivery assumptions for those sites are as follows: Latton Priory (SP 5.1) for a total of 1,050 dwellings – housing delivery commencing in 2025/26 with a peak annual delivery rate of 150 dwellings per annum; Water Lane Area (SP 5.2) for 2,100 dwellings (1,600 dwellings delivered during plan period) – housing delivery commencing in 2026/27 with a peak annual delivery rate of 250 dwellings per annum; and East of Harlow (SP 5.3) for 750 dwellings – housing delivery commencing in 2027/28 with a peak annual delivery rate of 150 dwellings per annum.

The updated housing trajectory in MM115 does not refer to any evidence of past housing delivery rates at strategic sites in Harlow in order to inform the delivery rates that should be applied at the three Garden Community Sites around Harlow within Epping Forest District. That information on past housing delivery rates at strategic sites within Harlow should inform the proposed housing trajectory. It is considered that the close proximity of other strategic sites within Harlow that are still under construction or allocated on the edge of Harlow will affect delivery rates at the three Garden Community sites. The delivery rates at those nearby strategic sites are highlighted below.

The committed development at New Hall within and on the eastern edge of Harlow is still being completed. The latest monitoring data (Harlow Council Housing Land Supply Monitor April 2020 to March 2021) predicts an annual housing completion rate of 130 dwellings per annum for the remaining phases of the development.

The committed development at land north of Gilden Way within and on the eastern edge of Harlow is nearing completion. The latest monitoring data also indicates that 235 dwellings were completed during the monitoring year 2020/21. It is predicted that a completion rate of 150 dwellings per annum would be achieved for the remaining phases of the development. This site provides an example of the delivery rates that have been achieved at strategic sites within Harlow at a time when there are no competing allocations on the edge of Harlow; that would not be the case during the remaining plan period for EFDLP when strategic allocations within and on the edge of Harlow (in Epping Forest District and East Hertfordshire) are predicted for delivery at the same time.

The Gilston Area to the north of Harlow is allocated in the adopted East Hertfordshire Local Plan for at least 10,000 dwellings (see Policy GA1), with the latest monitoring data (East Hertfordshire Five Year Land Supply Position Statement October 2019) indicating housing delivery from 2022/23 and an annual housing delivery rate of 250 dwellings per annum (although this may change when updated monitoring data is published).

For the East of Harlow site there are a further 2,600 dwellings allocated at this location within Harlow District (see Policy HS3 in adopted Harlow Local Development Plan). The land East of Harlow is allocated for a combined total of 3,350 dwellings. The latest monitoring data for Harlow Council indicates that on the land within Harlow housing delivery would commence from 2025/26, with a peak annual housing delivery rate of 300 dwellings per annum.

All of the above sites are predicted to deliver homes in and on the edge of Harlow between now and 2033, in addition to the planned delivery of homes set out within these Main Modifications at Latton Priory, Water Lane and East Harlow. A summary table of all of the latest/current predictions in respect of housing delivery in and around Harlow is set out below:

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
<i>Within Epping</i>												
Latton Priory (as amended by MM)	0	0	0	0	50	100	150	150	150	150	150	150
Water Lane (as amended by MM)	0	0	0	0	0	150	200	250	250	250	250	250
East of Harlow (as amended by MM)	0	0	0	0	0	0	100	100	100	150	150	150
<i>Outside of Epping</i>												
East of Harlow (Harlow)	0	0	0	0	100	200	250	300	300	300	300	300
New Hall (Harlow)	130	130	130	130	130	130	130	130	130	130	130	126
Land North of Gilden Way (Harlow)	150	150	54	0	0	0	0	0	0	0	0	0
Gilston (East Herts)	0	200	250	250	250	250	250	250	250	250	250	250
Total	280	480	434	380	530	830	1080	1180	1180	1230	1230	1226

Pigeon remains of the view that it is unrealistic to assume that the quantum of new homes set out within the above table will be able delivered simultaneously in the small geographical area in and on the edge of Harlow. The market is very unlikely to be able to adsorb this quantum of growth. No evidence has been presented as part of these main modifications to justify that the housing delivery assumptions that are being made are realistic and the decision made within these Main Modifications to increase delivery rates at the very end of the Plan period to account for the delays in the adoption of the EFDLP is not justified and is undeliverable. More realistic (and reduced) delivery rates need to be assumed for the three strategic allocations on the edge of Harlow that give appropriate regard to the delivery of new homes on the already committed housing sites in and around Harlow.

In addition to the above, it is also noted, in the context of the proposed allocation at East Harlow that the proposed revised housing trajectory in MM115 shows housing delivery at East of Harlow within Epping Forest District taking place at the same time as the planned growth within Harlow, delivering an additional 100-150 dwellings per annum. It is unrealistic to assume that a single location would achieve combined delivery rates of 350 to 400 dwellings per annum.

In addition to concerns about delivery rate assumptions, the phasing of the East Harlow development within Epping Forest District is also unrealistic. Map 2.1 in EFDLP (see pg.39) shows the relationship between the two parts of the proposed allocation. It is highly likely that the first part of this development to be completed will be on land adjacent to the existing urban area i.e. land within Harlow District, and for practical reasons this is what would happen in order to deliver infrastructure and to connect neighbouring developments with one another. Therefore, it would be realistic to assume that most if not all of the 2,600 dwellings within Harlow District would be delivered in advance of the part of the development within Epping Forest District. It would take approximately 13 years for housing to be delivered at the East of Harlow site within Harlow District once planning permission has been granted; assuming a more realistic housing delivery rate of 200 dwellings per annum. As such, the housing at the East of Harlow site within Epping Forest District is very unlikely to occur until beyond

the plan period for EFDLP i.e. after 2033. On this basis, Pigeon request that in addition to producing more realistic housing delivery rates for the strategic allocations on the edge of Harlow, that the 750 dwellings included in the housing supply for the land at East of Harlow (within Epping) be deleted from the revised housing trajectory. If, as requested, this site is deleted from the housing land supply during the plan period, this would reduce the predicted housing land supply buffer from approximately 800 dwellings (as assumed in the revised housing land supply contained Table 2.3 – see MM11) down to less than 50 dwellings.

In general terms, a significant proportion of the housing supply is predicted to be delivered towards the end of the plan period on large strategic sites on the edge of Harlow where delivery rates are very uncertain and unrealistic. This adds considerable risk to the development strategy and the planned delivery of sufficient homes within the plan period. Pigeon remains of the view that additional, sustainable and deliverable sites need to be identified to ensure sufficient flexibility is retained. If not, a clear commitment to an immediate review of EFDLP is required, as requested in Pigeon's representations to MM112.

Requested Further Modifications

It is requested that the housing trajectory In MM115 is revised to include the following: an assessment of previous housing delivery rates at strategic sites in Harlow; an assessment of the overall annual housing delivery rates from all of the strategic sites within and on the edge of Harlow, including within Harlow and on the edge within East Hertfordshire District and Epping Forest District; an assessment of the annual housing delivery rates from strategic allocations that are in close proximity of one another, which are within Harlow and are still under construction or are allocated on the edge of Harlow; and, an assessment of the relationship between the parts of the strategic allocation at East of Harlow, in order to determine realistic (and reduced) annual delivery rates and realistic phasing assumptions for the planned developments. It is also requested that the 750 dwellings included in the revised housing supply from the land at East of Harlow are deleted from the housing trajectory.

Carter Jonas – 8th December 2022