

Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

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Letter or Email Response:

Representations on Epping Forest District Draft Local Plan (2016) On behalf of City & Country In respect of Land at Sheering Lower Road, Lower Sheering Background These representations on the Epping Forest District Draft Local Plan 2016 (DLP) are submitted by Strutt and Parker on behalf of City & Country, and in respect of land at Sheering Lower Road, Lower Sheering. The site is identified as site SR-0121 in the Council's plan-making process. A plan showing the site is provided as Appendix 1 to this representation. The site that is subject of this representation is on the north-west side of Sheering Lower Road. It is a 0.6 ha greenfield site comprising a mixture of scrubland and trees, adjacent to the existing settlement boundary on land currently allocated as Green Belt. The site is in proximity to existing residential development, as well as services and facilities, at Lower Sheering and Sawbridgeworth. It is well-related in respect of the strategic highway network, and is less than 100 metres from Sawbridgeworth train station. The site is situated within, and on the edge of, the Lower Sheering Conservation Area. The site is not subject to any physical constraints that prohibit its development for residential use, and represents a sustainable site for development Calculation and delivery of objectively assessed housing need One of the key issues facing Epping Forest District, and indeed the country as a whole, is to ensure sufficient land is allocated to enable housing need to be met. The Government has made clear that ensure a sufficient supply of new homes is one of the key priorities for the planning system. It is recognised that the DLP seeks to address the issue of housing need, and action taken to increase the supply of new homes is supported. The National Planning Policy Framework (NPPF) confirms at paragraph 182 that if a Local Plan is to be sound it must be 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 The NPPF sets out the core planning principles, which should underpin plan-making and decision-taking. These including the following: "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. (NPPF paragraph 17)." Nationally, there is an acute housing shortage. The housing and homelessness charity, Shelter, calculated that between 2004 and 2012 there was a cumulative shortfall of 1,154,750 homes in England, and there is an estimated housing need of 250,000 additional homes per year. Unless action is taken to address housing provision, the current and increasing shortage has the potential to lead to substantial social and economic harm, and is seen as a national crisis. The NPPF calls for the local planning authorities to assist in significantly boosting the supply of housing and, as set out above, places great emphasis on the need to meet housing needs in full. Having regard to the above, it is imperative that the Local Plan identifies full

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housing needs, and seeks to address these. In this respect, we are of the view that there are a number of factors that have not been given due consideration and that this may affect the position taken by the DLP. Firstly, it is unclear whether the Strategic Housing Mark Assessment (SHMA, 2015), from which the District's housing need has been derived, has accounted for projected increased out-migration from London. The South Essex SHMA (2016) notes that Greater London Authority (GLA) projections assume that the outflow of migrants from London to neighbouring authorities will increase beyond the level implied by the 2012 SNPP, reflecting more closely pre-recession trends. These projections formed part of the evidence underpinning the Further Alterations to the London Plan (FALP). The South Essex SHMA (2016) addresses the administrative areas of Basildon Borough, Castle Point Borough, Rochford District, Southend Borough and Thurrock. It noted the relationship between these areas and London, and concluded the projected increased out-migration from London necessitated an uplift in housing need for South Essex. It is clear from the DLP and the evidence that underpins it that there is a similarly strong (if not stronger) relationship between Epping Forest District and London. As such, the objectively assessed housing need should account for this, and be subject to an appropriate uplift. Secondly, it is unclear whether the DLP proposes to meet what the Council consider its objectively assessed housing need to be. The DLP reports that SHMA (2015) identified a need for the housing market assessment of 46,100 dwellings between 2011 and 2033, 11,300 for Epping District specifically (equating to 514 dwellings per year). However, in August 2016 Opinion Research Services (ORS) updated the overall housing need to take into account more recent information, including more up-to-date household projections, and identified a revised objectively assessed housing need for the housing market area of 54,608 between 2011 and 2033. The update goes on to state that the objectively assessed housing need for Epping District is 13,278 dwellings in Epping Forest (equating to 604 dwellings per year). The DLP does not currently address the District's objectively assessed housing need of 13,278 dwellings, proposing only 11,400 dwellings, and refers - incorrectly in light of the most recent assessment of need - to this exceeding need. It is relevant to note that the NPPF not only requires the Local Plan to ensure the District's development needs are met in full, but also that the unmet needs of neighbouring authorities are considered and addressed where it would be sustainable to do so. Whilst the DLP notes at paragraph 3.16 that a Draft Memorandum of Understanding (MoU) between East Hertfordshire, Epping Forest, Harlow and Uttlesford has been produced, it is unclear whether any unmet development needs of other neighbouring authorities has been accounted for. For example, there is no evidence that the DLP has considered whether there are unmet development needs in the neighbouring London Boroughs of Enfield, Waltham Forest, Redbridge or Havering; or whether the Local Plan can be meet a proportion of these. The DLP claims at paragraph 3.35 that the maximum number of dwellings that can be accommodated in the housing market area is 51,100 dwellings. This is said to have been informed by the Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area (SA of SSO) (2016). On review, however, the SA of SSO is not considered to support limiting housing growth within the housing market area to 51,100 homes. For example, at page 34 it states: "With respect to the overall quantum of c. 51,100 new homes, this reflects the furthest the authorities consider that they can reasonably go in delivering the most recent advice from ORS regarding housing need, i.e. 54,608 homes to 2033, in light of the available evidence. Critically, the figure of c. 51,100 significantly exceeds the formal OAHN of 46,100 established through the SHMA and represents strong progress towards the revised figure. The critical issue in determining the overall quantum is the level of development that can be accommodated in and around Harlow on suitable sites during the plan period." (Emphasis added). The above indicates that the stated capacity of 51,100 dwellings for the housing market area is not driven by empirical evidence in relation to environmental capacity, physical constraints, etc. but rather local authorities' views on potential deliverability. It also suggests that the SA of SSO considers this quantum of 51,100 to be positive in respect of a total objectively assessed housing need of 46,100, when in fact this figure has been superseded by a more up-to-date calculation. Further, there would appear to be a focus on sites in and around Harlow, rather than across the housing market area as a whole. The above extract from the SA of SSO implies the capacity is driven by the total deliverable capacity from suitable sites (the "critical issue"), suggesting that if additional suitable sites were to be identified there would be no intrinsic objections to the figure of 51,100 dwellings be exceeded. Transport impact has been cited as an area of concern, and one which justifies development within the housing market area to be limited to 51,100 new homes between 2011 and 2033. However, it must be recognised that, as confirmed through the SA of SSO, that transport modelling is said to suggest growth of between 14,000 and 17,000 new homes in and around Harlow can be accommodated in terms of impact on highways. However, again this is focussed on Harlow and does not consider potential growth in other settlements, an issue which is particularly pertinent if such settlements benefit from sustainable transport opportunities; or additional sites are available that are well-located in relation to such

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opportunities. In summary, it is unclear whether projected increases in out migration have been taken into account, as required, in the calculation of objectively assessed housing. In any case, the DLP does not appear to meet objectively assessed housing need in full. As such, if the Local Plan were to be continue to be based on such a strategy, it would be contrary to national policy and would be unsound. The imposition of a limit of 51,100 additional homes between 2011 and 2033 dwellings across the housing market area is not considered to be based justified. Rather than supporting a limit of 51,100 dwellings across the housing market area, the evidence suggests that if there are sufficient suitable sites to meet housing need in full, then Local Plans should facilitate their delivery. Housing delivery and accounting for shortfall Appendix 5 of the DLP sets out the housing trajectory that the DLP is proposed to enable delivery of. It also reports the number of dwelling completions since 2011 (the point from which the objectively assessed needs assessment for the District has been calculated). This shows a total of 1,173 dwelling completions between 2011 and 2016. The housing need during this period (based on the 2016 update of need) totalled 3,020 dwellings. As such, the total shortfall in housing provision during this period was 1,847 dwellings. There are two potential approaches to addressing this shortfall in housing land supply. The first, the 'Liverpool approach' is where the shortfall is spread across the remaining Local Plan period and is sought to be met over this period. The alternative, the 'Sedgefield approach', seeks to make up the shortfall within the first five-year period. The PPG is clear that the Sedgefield approach should be applied where possible, stating: "Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to cooperate'" (PPG, Paragraph: 035 Reference ID: 3-035-20140306) Applying the Sedgefield approach, the initial calculation of housing need for Epping Forest District for 2016-21 is 4,867 dwellings. The NPPF requires that a buffer of (at least) 5% is applied to this figure. Adding a 5% buffer gives a total requirement for the District for 2016-21 of 5,110 dwellings. However, Appendix 5 of the DLP suggests the current proposed strategy will only deliver 3,541 dwellings between 2016 and 2021. This entails a shortfall of 1,569 homes against the requirement. Furthermore, we are concerned that even the figure of 3,541 dwellings represents an optimistic assessment. It includes 1,186 dwellings to be provided through existing commitments. It is unclear what the status of these commitments is, and whether a lapse rate of 5-10% (as established as being appropriate for sites with planning permission / resolution to grant planning permission¹) has been applied. There is a reliance of 163 dwellings placed on windfall. If EFDC is to make an allowance for windfall, it is required to demonstrate that there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply. However, no such evidence appears to have been provided. It is also noted that the DLP's stated housing delivery rate assumes completions from 2017/18 from sites proposed to be allocated. This is considered to represent an extremely optimistic view, the feasibility of which we would question given likely timescales for planning-making, planning applications and the development process. Having regard to all of the above we are concerned that the DLP will deliver fewer dwellings than it Appendix 5 suggests it will.

1 Appeal reference APP/J3720/A/14/2217495 Even if this DLP's stated housing trajectory were to be realised, this would still represent a significant shortfall when assessed against need, rendering the Local Plan contrary to national policy and unsound. Accordingly, it is imperative that Local Plan is amended to include allocation of additional small and medium-sized sites for residential development - sites that are capable of contributing relatively quickly towards the current and acute housing need. We would urge EFDC to reconsider smaller sites that have been rejected to see if they are capable of assisting the District's housing need in this respect. Draft Plan objectives DLP objective B is to make provision for objectively assessed market and affordable housing needs within the District, but includes the caveat: "to the extent that this is compatible with national planning policy". The NPPF is clear that Local Plan should be prepared on a strategy that seeks to meet objectively assessed housing need in full. As such, this caveat should be removed. Draft Policy SP2 District-wide Draft Policy SP2 proposes a total of 11,400 dwellings are delivered in the District between 2011 and 2033. As set out elsewhere within this representation, the objectively assessed housing need for the District for 2011-2033 is 13,278 dwellings. Policy SP2 does not propose to meet objectively assessed need. The policy as currently proposed is therefore contrary to national policy and cannot form part of a sound Local Plan. In addition, it is critical that the Local Plan enables the delivery of housing to meet need in the short, medium and long term; and that policies are sufficiently flexible to ensure a constant supply of housing, regardless of unforeseen circumstances. The NPPF requires Local Planning Authorities to maintain delivery of a five-year supply of housing land to meet their housing target (paragraph 47), and to produce Local Plans which are flexible in this respect, stating: "Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change" (NPPF, paragraph 14). It is noted that Draft Policy SP2's proposal to deliver 11,400 dwellings is predicated on the DLP's view

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that there is a need for Epping Forest District to accommodate approximately 11,400 new homes between 2011 and 2033. A strategy which seeks to deliver exactly the number of dwellings that is considered to be required cannot be said to be flexible. Such an approach leaves the District's housing supply in a very precarious position and introduces a considerable level of uncertainty as to whether housing needs will be met. Lower Sheering DLP Draft Policy SP2 states that Lower Sheering will accommodate 30 additional homes between 2011 and 2033. Lower Sheering is an established community which not only benefits from services and facilities itself, but also accessibility to the range of service and facilities available in the adjacent town of Sawbridgeworth. The Local Plan is required to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence (NPPF paragraph 182). However, there is no justification as to why growth of Lower Sheering is proposed to be restricted to 30 dwellings. This becomes a particular matter of concern when viewed in the context of the DLP failing to meet objectively assessed housing need. It is recognised that it is important for the Local Plan to not adopt an overly prescriptive approach to the distribution of housing based on the proposed settlement hierarchy and its existing size. This would result in an overly simplistic approach, which would fail to direct development to the most sustainable locations, and could result in more suitable and sustainable opportunities being overlooked. The following comments of the Planning Inspector appointed to examine the 2014 Uttlesford Local Plan Submission document support the above view: "Where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (eg locally identified demographic and other needs, local constraints and opportunities, patterns of bus services, and inter-relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward" (paragraph 3.25 of the Inspector's Examination Conclusions 19 December 2014). In respect of the above, Lower Sheering's relationship with the adjoining town of Sawbridgeworth merits consideration, and the level of housing growth to be directed to this settlement should reflect this. In particular, it should be recognised that the northern part is immediately adjacent to Sawbridgeworth Railway Station. It is pertinent to note that there is only one national railway station within the District itself (at Roydon) - development at Lower Sheering in proximity to Sawbridgeworth Railway Station represents a rare opportunity to provide housing in a location from which a railway station is so accessible. In addition to the railway station, Sawbridgeworth is a town with a range of facilities, services and employment opportunities - the accessibility of which from Lower Sheering should be accounted for within housing distribution strategies. As set out above, it is important that the Local Plan recognises the strong relationship between Lower Sheering and the adjoining town of Sawbridgeworth. Currently, the DLP does not address this and the proposed approach to Lower Sheering does not appear to have taken into consideration this important factor. The DLP states at paragraph 5.217 that the Green Belt boundary to the north-east of Lower Sheering will be altered. This strategy is supported. The current Green Belt boundary to the north-east of Sheering is considered somewhat anomalous. The NPPF is clear that in defining Green Belt boundaries, Local Planning Authorities should define boundaries clearly, using physical features that are readily recognisable and likely to be permanent (paragraph 85). Within the north-east corner of the village, the physical features of Station Road and Sheering Lower Road represent a potential Green Belt boundary that would be logical, robust and of significant permanence. However, the Green Belt boundary has been drawn such that a small proportion of land within the area enclosed by Station Road and Sheering Lower Road is allocated as Green Belt. Alterations to the Green Belt boundary to the north-east of Lower Sheering have the potential to correct this current anomaly, and provide a new robust and defensible Green Belt boundary. In addition, allocation of land for housing here would enable the delivery of housing within a very sustainable location for growth for Lower Sheering, extremely well-related to Sawbridgeworth Railway Station (approximately 100 metres to the west) and to the Maltings employment site. Notwithstanding the above, it is noted that the DLP does not propose the Green Belt boundary be amended to include land identified as SR-0121. The site was rejected as part of the site assessment process. In short, the reason for the site's rejection was that ecological designations were considered to reduce the potential deliverable capacity to two dwellings. This is commented on in detail later within this representation, as it is submitted that the rejection of the site was unjustified. In short, however, it should be noted that the reason for the site's rejection did not pertain to any of the purposes of including land in the Green Belt. The NPPF is clear that land should only be allocated as Green Belt where it is necessary to keep the land permanently open having regard to the purposes of the Green Belt. For the reasons described above, the site - sandwiched between existing residential development to the west and south; and enclosed by roads to the north and east - does not perform a Green Belt function. The continued inclusion of site SR-0121 within the Green Belt would undermine the Green Belt's integrity, and the Local Plan should address this.

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Consideration of site SR-0121 through the site assessment process A site assessment process has been used by EFDC to determine which sites should be allocated for development within the DLP. This was an iterative process through which sites were appraised, and then rejected or progressed for further consideration until a range of sustainable, suitable, deliverable sites had been identified for allocation. Site SR-0121 was found to be subject to no major policy constraints through stage 1 of the site assessment process, and was progressed to stage 2. Stage 2 entailed qualitative and quantitative assessment of sites, examining their suitability in detail against 33 assessment criteria, grouped into six different categories. Against each of these criteria, sites are scored from ++ (most positive) to - - (most negative). The site assessment methodology confirms that sites with the most positive scores and fewest negative scores are likely to be the most suitable for development. Site SR-0121 performed well at this stage of the assessment process. Of particular relevance is how the site SR-0121 was assessed relative to site SR-0032 (land immediately to the south-east of SR-0121 which the DLP does propose be allocated for residential development). Against the 30 of the 33 stage 2 assessment criteria, scores for sites SR-0121 and SR-0032 were identical. Site SR-0121 scored more positively than SR-0032 against two of the criteria (topography constraints and contamination constraints). There was only one criterion against which site SR-0121 scored less positively than SR-0032 - impact on heritage assets. In relation to criterion 1.8a (impact on heritage assets), the stage 2 site assessment identifies a negative impact, stating: "Proposed site located within a Conservation Area or adjacent to a Listed Building or other heritage asset and effects can be mitigated." The stage 2 assessment suggests that site SR-0121 is at least as suitable for residential development as SR-0032, and potentially more suitable. It is important to note that the assessment acknowledges that impact on heritage assets can be mitigated. Site SR-0121 is located within Lower Sheering Conservation Area, on the north-east edge of the Conservation Area boundary. The Lower Sheering Conservation Area adjoins another Conservation Area across the District border in East Herts District, along Station Road and the River Stort. The two Conservation Areas together comprise an extensive group of mid- late 19th century Maltings which lie either side of the London-Cambridge railway line. It should be noted that the Maltings east of the railway line were granted permission to convert to residential use in 1986, and a further residential development was granted consent to the south of this site in 2009 (reference EPF/0976/09). In addition, the site immediately adjacent to the site (the Railway Hotel) was granted consent for residential development (including through conversion of the existing public house, and erection of two additional buildings) in September 2015 (reference EPF/0864/15). Residential use forms part of the character of the area, and is clearly considered an appropriate form of development within the locality. There are no designated heritage assets within the site, and the fact that it is within the Conservation Area does not preclude its allocation for development. Its development will be required to be designed such that it does not have a detrimental impact on the character of appearance of the Conservation Area, which is considered to be highly feasible for this site. The site assessment should be updated to reflect this. Site SR-0121's potential development is assessed as having a double-negative impact in relation to criterion 2.1 - harm to the Green Belt. As set out earlier within this representation, the site is not considered to make a contribution to the purposes of including land in the Green Belt, and its loss could not set to have a negative impact on the strategic functions of the Green Belt. In fact, allocation of the site could enable the provision of a more robust Green Belt boundary, following the Station Road and Sheering Lower Road. The site assessment in relation to SR-0121 and this criterion should be updated to reflect this. In respect of criterion 3.4 - distance to local amenities, the stage 2 site assessment states that site SR-0121 is between 1000 and 4000 metres from town, large village, or small village. However, the site is adjacent to Lower Sheering and to Sawbridgeworth; and is less than 800 metres from the main focus of retail uses and services on Bell Street, Sawbridgeworth. It is therefore within potential walking distances of a wide range of local amenities, and the site assessment should reflect this. The stage 2 site assessment states, in respect of criterion 3.2 - distance to nearest bus stop - that site SR-0121 is more than 1000 metres from the nearest surgery. However, there are bus stops less than 100m from the site, situated to the east of Sawbridgeworth Railway Station. The site assessment states that SR-0121 is between 1000m and 4000m from the nearest primary school / infant school (criterion 3.5). The site is, however, less than 1000m from Reedings Junior School and Fawbert & Barnard Infants School, both located to the west of the site in Sawbridgeworth. The site assessment states site SR-0121 is more than 4000m from the nearest secondary school (criterion 3.6). However, Leventhorpe Academy (secondary school with sixth form) in Sawbridgeworth is only approximately 1km away. It is stated (criterion 3.7) that the distance between site SR-0121 and the nearest GP surgery is more than 4000 metres. However, the nearest GP surgery is in fact Central Surgery in Sawbridgeworth, less than 1km to the west of the site. As at 28 November 2016, the NHS website reports that this surgery is accepting new patients. The site assessment scores site SR-0121 as a single positive in respect of proximity to nearest rail / tube station (criterion 3.1), on the grounds

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that the site is less than 1000m from the nearest railway station. Whilst it is factually correct to state that site SR-0121 is less than 1000m from a station, it should be recognised that it is approximately 100m from Sawbridgeworth Railway Station – well within walking distance and materially more accessible than a site that was, for example, 999m from a station. We feel the site assessment should reflect this, and suggest that site SR-0121 is scored as double-positive in relation to this criterion. The site assessment scores site SR-0121 as a double-negative in relation to impact on agricultural land. Firstly, Natural England's Agricultural Land Classification map for the Eastern Region suggest land here is Grade 2 'Very Good' and Grade 3 'Good to Moderate'. No land within the vicinity of the site is indication as Grade 1 'Excellent'. Development of this site would not result in the best and most versatile classification of agricultural land, and it is unclear why the site has scored a double-negative against this criteria. Secondly, the site is a relatively small parcel of land currently enclosed by existing development / highways. It is not used as agricultural land, it is considered that it would be in no way viable for the site to be put to such use. The site assessment should be updated to reflect the lack of potential for site SR-0121 to be used for agriculture. Whilst it is clear from the above that the stage 2 assessment should have assessed site SR-0121 as being far more positive for residential development than it currently does, the site was nevertheless progressed through to stage 3; and then on to stage 4 of the site assessment process. At stage 4 of the site assessment process the site is rejected. The site assessment process initially estimated the site could accommodate 14 dwellings. The indicative site capacity assessment as stage 4, however, reduces the capacity to 2 dwellings. The site is subsequently rejected for allocation as part of the Local Plan process on the following grounds: "Although this site is identified as available for development during the Plan period, the indicative capacity assessment suggests that it would not support the minimum 6 units necessary for allocation. It should not be allocated." The above is the sole reason given for rejecting the site. There are therefore two issues which require consideration: is the assessment's assertion that the site's net potential capacity should be reduced to 2 dwellings justified; is the rejection of the site because it will not deliver a minimum of 6 dwellings sound? Taking the issue of the site's capacity: the stage 4 site capacity assessment suggest that none of the site is subject to major policy constraints that would impact on its potential yield, but notes the site is subject to what is described as an on-site non-major policy constraint, namely BAP Habitat. The site assessment states that 0.46 ha of the 0.51 ha of the site is subject to the BAP habitat designation, leaving 0.05 ha identified as unconstrained, and resulting a capacity of 2 dwellings being identified. The UK BAP Habitat in question is Wet Woodland. DEFRA mapping indicates that site SR-0121 is at the southern end of a larger area designated as BAP Habitat. Station Road separates site SR- 0121 from this larger area to the north, leaving SR-0121 as a small and isolated component of the BAP Habitat. The site assessment's view was not been informed by a site-specific ecological assessment. A Preliminary Ecological Appraisal has now been undertaken (August 2016) of site SR-0121 (a copy is provided as Appendix 2 to this representation). This concludes that approximately 10% (500 m2) of the site meets the criteria for UK BAP Habitat. It also makes recommendations that will enhance the value of the site for wildlife, helping to achieve Essex and Hertfordshire BAP targets – rather than having a negative impact on biodiversity, development of the site has the potential to engender benefits. This is an issue that could of course be addressed through development management policies within the Local Plan. Applying the stage 4 site assessment methodology, and taking into account for the fact only 10% of the site meets the criteria for UK BAP Habitat, the site assessment should conclude SR- 0121 has a capacity of 21 dwellings. However, it is recognised that the site assessment has taken a high-level view, based on an estimated appropriate density of 45 dwellings per hectare and considering the site area without regard to specific site characteristics. Once such factors are accounted for, it is felt that a more appropriate estimated dwelling yield for the site would be between 6-10 units. An indicative layout is provided as Appendix 3 that demonstrates 7 number dwellings can be accommodated on the site, without compromising the 10% of the site that is identified as meeting the BAP Habitat criteria and maintaining significant portion of woodland (the indicative layout leaves approximately 33% of the site is undeveloped).

For the reasons set out above, the view that the site can only accommodate 2 dwellings is not considered justified. However, even if only 2 dwellings could be delivered on the site, this would not justify the site's exclusion from allocation for development through the Local Plan.

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Clearly, small sites are capable of making a contribution, cumulatively, to meeting housing need in the District. Such sites are also often those that can be delivered relatively quickly as they are not required to be accompanied by major infrastructure improvements. As such, they have the potential to help meet housing need in the short-term as required by the NPPF. The arbitrary exclusion of site SR-0121 from allocation on the basis that it is not considered to have a capacity of 6 or more dwellings, this would render the Local Plan unsound – as an alternative would have been discounted without justification.

The exclusion of the site from consideration for residential development on the basis of its potential yield is particularly disconcerting given that the site is within the Green Belt. The NPPF is clear that alterations to Green Belt boundaries should be made through the Local Plan process, and that residential development within the Green Belt is inappropriate.

Consequently, the only feasible way in which a current Green Belt site could be brought forward for development, if suitable, would be through a review of the Green Belt as part of a Local Plan.

The arbitrary exclusion of site SR-0121 not only raises concerns in respect of the soundness of the Local Plan, but also concerns in respect of legal compliance – the premature rejection of sites from the process without robust justification is not considered compatible with Environmental Assessment of Plans and Programmes Regulations (2004) requirement that all reasonable alternatives to be assessed to the same level of detail as the preferred approach.

In summary, the site assessment process identifies site SR-0121 as suitable for residential development, albeit for only 2 dwellings. (Indeed, there were a number of errors in respect of how this site was assessed which, once corrected, should demonstrate that the site is even more suitable than found by the site assessment process). The site assessment reports that the sole reason for the rejection of site SR-0121 is that it has a capacity of 2 dwellings. This is not robust justification for the rejection of the site for allocation for residential development. In any case, it is considered that more than 2 dwellings can be delivered on the site – a plan has been produced showing how 7 dwellings can be suitably accommodated. Accordingly, if the Local Plan is to be sound and legally compliant it must be amended to include allocation of site SR-0121 for residential development.

SEA / SA

The Environmental Assessment of Plans and Programmes Regulations (SEA Regulations) (2004) require inter alia all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach.

In this respect, we are concerned that only the preferred options appear to have been subject to sustainability appraisal as part of the site assessment process. The Council's published Report on Site Selection states that Stage 5 of the process was Sustainability Appraisal/Habitats Regulation Assessment of Candidate Preferred Sites, and that this established the impact of the candidate Preferred Sites alone and in combination.

It is also relevant to note that Regulation 13 of the SEA Regulations states:

"Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 12 and its accompanying environmental report ("the relevant documents") shall be made available for the purposes of consultation in accordance with the following provisions of this regulation." (Emphasis added).

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At 2(b, c and d) of Regulation 13 it sets out how consultation must involve taking appropriate steps to bring relevant documents to the attention of affected person, informing them how to make representations, and inviting them to express opinions.

The Council's approach in respect of all of the above is unclear. The Sustainability Appraisal (SA) published alongside the Draft Local Plan appears to suggest it is only an interim and the "legally required" SA Report will be published at the Regulation 19 submission stage, alongside the submission draft Local Plan (as stated at paragraph 2.1.1 of the SA (the second of two paragraphs 2.1.1)). Conversely, at paragraph 2.1.2 of the SA (the first of two paragraphs 2.1.2) it acknowledges that SEA Regulations require the publication of an SA Report alongside the Regulation 18 Preferred Options draft. It is not clear if the published SA seeks to meet this requirement. If it does, then this raises the issue as to why it has not itself been subject to consultation, and has not appraised all potential alternatives to the same level of detail as the preferred options. If the SA published alongside the DLP is only an interim report and does purport to be the relevant report for the DLP as required by the SEA Regulations, then it raise the question as to how EFDC has met this requirement.

We are concerned that these possible failures in respect of the SEA Regulations have prejudiced our client's interests in respect of site SR-0121 and its potential development, and reserve the right to raise this issue again at a future date if EFDC were to fail to take steps to cure such defects as the plan is progressed.

Overview

The fact that the DLP seeks to address housing need and increase the provision of homes in the District is considered a positive step. There are however concerns that the extent of objectively assessed housing need for Epping Forest District is greater than stated. In any case, the DLP does not plan to meet the figure that has been identified. If the Local Plan were to continue to be based on such a strategy, we fear it would be found contrary to national policy and unsound,

leaving EFDC without a Local Plan in place to manage growth sustainably, resulting in considerable uncertainty for the District's communities and its future economic prosperity. The Local Plan should plan for a greater number of dwellings than proposed through the DLP, and identify a greater number of sites for development.

Site SR-0121 has been identified as being suitable for residential development through the site assessment process. The site assessment has concluded, unjustifiably, that site SR-0121's capacity is 2 dwellings. This is the sole reason given for rejection of the site. On examination of the site in greater detail, it can accommodate a greater number of dwelling through a suitable, appropriate development that accounts for the site's characteristics. Even if the site's capacity were only 2 dwellings, this would not constitute a justified reason for rejecting the site, and the site should be allocated regardless. Having regard to the findings of EFDC's site assessment process, failure to allocate site SR-0131 would result in an unsound Local Plan.

Response to the Draft Local Plan Consultation 2016 (Regulation 18)