

Epping Forest District Local Plan – Submission Version 2017

Representations by Dandara Ltd Land to the West of Roydon at Temple Farm

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Executive Summary

These representations to the 2017 Submission Version Epping Forest District Local Plan (EFDLP) have demonstrated that the Plan has failed to discharge its statutory obligations under the Town and Country Planning (Local Planning) (England) Regulations 2012. The full evidence base which should inform the Plan making process and will be submitted to the SoS for examination has not been published alongside the six week Regulation 19 consultation period. This includes key appendices to the 2017 *'Report on Site Selection'* which are fundamental if members of the public, landowners and developers are to understand, in a transparent manner, the process of site selection. It is unclear how officers and members can have reached sound conclusions on proposed allocations if key evidence base documents are not completed, even by the time of the Regulation 19 consultation.

These representations demonstrate that the EFDLP fails to satisfy all four of the tests of soundness set out in para. 182 of the NPPF including:

- The Plan is not 'positively prepared' as the SHMA fails to identify objectively assessed development needs by applying unrepresentative 10-year migration trends which suppress rates of net population change projected by the 2012 and 2014 demographic baseline; GLA 2016-based trends; and the most recent 2011-12 to 2015-16 MYEs (Section 7.0);
- The SHMA fails to objectively interrogate past adjustments to MYEs to understand whether the universal application of 10-year rather than 5-year migration trends across the HMA are justified. This is particularly important for EFD where the application of a 10-year migration trend to the 2014 demographic baseline results in a significant 26% reduction in net annual population change compared with the baseline (Section 7.0);
- Both the 2015 SHMA and 2016 update included a 20% uplift in response to market signals. There is no justification for the 2017 update, which like the 2016 iteration uses the same 10-year migration adjusted 2014-based demographic starting point, to subsequently apply a reduced 14% uplift for all indicators including market signals. If the 2017 SHMA considered that a reassessment of the 20% market uplift previously recommended was justified, this should have been undertaken on a Local Authority basis given the significant house price, rental value, overcrowding and affordability challenges within EFD which is much more closely aligned to the Greater London average than the wider HMA (Section 7.0);
- We are concerned that the conclusions of the 2017 SHMA update have been 'predetermined' to align with the 'working' OAHN of 51,100 agreed by the constituent HMA Authorities within the March 2017 MoU. There was no reason for the Councils to revisit the conclusion of the 2016 SHMA update that the OAN for the HMA was 54,608 (as both the 2016 and 2017 updates used the same 2014-based demographic starting point), other than the 2016 figure did not accord with the 'working' MoU figure. The unevidenced adjustment to the market signals uplift within the 2017 SHMA is nothing but an attempt to arrive at an OAN that is more compatible to the predetermined HMA 'working' OAHN of 51,100 (Section 8.0);
- To put the potential significance of the housing shortfall into context, the housing target in Policy SP2 is currently 8,906 (405 dpa) homes short of the Government's 2017 standard housing methodology consultation figure – responsible for the Council's unashamed rush to submit the Plan for examination to the detriment of an objective, publicly available evidence base – 2,974 (135 dpa) homes short of the 2014-based demographic starting point and both exacerbated by an attempt to further limit much needed short term housing delivery by

applying an unjustified 5% buffer and application of Liverpool methodology against PPG advice (Sections 7.0, 8.0 and 9.0);

- Notwithstanding concerns raised regarding the SHMA methodology, particularly in respect of the use of 10-year migration trends, it is considered that at the very minimum the OAN for EFD is 13,278 dwellings as set out in Figure 8 of the 2016 SHMA update. The EFDLP is therefore a minimum of 1,878 homes short of meeting full OAN and cannot be considered either 'positively prepared' or 'consistent with national policy' (Sections 7.0 and 8.0);
- The Council cannot apportion housing numbers for EFD to other Authorities within the HMA under the Duty to Cooperate as the HMA is a minimum of 3,508 dwellings short of OAHN having regard to Figure 7 of the 2016 SHMA which is greater than EFDs own shortfall (Section 8.0);
- EFD is unable to reinstate a five year housing land supply on adoption of the Plan applying a 20% buffer informed by the current EFDLP housing target of 518 dpa not being achieved during the first 7 years of the Plan and, in line with the PPG, applying the Sedgfield methodology to the 1,778 accumulated shortfall. The Plan cannot be considered 'positively prepared' nor 'effective' (Section 9.0);
- The Council has consistently failed to consider and assess information submitted to them under various 'call for site' exercises which has culminated in the EFDLP being consulted upon without availability of the site specific evidence base underpinning the 2017 *'Report on Site Selection'*. There can be no confidence that the Council has exhausted all potential development sites in the District which could assist them with meeting full OAN and boosting the supply of housing from small and medium scale sites in the years immediately following adoption. The Plan cannot be considered 'justified' (Section 4.0);
- There is an inherent discord between the 'vision' for the EFDLP which includes promoting sustainable development, optimising public transport modes, supporting the LSCC and enhancing access and enjoyment of the LVRP and the reality of many of the allocations which are distant or divorced from public transport modes; will exacerbate the use of the private car; and will do little to enhance accessibility and use of some of the District's key assets including the LSCC and LVRP (Section 6.0);
- This discord fundamentally undermines conclusions contained in the SA, especially surrounding traffic congestion, air quality, carbon emissions and biodiversity impacts, including for Epping Forest, which are considered mitigatable in the context of Plan making but only on the premise of the EFDLP promoting sustainable forms of development capable of engendering a modal shift towards public transport use which it fundamentally fails to do (Section 6.0);
- There has been an almost exclusive focus on growth options for Harlow which has resulted in numerous proposed urban extensions, across three Authorities, which are not only located a significant distance from those services and facilities that make Harlow a sustainable settlement but also raise fundamental concerns regarding cumulative infrastructure delivery, viability, deliverability and market appetite (Section 6.0);
- There is an overreliance on public sector land which, putting aside the loss of much valued public open space and social and community facilities, has significant delivery and timescale risks (Section 6.0);
- In contrast, the development of land to the west of Roydon at Temple Farm would represent a legible, coherent addition that respects the settlement pattern and encroaches no further

into open countryside than the existing village. It would have no significant impact on the five NPPF Green Belt purpose tests and would have minimal impact on landscape character. It would significantly enhance access, use and enjoyment of the LVRP in an inherently sustainable location, being within walking and cycling distance of various core services including the only mainline railway station in the District (Section 3.0);

- The Plan cannot be considered 'justified' as it is not the most appropriate strategy, considered against reasonable alternatives, conflicting with the overriding objective of the NPPF to meet full, objectively assessed housing need in a socially, economically and environmentally conscious manner.

1.0 Introduction

- 1.1 These representations are submitted by Dandara Ltd in respect of the Epping Forest District Local Plan Submission Version 2017 (EFDLP). Dandara Ltd are promoting land located to the west of Roydon at Temple Farm being accessed off High Street and / or Epping Road for residential led mixed-use development. The entirety of the land ownership extends to circa 28 ha of which only circa 6 ha is being promoted to accommodate new development. A red line site ownership plan is included alongside these representations at Appendix 1 and is reproduced in Figure 1 below:

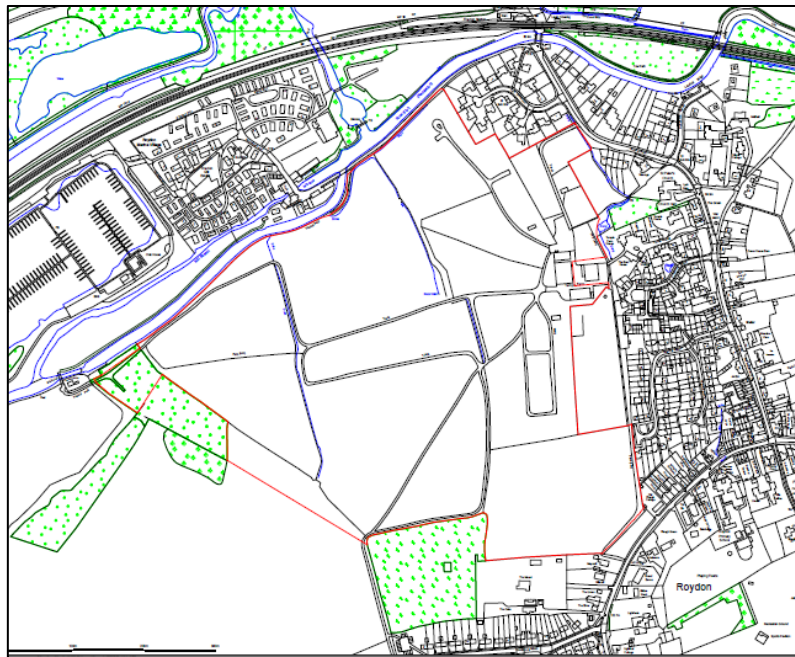


Figure 1: Site Ownership Plan

- 1.2 The site was originally assessed as part of a much larger land holding within the 2012 Epping Forest Strategic Housing Land Availability Assessment (SHLAA). The site that was subject to SHLAA assessment in 2012 measured 40.01 ha in total and extended almost the entire western length of Roydon village from the River Stort in the north to the rear of existing properties fronting Low Hill Road to the south (site ref. SR-0303). Dandara Ltd was not involved with the promotion of the site at this stage. Figure 2 overleaf shows the clear difference in the extent of the 2012 SHLAA site boundary in blue compared with the current site ownership shown in red.
- 1.3 Following Dandara Ltd entering into an agreement with the landowner to promote the site for residential led mixed-use development, correspondence was sent to EFDC which confirmed that the parcel of land being promoted had reduced in size alongside a revised red line site location plan. Mr Twomey, a planning policy officer at EFDC confirmed receipt of this update on 28th June 2016 and advised that Arup, who had been commissioned by the Council to update the 2012 SHLAA in the form of a 2016 'Report on Site Selection', would shortly be issuing proformas to update information held for sites originally assessed in conjunction with the 2012 SHLAA.



Figure 2: Extent of 2012 SHLAA Site SR-0303

- 1.4 Dandara Ltd, following receipt of the Arup proforma, submitted a full suite of updated information for site SR-0303 to the Council on 5th July 2016 as part of the '*Epping Forest Developer, Landowner and Promoter Survey 2016*'. This included a revised site location plan and accompanying covering letter which explained that the land being promoted for residential led mixed-use development comprised circa 28 ha and, following the completion of initial Green Belt and landscape impact assessment work, was considered able to accommodate circa 200-250 new homes on 6 ha of developable land.
- 1.5 The 200-250 home capacity of the site had been directly informed by detailed Green Belt and landscape assessment work undertaken by Define, a specialist landscape consultancy practice. This work informed an initial Masterplan which located development within the less visually prominent parts of the site, on lower lying ground which physically and visually integrates with the existing settlement edge. Furthermore, the Masterplan identified options to increase access and recreational use of an extensive part of the site to the west within the Lee Valley Regional Park. The initial Masterplan, sent to the Council on 5th July 2016, is reproduced in Figure 3 overleaf:



Figure 3: Initial Masterplanning Work

- 1.6 A further e-mail was received from Kevin Twomey dated 16th September 2016 which confirmed that *“the documents in support of SR-0303 sent on July 5th were received and informed the assessment of the site as part of our site selection process”*. The Arup ‘Report on Site Selection’ was published in September 2016 and included a detailed proforma for site ref. SR-0303 within Appendix B1.4.2 for Roydon. Unfortunately, due to an error made by EFDC and Arup, as acknowledged in a meeting with Policy Officers held on 21st November 2016, the additional ‘Epping Forest Developer, Landowner and Promoter Survey 2016’ information provided to the Council on 5th July 2016 had not been taken into consideration resulting in the Council failing to assess the site as submitted and instead assessing the much larger site area comparable to that assessed within the 2012 SHLAA.
- 1.7 Due to the Arup 2016 ‘Report on Site Selection’ continuing to assess the development potential of a much larger circa 40 ha site for the delivery of 1,200 new homes, despite the updated, detailed information sent to the Council on the 5th July 2016, the rejection of the site at Stage 3 of the process due to potential adverse landscape impact and detriment to the setting of the Lee Valley Regional Park was considered fundamentally flawed as explained within our representations to the 2016 consultation draft EFDLP. Our earlier 2016 representations demonstrated that if Arup had assessed the smaller site submitted to them, land to the west of Roydon would have passed the Stage 3 sieve.
- 1.8 As explained within para. 2.16 of the December 2017 ‘Report on Site Selection’, following receipt of representations to the 2016 consultation draft EFDLP, the Council reassessed previously dismissed sites explaining that *“where there are clear planning reasons, the Council may then alter the assessment or discount draft site allocations and / or identify new sites for*

allocation in the submission Local Plan". Unfortunately, at the time of writing these representations, this fundamental detailed (re)assessment work undertaken for individual sites, setting out why they were or were not selected for draft allocation within the EFDLP, is not available as an appendix to the 2017 'Report on Site Selection'.

- 1.9 Whilst the Council has confirmed that land at Temple Farm, Roydon has been reassessed in line with Dandara Ltd's submission to the *'Epping Forest Developer, Landowner and Promoter Survey 2016'* and subsequent representations to the 2016 consultation draft EFDLP, as updated site ref. SR-0303-N, this site specific assessment work has not been made available alongside the six week consultation for the EFDLP and we have no confidence that the Council has assessed the correct information given past mistakes. This raises material soundness concerns as considered further in Section 4.0 of these representations and effectively makes it impossible for respondents to the Local Plan to understand why certain sites have been excluded in preference to others.
- 1.10 These representations will demonstrate that the EFDLP is unsound having regard to the four tests set out at para. 182 of the National Planning Policy Framework (NPPF). It will be demonstrated that the Plan could be made sound if the Council sought to meet full, objectively assessed need for market and affordable housing. This would require the Council to revisit its site selection evidence base to identify additional sources of housing land supply to ensure that the Plan meets its own key objectives of locating development in the most sustainable locations, building upon existing public transport modes, in a manner that is able to deliver much needed new housing immediately following adoption of the Plan.
- 1.11 Dandara Ltd are one of the largest independently owned developers in the country and specialise in delivering high quality new homes which are inspired by their context and seamlessly integrate into the local vernacular. Dandara only promotes sites where the intention is to deliver new homes as soon as possible. If allocated for residential led mixed-use development associated with the adoption of a future Local Plan, Dandara Ltd would look to prepare an immediate planning application with the delivery of new homes within 1-2 years of planning permission being granted.
- 1.12 In addition to making representations to the content of the EFDLP, we will also comment where relevant on the following evidence base documents that have been prepared in support of the Plan:
 - West Essex and East Hertfordshire SHMA (2015) with updates (2016 and 2017);
 - Strategic Land Availability Assessment (2016);
 - Arup Report on Site Selection (2016 and 2017);
 - Memorandum of Understanding on Distribution of OAN (2017);
 - Sustainability Appraisal (2017);
 - Settlement Capacity Study (2016);
 - Green Belt Review, Stage 1 (2015) and Stage 2 (2016);
 - Housing Implementation Strategy (2017);
 - Infrastructure Delivery Plan (2017).

2.0 Plan Preparation

- 2.1 Para. 151 of the National Planning Policy Framework (NPPF) requires Local Plans to be consistent with the principles and policies set out in the Framework including the presumption in favour of sustainable development. Para. 14 of the NPPF sets out how the presumption in favour of sustainable development should inform Plan making by positively seeking opportunities to **meet the development needs** of the Plan area and **meet objectively assessed needs** unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 2.2 Para. 152 draws this advice together by stating *“Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three”*. Importantly, policies in Local Plans should seek to deliver the **homes and jobs needed** in the area and **plan positively** for the development and infrastructure the area requires to meet the objectives, principles and policies of the NPPF.
- 2.3 Paragraph 182 of the NPPF then goes on to explain that when the Local Plan is subject to Examination, the Inspector will consider whether it is found ‘sound’, assessing the following:
- (1) **Positively Prepared** – the Plan is 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;
 - (2) **Justified** – the Plan should be the most appropriate strategy when considered against reasonable alternatives;
 - (3) **Effective** – the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic policies;
 - (4) **Consistent with National Policy** – the Plan should enable the delivery of sustainable development in accordance with policies in the Framework.

3.0 Site Description and Development Proposals

- 3.1 Dandara Ltd are promoting land located to the west of High Street in Roydon for residential led, mixed-use development. The extent of land under the control of Dandara Ltd extends to circa 28 ha and is edged red in Figure 4 below. Please note that as explained previously in Section 1.0 of these representations, it is not proposed to develop the entirety of the land holding with only 6 ha being proposed to accommodate circa 200-250 new homes.



Figure 4: Aerial Site Location Plan (www.google.co.uk/maps)

- 3.2 The part of the site proposed for residential development is shown on the updated Masterplan reproduced overleaf in Figure 5 being enclosed on three sides by existing residential development fronting The Granary to the north, residential streets leading off High Street to the east and existing homes fronting Hansells Mead to the south. The principal vehicular access would be taken off High Street towards the north-east corner of the site with the option of a secondary vehicular access off Epping Road to the south-east.
- 3.3 The site is sustainably located within proximity to a variety of local services and facilities including:
- Roydon Primary School immediately adjacent to the south-east across Epping Road;
 - Convenience store including post office along High Street;
 - Pharmacy along High Street;
 - Various public houses along High Street;
 - Roydon village hall along Harlow Road being a circa 5 minute walk from the site;

- St Peter's Church immediately adjacent to the site along High Street;
- Various sport, leisure and recreation facilities including playing fields, tennis courts, allotments and a pavilion on Occupation Lane.

- 3.4 Roydon is a particularly sustainable location for future housing growth due to its excellent public transport connections. Roydon station, which is the **only mainline station** in Epping Forest District, is located a circa two minute walk from the north-eastern site access and provides regular services into the major employment and service centres of London Liverpool Street (circa 30 minutes), London Stratford (circa 40 minutes), Harlow (less than 5 minutes) and Cambridge (circa 55 minutes). *"There is one national railway station in the District at Roydon on the Liverpool Street to Stansted and Cambridge line ..."* (EFDLP, para. 1.14). The site also benefits from ease of access to a variety of bus services including routes 380, 381, 382 and 391 from Epping Road adjacent to the south-east boundary of the site.
- 3.5 These representations are accompanied by a concept Masterplan which has been informed by detailed Green Belt and landscape impact assessment work. The Masterplan envisages the introduction of 200-250 new homes as part of a residential led, mixed-use development on circa 6 ha of land on the easternmost field parcel, sitting immediately adjacent to the established settlement boundary of Roydon. The illustrative Masterplan is reproduced in Figure 5 and is attached at Appendix 2.

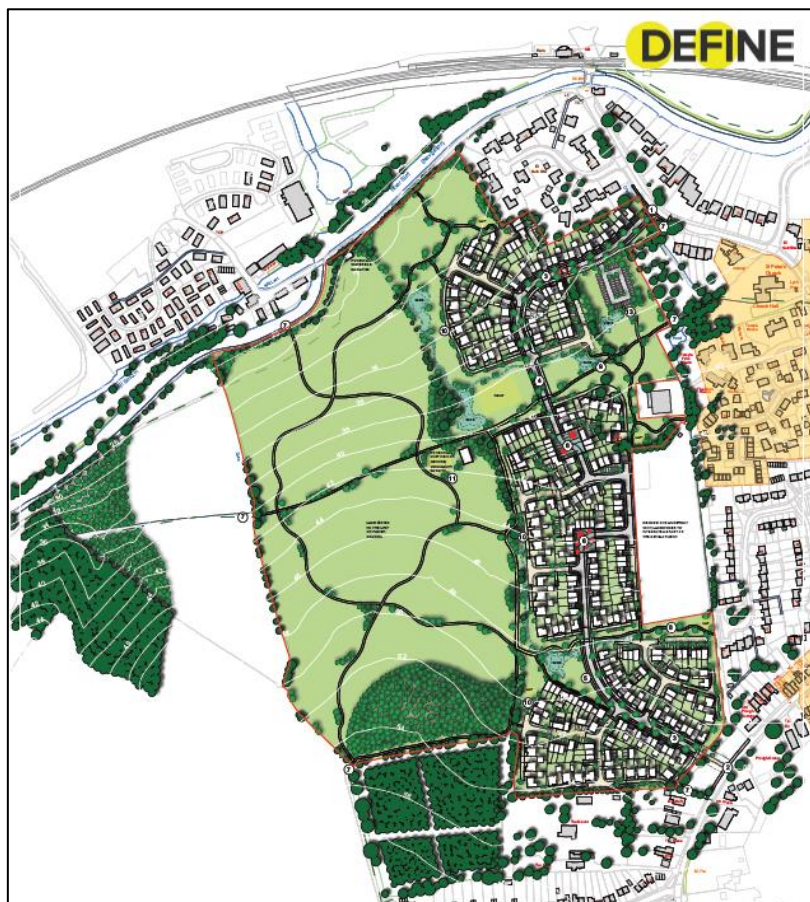


Figure 5: Roydon Illustrative Masterplan

- 3.6 The site benefits from vehicular access off either High Street towards the north-east corner of the site and / or off Epping Road towards the south-east corner of the site. The concept Masterplan envisages the introduction of new homes which represent a logical and coherent addition to the existing settlement boundary of Roydon, extending no further to the west than existing housing off Hansells Mead to the south. Limiting development to a single field parcel no more than 100 metres from the existing settlement edge, would ensure no material impact upon landscape sensitivity or the setting of the Lee Valley Regional Park (LVRP).
- 3.7 As shown on the concept Masterplan, it is proposed that the majority of the western part of the site would be offered to the local community or Lee Valley Regional Park Authority to be managed in perpetuity for a purpose related to the leisure and recreation remit of the LVRP. Through the incorporation of numerous pedestrian and cycle links through the site, the development would act as a new ‘gateway’ into the northernmost part of the LVRP for existing and future residents as well as visitors to Roydon. The use of the land is open for discussion and could comprise something more formal, including a visitor’s centre, or could be managed for habitat and wildlife purposes to provide a more natural setting to the River Stort.
- 3.8 It is considered that the proposed development of the site in line with the concept Masterplan achieves a number of the key objectives established by the EFDLP:
- (1) The immediate proximity of Epping District’s only mainline railway station would ensure that *“development needs will be met in the most sustainable locations”* (pg. 19);
 - (2) In addition to optimising access to key public transport modes, development at Temple Farm would provide ease of access to the various local shops, services and community facilities available in Roydon village ensuring that, as required by draft Policy T1, *“development should minimise the need to travel, promote opportunities for sustainable transport modes, improve accessibility to services and support the transition to a low carbon future”*;
 - (3) Supporting the EFDLP vision for the ‘London Stansted Cambridge Corridor Core Area’ (LSCC) by locating new housing close to the **only mainline railway station** in the District which serves those centres within the corridor which cumulatively contain 24,700 jobs, representing 11% of all national employment. This will ensure that the Council achieves its objective within para. 2.13 that *“in developing the Local Plan the Council has recognised, and taken into account, the wider context within which it is located, and therefore the need to reflect the aspirations and opportunities identified in the LSCC vision”*;
 - (4) Recognising that Harlow is considered one of the most sustainable settlements in the Housing Market Area (HMA) but has limitations to housing growth due to strategic highways infrastructure. Development at Roydon adjacent to the railway station provides direct access into the centre of Harlow to access shops, services and employment opportunities in under five minutes;
 - (5) Dedicating a significant portion of the western part of the site to those leisure and recreational uses associated with the LVRP alongside significant improvements to pedestrian and cycle access into the Park would be in full accordance with the ‘Lee Valley Regional Park

Vision' to *"be an accessible and permeable, integrated visitor attraction to serve the region which will include local communities"* (pg. 18). It supports and provides an opportunity to enhance the recreational and public accessibility aims of the LVRP as well as the overriding objective of the EFDLP to secure better integration between the Park and the District's settlements, including continuous links to Epping. It would provide a positive and much improved setting to the LVRP compared with the existing publicly inaccessible poultry farm;

(6) As considered in more detail in Section 5.0 of these representations, development on circa 6 ha of land to the west of Roydon at Temple Farm would have little material impact on either the five Green Belt purpose tests contained in the NPPF nor landscape impact including the setting of the LVRP which would be positively enhanced;

(7) The land is not impacted by any other constraints such as flood risk, ecology, habitat designations, heritage assets, archaeology, topography or land contamination;

(8) Initial technical notes addressing flood risk, drainage and transport matters have previously been provided to the Council associated with the July 5th 2016 *'Epping Forest Developer, Landowner and Promoter Survey'* submission and alongside our representations to the consultation draft EFDLP;

(9) Recognising recent research on Metropolitan Green Belt release such as the London School of Economics publication entitled *'A 21st Century Metropolitan Green Belt'* (2016). This report focuses on the importance of delivering new housing on Green Belt land to *"... allow development within walking distance of existing public transport nodes in the MGB (so-called 'ped-sheds'), on land that has no other environmental designation"* (pg. 6). Of relevance to Roydon, is the idea of allowing more development along the 'coordination corridors' which link London with the wider south-east and for which the 'London Stansted Cambridge' corridor is to be treated as a front-running 'Pioneer Corridor' (pg. 7). This approach is echoed in the DCLG's *'Fixing our Broken Housing Market'* (2017) which advocates focusing development around transport hubs including railway stations (pgs. 32 and 88).

- 3.9 The sustainability credentials of the site are therefore in full accordance with para. 84 of the NPPF which advises that *"when drawing up or reviewing Green Belt boundaries, Local Planning Authorities should take account of the need to promote sustainable patterns of development"*. There is also an opportunity for any future development of the site to include an element of local retail or social and community facilities should a need be identified.
- 3.10 In accordance with para. 47 of the NPPF, land to the west of Roydon at Temple Farm is deliverable, with no known constraints to development; being available now; promoted by Dandara Ltd for residential led, mixed-use development; offering a suitable and sustainable location for development; and being viable, allowing development to be delivered during the early part of the Plan period.

4.0 Evidence Base Deficiencies

- 4.1 The EFDLP is required to demonstrate that it can satisfy the ‘justified’ test of soundness being “... the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence” (NPPF, para. 182). Throughout the preparation of the EFDLP, the Council has failed to take into consideration evidence provided by Dandara Ltd in association with the promotion of land at Temple Farm resulting in a fundamentally flawed site selection evidence base which has undermined the soundness of the approach to site selection.
- 4.2 Dandara Ltd is promoting land located to the west of Roydon at Temple Farm for residential led, mixed-use development. A much larger parcel of land was originally submitted to the Council in 2008 as part of an earlier ‘call for sites’ exercise. The land measured circa 40 ha and as per Figure 2 in Section 1.0 of these representations, extended almost the whole western extent of Roydon village from the River Stort in the north to the rear of properties fronting Low Hill Road to the south. Dandara Ltd did not have any involvement with the land at this stage.
- 4.3 As the Council were already aware of the availability of land to the west of Roydon which was assessed as part of the 2012 SHLAA under ref. SR-0303, it was advised that the land did not need to be resubmitted as part of the 2016 ‘call for sites’ but would be subject to review and updating as part of a latterly issued developer proforma. Arup were subsequently commissioned by the Council to oversee the ‘*Epping Forest Developer, Landowner and Promoter Survey 2016*’ which sought updates and additional information on sites submitted to the Council under various historic ‘call for sites’ exercises.
- 4.4 On the 5th July 2016, Dandara Ltd submitted a suite of documents to the Council to inform them of changes to the size, scale and quantum of land being promoted for development at Temple Farm to the west of Roydon. This included the Masterplan reproduced at Figure 3 in Section 1.0 of these representations alongside various supporting documents including:
 - Site Location Plan;
 - Supporting Survey Covering Letter;
 - Concept Masterplan;
 - Green Belt and Landscape Assessment (incl. Appendices A-C);
 - Transport and Highways Technical Note;
 - Flood Risk Technical Note.
- 4.5 The covering letter, referring to the accompanying site location plan and concept Masterplan, made it clear that the total size of the site under the control of Dandara Ltd equated to a reduced 28ha compared with the circa 40ha assessed within the 2012 SHLAA under ref. SR-0303. The covering letter went on to confirm that the site was considered to have the potential to accommodate between 200-250 new homes on circa 6 ha of developable land – materially different to the 1,200 dwellings assessed under SHLAA ref. SR-0303.

- 4.6 The submission by Dandara Ltd to the Council's *'Epping Forest Developer, Landowner and Promoter Survey 2016'* was informed by a suite of technical supporting documents as referenced in para 4.4 above. Having regard to the Green Belt status of the land and its relationship with the LVRP, Dandara Ltd commissioned Define, a specialist Green Belt and landscape visual impact consultancy to prepare an initial assessment report which then fed into producing the landscape led Masterplan. This work resulted in the carefully considered conclusion that the site could accommodate circa 200-250 new homes on approximately 6 ha of developable land with only limited effects on the purposes for including land within the Green Belt and on its landscape and visual context.
- 4.7 Following submission of the information to the Council on 5th July 2016, confirmation was sought that the information had been received and would inform the site selection work being carried out to inform the emerging EFDLP. An email was received from Mr Kevin Twomey, Planning Policy Officer, which is reproduced in Figure 6 below, which stated that *"... I can confirm that the documents in support of SR-0303 sent on July 5th were received, and informed the assessment of the site as part of our site selection process"*.

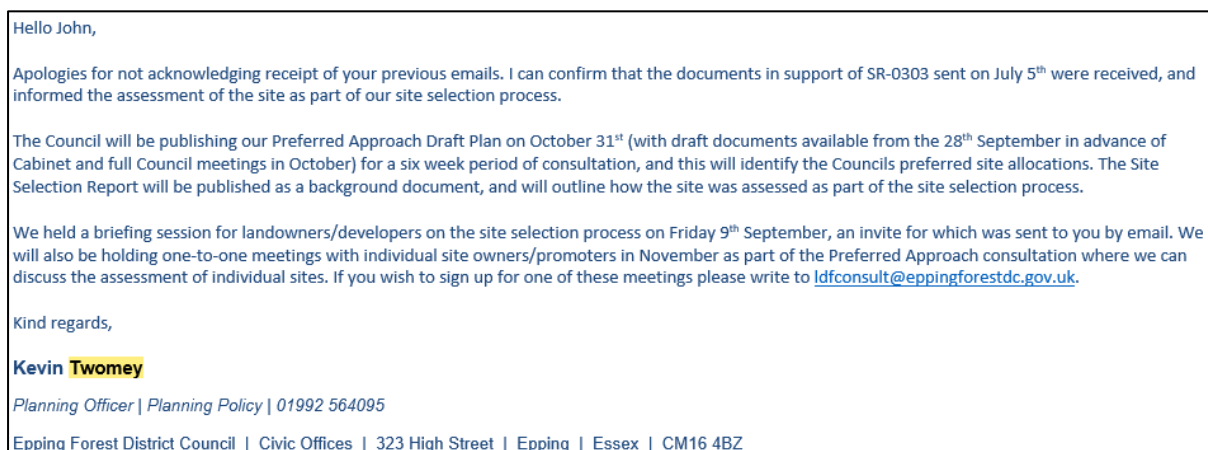


Figure 6: Email from Planning Policy Officer at EFDC

- 4.8 Unfortunately, and as we will go on to explain in more detail, the information submitted to the Council on 5th July 2016 as part of their *'Epping Forest Developer, Landowner and Promoter Survey 2016'* was not used to inform reassessment of the site as part of the EFDLP preparation process. Instead, the site continued to be subject to assessment based on the earlier 2008 'call for sites' submission.

Site Assessment – 2016 SLAA

- 4.9 The site was assessed within the Council's July 2016 Strategic Land Availability Assessment (SLAA). An email was sent to Mr Kevin Twomey, Planning Policy Officer, dated 9th June 2016, explaining both that Dandara Ltd were now responsible for promoting land west of Roydon at Temple Farm for development and that the size of the site had reduced to 28ha. Furthermore, the email went on to confirm that *"it is important to note that it is not envisaged that the full 28 ha would be considered suitable for residential development and the attached red line plan purely shows the land falling within Dandara's interest and not necessarily the proposed extent"*

of potential future residential development, with some of the land available to enhance the leisure and recreation value of this part of the Lee Valley Park”.

- 4.10 Despite the Council being provided with this information on 9th June 2016, which included a revised red line site location plan, the subsequent July 2016 SLAA continued to refer to the development of circa 40 ha of land to the west of Roydon for 1,200 homes under ref. SR-0303 (pg. 178). Although the site was assessed within the SLAA as being suitable and achievable, albeit with any future development needing to have careful regard to the Green Belt status of the land and the setting of the LVRP, it was concluded that the site was not deliverable or developable as its availability was unknown. As per the email of 9th July 2016, the Council were fully aware at least one month prior to the publication of the SLAA that the site was being promoted for development by a national developer in Dandara Ltd with the email even including a link to the company brochure to demonstrate the wide range of residential, commercial and mixed-use developments which have and continue to be delivered by Dandara Ltd. On two separate occasions, information submitted to the Council regarding development of land to the west of Roydon was ignored.

Site Assessment – 2016 Site Selection

- 4.11 As confirmed by Mr Kevin Twomey, Planning Policy Officer, in his email reproduced in Figure 6 above, the whole purpose of the *‘Epping Forest Developer, Landowner and Promoter Survey 2016’*, to which Dandara Ltd responded on 5th July 2016, was to inform detailed site selection work being undertaken by Arup on behalf of the Council. This site selection work has directly informed the draft allocations made within the EFDLP the process for which is set out in the September 2016 and December 2017 *‘Report on Site Selection’*.
- 4.12 Unfortunately the updated information provided by Dandara Ltd was not considered by either the Council nor Arup and therefore the assessment of land to the west of Roydon at Temple Farm within the 2016 *‘Report on Site Selection’* is based on the 2012 SHLAA ref. SR-0303 comprising circa 40 ha with capacity for approximately 1,200 new homes. This has clearly resulted in a fundamentally flawed and unsound assessment of the site when compared with the 200-250 dwellings proposed to be delivered on circa 6 ha of developable land as provided to the Council and Arup as part of the *‘Epping Forest Developer, Landowner and Promoter Survey 2016’*.
- 4.13 Despite the site being assessed comprising a much larger parcel of circa 40 ha of land, it nevertheless passed pre-Stage 1 and Stage 1 of the 2016 *‘Report on Site Selection’* with the conclusion being, following consideration of various ‘finite’ constraints such as flood risk and national / international nature conservation status, that the *“site is entirely or partially unconstrained”* and should proceed (Appx B1.3, pg. 32).
- 4.14 The much larger site also then passed Stage 2 assessment which considered a variety of criteria which could be impacted by development including ecology, landscape, urban design, accessibility, flood risk and Green Belt impact. Despite the report incorrectly assessing the impact of development on a much wider circa 40 ha of land capable of delivering 1,200 new homes, the Stage 2 assessment was also passed with the following conclusions being notable:

- 94% of the much larger site is located on Flood Zone 1 land and is therefore sequentially preferable for development;
- Most of the site falls within low / very low sensitivity Green Belt parcels; a small area extends into a medium sensitivity parcel. Integration of sensitive planting at the western edge would limit the harm to the purposes of the wider Green Belt;
- The site is well located to the amenities and services located in Roydon village and public transport links including Roydon railway station;
- Suitable access can be provided into the site and low level congestion is expected on adjacent roads at peak times;
- Potential impacts on heritage assets, archaeology, trees, habitats, individual species and contaminated land but likely to be adequately mitigated.

- 4.15 The Stage 2 assessment identifies only two out of a total of thirty two criteria that may result in a harmful impact that could not be mitigated. These comprise impact on landscape sensitivity which is fundamentally associated with the incorrect assessment of a much larger parcel alongside the impact of loss of Grade 1-3 agricultural land which is a common characteristic shared with most Greenfield sites proposed for allocation within the EFDLP.
- 4.16 The site is then excluded from consideration for allocation within the EFDLP through Stage 3 assessment of the site summarised within Appendix B1.5.2 of the *'Report on Site Selection'*. Based on a fundamentally incorrect assessment of the impacts of introducing 1,200 new homes across 40 ha of land located to the west of Roydon, it is concluded that *"this site is part of a strategic option which was judged to be a less favourable growth direction. This option would be most sensitive in landscape terms and would be harmful to the setting of the Lee Valley Regional Park"*.
- 4.17 In respect of the assessment of land being promoted for development through the EFDLP by Dandara Ltd, the *'Report on Site Selection'* is fundamentally flawed as it has assessed a much larger parcel of land with a greater development capacity. The sensitive landscape and LVRP setting of the site that results in its rejection during the Stage 3 sieve are precisely those sensitivities that were subject to professional assessment by specialist consultancy Define and directly informed the creation of a landscape led Masterplan which envisages the delivery of 200-250 new homes on circa 6 ha of developable land being one eighth of the area assessed by Arup. This information was submitted to the Council and Arup as part of the *'Epping Forest Developer, Landowner and Promoter Survey 2016'* but was ignored.
- 4.18 Section 5.0 of these representations will go on to consider Green Belt and landscape impact in more detail having regard to the correct site area and a dwelling capacity that has been directly informed by these sensitivities. It will demonstrate that it is imperative that the Council recognise the fundamental error they have made in their evidence base by assessing an incorrect site area and dwelling capacity based on an out-of-date SHLAA entry from 2012 despite updated information being provided to them, and acknowledged as such, as part of the *'Epping Forest Developer, Landowner and Promoter Survey 2016'*.

- 4.19 As suggested by the Stage 1-3 2016 ‘*Report on Site Selection*’ sieve, this fundamental error in assessment has resulted in the rejection of a site which is located on Flood Zone 1 land; is unlikely to have any adverse impact upon any protected habitat or species; integrates well with the existing settlement pattern of Roydon; benefits from close proximity to local shops and services within the village; is located directly adjacent to the only mainline railway station in EFD; and can be provided with a suitable access from a highway network which does not suffer congestion at peak times.
- 4.20 The Council has acknowledged that they did not assess the information provided by Dandara Ltd on 5th July 2016 despite confirmation received from Mr Kevin Twomey, Planning Policy Officer, that states they would do so as part of the EFDLP site selection work. At a meeting held on 21st November 2016, confirmed within a formal meeting note, the Council apologised for this error and confirmed that the site would be reassessed prior to the publication of the submission version EFDLP and would be considered afresh, and without prejudice to the draft allocations previously proposed within the 2016 consultation draft EFDLP.

Site Assessment – 2017 Site Selection

- 4.21 Pg. 33 of the 2017 SA explains that the site selection evidence base which informed the 2016 consultation draft EFDLP would be revisited *inter alia* where “*representations from site promoters received in response to the draft Local Plan consultation which identify new sites and / or amended proposals for Tranche 1 sites which are materially different from that previously assessed*” (para. 7.9). It is important to note that for Temple Farm, this reassessment was due to an error on the part of the Council in not assessing information submitted to them as part of the ‘*Epping Forest Developer, Landowner and Promoter Survey 2016*’ rather than a material change in site circumstances between the 2016 consultation draft stage and 2017 submission version stage.
- 4.22 The December 2017 ‘*Report on Site Selection*’ advises at para. 2.16 as follows:
- “The SSM also contained Stage 6 Review of Candidate Preferred Sites following draft Local Plan consultation, which confirmed that following the draft Local Plan consultation the Council would review the draft site allocations against any representations received and updated technical information. Where there are clear planning reasons the Council may then alter the assessment or discount draft site allocations and/or identify new sites for allocation in the Submission Local Plan”.*
- 4.23 Having reviewed the housing allocations proposed within the submission version EFDLP, it was evident that the site being promoted by Dandara Ltd at Temple Farm, Roydon was not included. As the Council had confirmed that the site would be reassessed alongside the 2017 ‘*Report on Site Selection*’ we had regard to the document to understand the Council’s reasons for not taking the site forward as a draft allocation. Unfortunately, the individual assessment of residential sites which is contained within appendix B of the report is not currently available.
- 4.24 In recognition of para. 2.13 of the ‘*Report on Site Selection*’ acknowledging that “*in order for the site selection process to be adequate, the evidence base must be robust, assessments*

*should be founded upon a cogent methodology, undertaken in a **transparent manner and fully documented** at key stages”,* Dandara Ltd contacted the Council to request sight of appendix B to understand the assessment process for Temple Farm, Roydon as well as the justification and rationale behind the site selection process as a whole, that had informed the decision not to allocate the site within the submission version EFDLP.

- 4.25 Emails were received from the Council dated 10th and 15th January 2018 where it was confirmed that land at Temple Farm, Roydon had been reassessed as part of the 2017 ‘*Report on Site Selection*’ under ref. SR-0303-N but that *“the Council is currently finalising the detailed write-up of the site selection appendices to the Report on Site Selection (2017). The Council will make the write-up of these available as soon as possible but this is unlikely to be before the end of the Publication period”*. Copies of the emails received from the Council on 10th and 15th January 2018 are included at Appendix 3 of these representations.
- 4.26 Planning Practice Guidance (PPG) is clear that *“the publication stage Plan should be the document that the Local Authority considers ready for examination. This Plan must be published for representations by the Local Planning Authority, **together with other ‘proposed submission documents’**, before it can be submitted to the Planning Inspectorate for examination”* (para 020, reference ID: 12-020-20140306). The same section of the PPG goes on to explain that the reason for this is to *“... provide a formal opportunity for the local community and other interests to consider the Local Plan, which the Local Planning Authority would like to adopt”*.
- 4.27 Part 6, Regulation 17 of the Town and Country Planning (Local Planning) (England) Regulations 2012 defines ‘proposed submission documents’ referred to within the PPG as *“such supporting documents as in the opinion of the Local Planning Authority are relevant to the preparation of the Local Plan”*. Part 6, Regulation 19 states that *“before submitting a Local Plan to the Secretary of State under Section 20 of the Act, the Local Planning Authority must (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with Regulation 35 ...”*. Regulation 35 explains in paragraph (1) when a ‘supporting document’ is taken to be made available by the Local Planning Authority, with paragraph (2) reading *“in relation to any document made available under these Regulations ... the Local Planning Authority may cease to make the document available once the period specified in paragraph (3) has expired”*. Paragraph (3b) states *“where the document relates to a Local Plan, it is the 6 week period referred to in section 113(4) of the Act that applies as regards the Local Plan concerned”*.
- 4.28 Pgs. 25-26 of the submission version EFDLP sets out ‘key evidence’ which has informed the Plan making process which includes the Site Selection Report 2016 and 2017. The Site Selection Report can therefore be considered a ‘proposed submission document’ as defined being relevant to understanding the preparation process of the Local Plan. The submission version EFDLP explains at para. 5.4 that the Council has chosen its allocated sites in accordance with the Site Selection Methodology as set out within the Site Selection Reports. To accord with the statutory requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 the Council should make available full copies of the Report on Site Selection

2016 and 2017 as a ‘proposed submission document’ during the 6 week public consultation period.

- 4.29 The Council has confirmed that Appendix B, alongside other appendices, of the 2017 Report on Site Selection will not be available during the statutory public consultation period for the submission version EFDLP. As recognised by the 2017 Report on Site Selection at para. 2.13, it is fundamental to following the Council’s approach to site selection to understand why certain sites have been excluded from consideration for allocation, and at what stage, compared with those site that are taken forward as proposed allocations for this process to be “... undertaken in a transparent manner and fully documented at key stages”.
- 4.30 The purpose of the Town and Country Planning (Local Planning) (England) Regulations 2012 is to ensure that when a Local Plan is submitted for examination, alongside those representations received to the submission version Plan, that all respondents, whether members of the public, landowners or developers, have had an opportunity to review all ‘proposed submission documents’ which cumulatively explain the contents of the Plan including development strategy and proposed allocations. The submission version EFDLP has fundamentally failed to accord with the minimum requirements of the Regulations by not making available a complete version of the Report on Site Selection 2017 required to understand why certain sites have been chosen for allocation ahead of others.
- 4.31 By not making available the appendices to the Report on Site Selection 2017, and refusing to extend the minimum six week consultation period until these are available, raises additional concerns which run to the heart of soundness:

- The email received from EFDC on 15th January 2017 confirms that “it is no secret that a key driver for the publication of the Local Plan Submission Version is to ensure that the Council can submit the document to the Secretary of State for Independent Examination before 31 March 2018”. This deadline resulted in the Council formally amending their existing Local Development Scheme (LDS), which was only published in March 2017, to bring forward the submission date of the Plan for examination by two months. The ability to bring forward submission without undermining the statutory requirements of Plan preparation is particularly surprising given the admission in the 12th October 2017 Report to Cabinet that “the Council is in the process of assessing 168 new or amended sites, which is far in excess of the quantum of sites originally anticipated, and the assessment of these sites requires a significant amount of resource”;

- We are concerned that by committing to meet an earlier submission deadline, the Council has undermined its ability to thoroughly and independently assess new sites and updated sites sent to them during the May 2016 to March 2017 rolling ‘call for sites’ process and as part of representations to the 2016 consultation draft Local Plan. If appendix B of the 2017 Report on Site Selection is not available to review alongside consultation on the submission version Local Plan, where is the evidence that it has been available during the preparation of the Plan and its evidence base, especially given the very limited changes in proposed site allocations between the 2016 and 2017 versions of the emerging Plan. It clearly raises the question of whether this exercise has been undertaken at all;

- Fundamentally, there is no way for respondents to understand the assessment process applied to individual sites; how this assessment process has informed the inclusion or exclusion of the site as an allocation or, perhaps most importantly; to critically scrutinise why certain sites have been preferred over competing sites for allocation;
- Given that the 2016 Report on Site Selection is complete, including all appendices, respondents promoting sites included in this iteration have full information available to understand the site assessment process which informed the Council's decision on allocation. This same level of information is not available for those respondents whose sites are included in the 2017 iteration, putting them at a significant disadvantage. This is particularly disadvantageous in our case given that Temple Farm should have been properly assessed in the 2016 Report on Site Selection but for an error by the Council by not considering information submitted during *the 'Epping Forest Developer, Landowner and Promoter Survey 2016'*;
- The Plan cannot be considered to satisfy the 'justified' test of soundness at para. 182 of the NPPF because the Council does not have available a full evidence base for testing suitable alternatives against the preferred strategy set out within the submission version EFDLP. No meaningful consideration of reasonable alternatives can be undertaken if the site specific assessment process fundamental in understanding whether a site should be allocated or not has not been undertaken for the significant 168 new or amended sites whose assessment should be set out in full in the 2017 Report on Site Selection.

5.0 Green Belt Impact and Landscape Sensitivity

- 5.1 This section of the representations will refer to detailed work undertaken by specialist Green Belt and landscape visual impact consultancy Define to inform the information submitted to the Council on 5th July 2016 under their *'Epping Forest Developer, Landowner and Promoter Survey 2016'* but not subsequently taken into consideration by the Council or Arup as part of their subsequent 2016 *'Report on Site Selection'*.
- 5.2 It will demonstrate that the information provided by Dandara Ltd on 5th July 2016 was informed by a careful, professional assessment of the landscape and LVRP setting sensitivities associated with the site which fed-into the preparation of a Masterplan which proposes the introduction of 200-250 new homes on 6 ha of developable land in a manner which would seamlessly integrate with the existing settlement edge of Roydon and would result in no material landscape harm, enhancing rather than detracting from the setting of the adjacent LVRP.

Green Belt Impact

- 5.3 Land to the west of Roydon at Temple Farm is located within the Green Belt with para. 80 of the NPPF establishing five main purposes of Green Belt land. The Council published a Stage 1 Green Belt Review and Parcel Assessment in 2015 which divided the District into a number of strategic Green Belt parcels. Land to the west of Roydon fell within Parcel DSR-064. Each parcel was then subject to a more detailed review contained within an August 2016 Stage 2 Green Belt Assessment. It is important to note that the wider Stage 1 parcel DSR-064 has been further broken down within the Stage 2 assessment with parcel 064.8 comprising the broad extent of land under the control of Dandara Ltd. Figure 7 below refers:

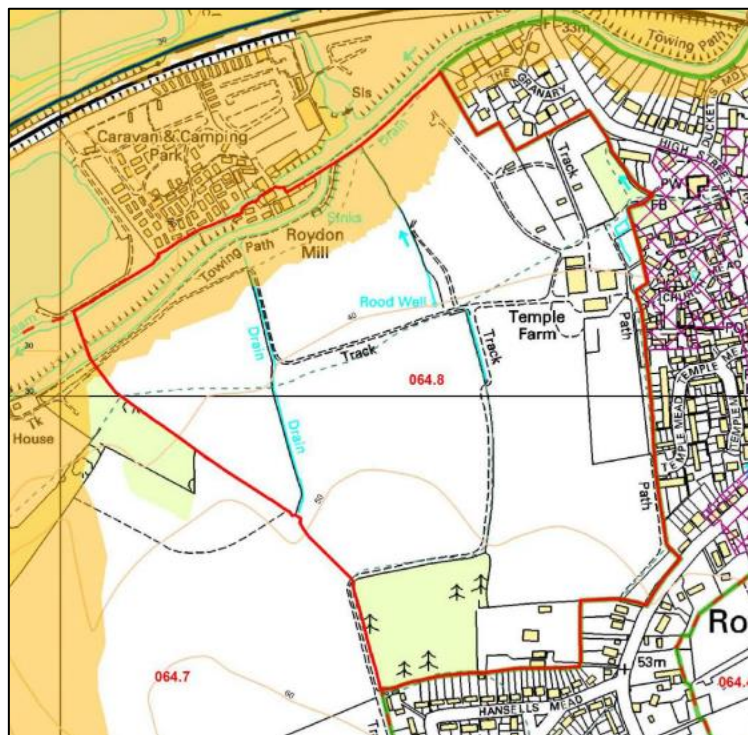


Figure 7: Green Belt Parcel 064.8

- 5.4 The Stage 2 Green Belt Assessment proforma for parcel 064.8 can be found on pg. 353 of the Technical Annex. Having regard to the five Green Belt purposes set out in para. 80 of the NPPF, it concludes as follows for the parcel:

Purpose 1: Checking Unrestricted Sprawl – It concludes that the land makes **no contribution** to this particular purpose with land to the east of Roydon, rather than to the west, making a strong contribution to preventing sprawl from Harlow;

Purpose 2: Preventing Merging – It concludes that the land makes a **weak contribution** to this particular purpose with little risk of coalescence with Hoddesden to the west. Again, it is land to the east of Roydon, rather than to the west, that makes a strong contribution to preventing coalescence with Harlow;

Purpose 3: Safeguarding Countryside from Encroachment – It concludes that the land makes a relatively strong contribution to this particular purpose. The review goes on to state that whilst the parcel is not as expansive or undulating as the arable farmland on the western side of the hill, and is framed on three sides by development, it is nevertheless still a very open, rural landscape. However, the assessment recognises the scale of the parcel and the presence of several north-south hedgerows which subdivide the land. Having regard to these hedgerows, which are considered to offer scope as potential boundaries to a more limited intrusion into the countryside, it is concluded that *“the area between the settlement edge and the first of these hedgerows can be considered to make a more moderate contribution to purpose 3”*;

Purpose 4: Preserve Heritage Setting and Character – It concludes that the land makes **no contribution** to this particular purpose as there is no relationship between the parcel and any historic town;

Purpose 5: Assist Urban Regeneration – Not assessed.

- 5.5 Parcel 064.8 is therefore only considered to make any material contribution to Green Belt purpose 3 in the context of safeguarding the countryside from encroachment. This overall assessment is also reiterated within Appendix B1.4.2 of the Arup 2016 ‘Site Selection Report’ which concludes for a much larger parcel that *“most of the site falls within low/very low sensitivity Green Belt parcels; a small area extends into a medium sensitivity parcel. Integration of sensitive planting at the western edge would limit the harm to the purposes of the wider Green Belt”*.
- 5.6 These representations are accompanied by an independent Green Belt Assessment which has been undertaken by professional Green Belt and landscape assessment practice Define and is attached at Appendix 4. The assessment generally concurs with the Green Belt Review Phase 2 proforma prepared for parcel 064.8. In particular, the comments regarding the contribution different parts of the wider parcel make to assisting the countryside from encroachment are consistent, with the Define assessment concluding that the first field depth leading from the built-up area of Roydon into the site does not function nor appear as open countryside accommodating a poultry farm and being overlooked by the urban edge.

- 5.7 This conclusion by Define in respect of assisting the safeguarding of the countryside from encroachment parallels that made within the Council's own Green Belt Review Phase 2 which effectively downgrades the contribution that the eastern-most part of the site, closest to the existing settlement boundary, makes from 'relatively strong' to 'moderate'. As can be seen in Figure 8 below, Define have taken this Green Belt assessment work and directly incorporated the findings into Masterplanning for the site, siting development only one field depth to the west of the existing village to ensure it represents a logical and coherent addition to the settlement and, due to the presence of a strong vegetative boundary to the west, does not represent significant encroachment into open countryside. Indeed, the existing village to the south at Hansells Mead extends further to the west than development being proposed at Temple Farm.

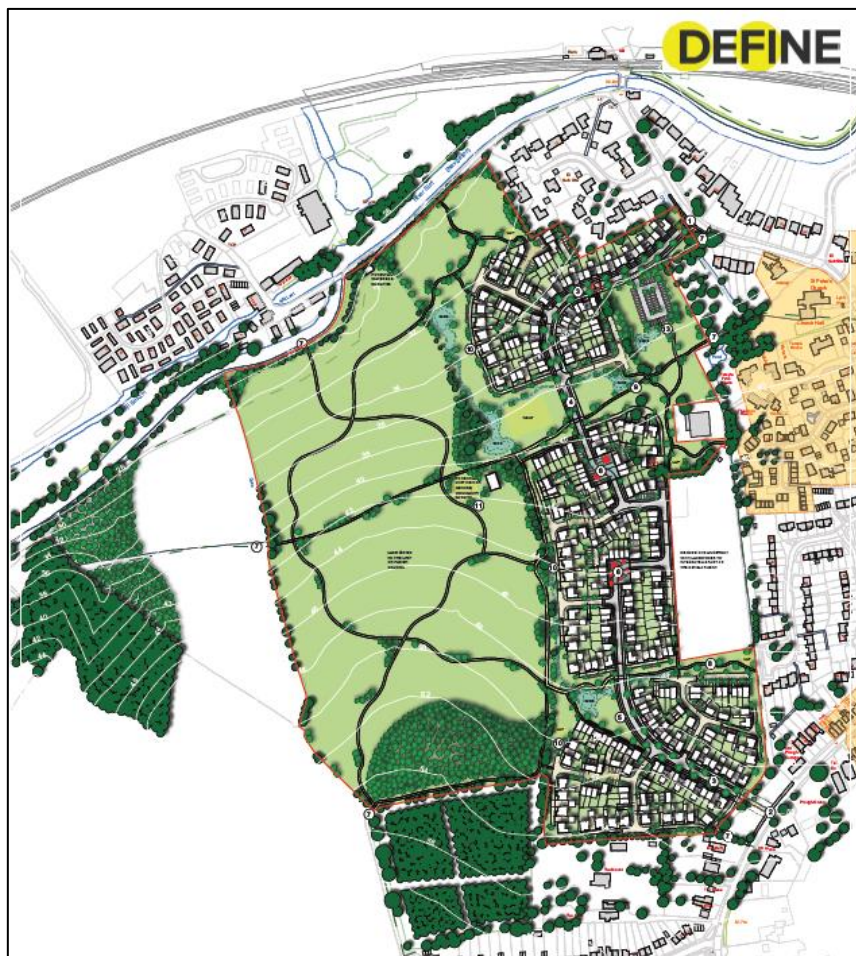


Figure 8: Proposed Masterplan for Roydon West

Landscape and Visual Impact

- 5.8 As explained in detail within Section 4.0 of these representations, land to the west of Roydon at Temple Farm was excluded from consideration for allocation within the consultation draft EFDLP at Stage 3 of the 2016 'Report on Site Selection' on the basis that *"this site is part of a strategic option which was judged to be a less favourable growth direction. This option would be most sensitive in landscape terms and would be harmful to the setting of the Lee Valley Regional Park"*. It cannot be disputed that this conclusion is fundamentally flawed as it is

based on a much larger circa 40 ha site with the capacity to accommodate 1,200 dwellings rather than the information submitted for the consideration of the Council and Arup by Dandara Ltd as part of the *'Epping Forest Developer, Landowner and Promoter Survey 2016'*. We have also seen with the Green Belt Review that when a smaller parcel of land is assessed, it fundamentally changes the impact of the site which is also the case in respect of landscape and visual impact.

5.9 Define were also commissioned to undertake detailed landscape and visual impact assessment work to inform the siting, scale and quantum of development proposed to be introduced on land to the west of Roydon at Temple Farm. This assessment work is included alongside these representations at Appendix 4 and has been used to directly inform the production of the revised Masterplan included at Figure 8 above. It draws upon the same baseline data sources as the 2010 *'Settlement Edge Landscape Sensitivity Study'* (SELSS) and 2016 *'Report on Site Selection'* to inform which parts of the can accommodate new development without resulting in material harm to landscape sensitivity or the setting of the adjacent LVRP.

5.10 This assessment work resulted in the following principal recommendations which have been incorporated into the Masterplan:

- The extent of land and quantum of future dwellings assessed through the 2010 SELSS and 2016 *'Report on Site Selection'* are significantly greater than being proposed by the Masterplan reproduced at Figure 8 and the conclusions must therefore be read in this context;

- As explained in the context of the Green Belt impact section above, development is proposed on only 6 ha of land and is not proposed to extend any further west into open countryside than the easternmost field parcel which is located immediately adjacent to the established settlement edge;

- With development extending only 100 metres from the existing settlement edge, at a highest point of 54 m AON compared with a highest point of 74 m AON contained within the wider 40 ha parcel assessed by EFDC and Arup, the landscape and visual impact of development would be insignificant, amalgamating successfully with the existing settlement edge of Roydon;

- The single field depth proposed for development is peri-urban in character, accommodates a poultry farm and is relatively flat, in direct conflict with the more rolling pastoral landscape located further to the west as one approaches the River Stort;

- Through the gifting of land to the west to the local community or Lee Valley Regional Park Authority, its use and function would change from an unsightly poultry farm affording no public access to a new 'gateway' to the LVRP, linking the village of Roydon with the River Stort and routes beyond. The use of this land is open for discussion but could be more managed in character, including a visitor's facility and more formal networks of pedestrian and cycle routes or could be managed as new habitat, providing a more natural setting to the LVRP;

- Development would extend no further west than the existing western extent of Roydon at Hansells Mead and would represent a coherent and logical addition to the settlement

boundary, read as such from the surrounding landscape and providing a more publicly accessible and higher quality setting to the LVRP.

- 5.11 As can be seen from the detailed Green Belt and landscape impact assessment work included at Appendix 4 and undertaken by Define to inform the Masterplan, land to the west of Roydon is capable of accommodating between 200-250 new homes on circa 6 ha of land with little material impact on the purposes of the Green Belt nor the wider landscape or LVRP setting. It demonstrates the fundamental error made by the Council and Arup in assessing a much wider 40 ha parcel of land to accommodate 1,200 new homes despite being provided with a detailed evidence base and Masterplan demonstrating that only 6 ha of land was proposed to be developed, as informed by detailed Green Belt and landscape impact assessment work.
- 5.12 Whilst appendix B of the 2017 Report on Site Selection is not available to understand why the revised circa 6 ha developable site has been rejected for allocation, it is certain that the site will have passed the Stage 3 sieve having identical characteristics to land adjacent as parcel SR-0117, identified alongside site SR-0303 in Figure 9 below, which was only rejected as a potential allocation due to access being reliant on land being promoted by Dandara Ltd Pg. 26 of Appendix B1.6.5 explains that *“this site is reliant on adjacent development to enable development to be brought forward. Adjacent sites have been identified as unsuitable for development, which would impact upon its deliverability as a standalone site. It should not be allocated”*.



Figure 9: Adjacent Parcel SR-0117

Lee Valley Regional Park

- 5.13 Whilst the site specific proforma for Temple Farm, Roydon is not available to view due to the absence of appendix B of the 2017 Report on Site Selection, it is noted that, having regard to appendix V of the SA, the site falls within the ‘western expansion’ strategic option for Roydon which is considered ‘less suitable’. Para. 6.40 of the SA suggests that *“if sites were located in*

a strategic option judged to be ‘less suitable’ then they were not considered further as part of the site assessment process”.

- 5.14 Despite appendix V recognising that this strategic option would be less harmful to the Green Belt, falls primarily within Flood Zone 1 and is located close to Roydon railway station, it has principally been classified as ‘less suitable’ due to being “... *most harmful to the Lee Valley Regional Park relative to the other strategic options in the settlement*”. To justify this conclusion, without considering any specific development proposals and how they would seek to mitigate any harm to the LVRP, it goes on to states that “*the strategic option would conflict with the statutorily defined purposes of the Park*” (pg. 143).
- 5.15 The statutory purpose of the LVRP is defined in appendix V as “*a place for the occupation of leisure, recreation, sport, games or amusements or any similar activity, for the provision of nature reserves and for the provision and enjoyment of entertainments of any kind*” (Section 12(1) of Lee Valley Regional Park Act 1966). Contrary to the seeming interpretation of the strategic settlement options set out at appendix V of the SA, the Act does not state that the principle of housing is unacceptable with the LVRP intended to be a finite constraint but instead requires a consideration of how any proposal could support and enhance the statutory purpose of the park.
- 5.16 Indeed, Section 12(2) of the Act allows the LVRPA to undertake a variety of actions including agreements with any body, company or person to “... *provide or do all such other acts or things as they may think necessary or expedient for that purpose*” required to satisfy and discharge the Section 12(1) statutory purpose. Section 13(b) explicitly allows for the erection of houses as the LVRPA “... *may think necessary or expedient for the purposes of this Act or the enjoyment of the Park or any facilities provided for those purposes*”.
- 5.17 The Masterplan submitted alongside these representations and reproduced in Figure 8 above has been specifically developed having regard to the visual sensitivities of the site and its relationship and integration as part of the LVRP. This has not simply involved limiting development to the circa 6 ha of the site that most closely integrates with the existing settlement of Roydon and due to topography and intervening vegetation is visually distinct from the central and western part of the site which forms a functional part of the LVRP landscape, but has also considered how development could contribute towards supporting the Section 12(1) statutory purpose of the Park.
- 5.18 At present, the site is publicly inaccessible, presenting a functional and visually unappealing aspect to the LVRP comprising a turkey farm with associated buildings and paraphernalia. As explained in para. 3.7 above, the majority of the western part of the site has been offered to the local community or LVRPA to be managed in perpetuity for a purpose related to the leisure and recreation remit of the LVRP. Through the incorporation of numerous pedestrian and cycle links through the site, the development would act as a new ‘gateway’ into the northernmost part of the LVRP for existing and future residents as well as visitors to Roydon, recognising the proximity of the railway station. The use of the land is open for discussion and could comprise something more formal, including a visitor’s centre, or could be managed for habitat and wildlife purposes to provide a more natural setting to the River Stort. ‘Opening up’ of this part of the LVRP also offers the potential to divert some of the recreation pressures

experienced by the Epping Forest SAC associated with new development which is one of the major challenges identified in the SA.

- 5.19 It is not therefore justified for appendix V of the SA to consider the western expansion of Roydon to be a 'less suitable strategic option' as this singularly fails to consider how development could assist with delivering the Section 12(1) statutory purposes for this part of the Park which currently presents an inaccessible and unattractive edge to the settlement.
- 5.20 It is important to also add that not all settlements which are proposed to accommodate new homes within the submission version EFDLP are considered within appendix V of the SA. As an example, Thornwood is proposed to accommodate a significant number of new homes, at 172, but *"no spatial options were identified given the small scale of this settlement"* (EFDLP, para. 5.146). It is unjustified and inconsistent to discount potential housing sites due to falling within a 'less suitable strategic option' informed by a high-level review of directional growth options associated with larger settlements but to then allocate sites in settlements which have not even been subject to assessment.

Green Belt Impact and Landscape Sensitivity Conclusions

- 5.21 As mentioned above, these representations are accompanied by an independent Green Belt review and landscape assessment undertaken by specialist consultancy Define at Appendix 4 which has fed into the concept Masterplan for the site at Appendix 2. This assessment report has also considered how land to the west of Roydon at Temple Farm performs from a Green Belt and landscape perspective if the correct developable area of 6 ha is considered, located immediately adjacent to the existing settlement boundary of the village.
- 5.22 We reproduce below Table 2 from the Define assessment report. It is important to note that the 6 ha of developable land being promoted by Dandara Ltd to the west of Roydon at Temple Farm is considered to result in only 'moderate' harm to the Green Belt, as set out in the detailed annex to the EFDC Green Belt Review – Phase 2, and is of moderate landscape sensitivity.
- 5.23 Dandara Ltd's representations to the consultation draft EFDLP included Table 2 reproduced below which confirmed that of the twenty-two proposed allocations identified as being reasonable to compare against land promoted by Dandara Ltd to the west of Roydon, no less than sixteen perform worse in terms of Green Belt harm ('High' or 'Very High' harm - in red text). In respect of landscape sensitivity, the majority of the sites, being fourteen, have equal sensitivity compared to land to the west of Roydon (moderate sensitivity), with four out of the twenty-two sites being worse performing (in red text) with only two sites being of a lower landscape sensitivity (green text). Please note that only land to the east of Theydon Bois underground station has been removed from proposed allocation in the submission version EFDLP (GB parcel ref. 041.4).

Settlement	SS Parcel Ref	GB Parcel Ref	GB Assessment - summary harm	SELSS Parcel Ref	SELSS Sensitivity
Chipping Ongar	SR-0390	24.4	HIGH	6	High
Epping	SR-0132Ci	69.3	VERY HIGH	1	Moderate
		70.1	VERY LOW	1	Moderate
	SR-0208	44.1	VERY HIGH	n/a	
	SR-0153	46.1	HIGH	3	High
	SR-0069/33	44.2	VERY HIGH	4	Low
	SR-0069	44.2	VERY HIGH	4	Low
	SR-0071	47.1	HIGH	3	High
Fyfield	SR-0049	16.3	VERY HIGH	3	High
Lower Nazeing	SR-0473	67.5	VERY HIGH	3	Moderate
	SR-0011	67.5	VERY HIGH	3	Moderate
	SR-0300	67.5	VERY HIGH	3	Moderate
	SR-0473	67.5	VERY HIGH	3	Moderate
	SR-0300 (east)	67.4	VERY HIGH	3	Moderate
North Weald Bassett	SR-0003	10.2	MODERATE	2	Moderate
	SR-0417	10.2	MODERATE	2	Moderate
	SR-0158A	10.2	MODERATE	2	Moderate
	SR-0036	10.1	LOW	3	Moderate
	SR-0195B	10.1	LOW	3	Moderate
Sheering	SR-0073	5.2	VERY HIGH	n/a	
Theydon Bois	SR-0026C	41.4	VERY HIGH	2	Moderate
	SR-0026B	41.4	VERY HIGH	2	Moderate
Proposal		64.8	MODERATE ¹	1	Moderate ²

5.24 In conclusion, when considering Green Belt harm and landscape sensitivity together, only three of the proposed EFDLP allocation sites perform better than land being promoted by Dandara Ltd, with **fourteen of the draft allocation sites performing worse** (and three being of the same performance). This is a significant conclusion and puts into perspective the magnitude of the error made by the Council in not assessing the smaller parcel of land at Temple Farm to the west of Roydon which was promoted by Dandara Ltd through the '*Epping Forest Developer, Landowner and Promoter Survey 2016*'. Coupled with the significant contribution that the development of the site could make to the Section 12(1) statutory purposes of the LVRP, in terms of accessibility, enjoyment and visual benefit, the exclusion of the site is unevidenced and ultimately unsound due to an inherently flawed, inconsistent and rushed site selection process.

6.0 Housing Strategy

- 6.1 To be found sound, the emerging EFDLP must be shown as justified having regard to para. 182 of the NPPF being “... *the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence*”. Furthermore, it must also be shown as positively prepared, “... *based on a strategy which seeks to meet objectively assessed development and infrastructure requirements*”.
- 6.2 As we have previously explained, we have little confidence in the robustness of the site selection process undertaken by the Council and Arup which, certainly in the case of land at Temple Farm, has not considered the most up-to-date evidence provided in conjunction with the ‘*Epping Forest Developer, Landowner and Promoter Survey 2016*’ and has simply relied on out-of-date information associated with the 2012 SHLAA. The Council has not published the site specific evidence base underpinning the 2017 Report on Site Selection to allow meaningful assessment of the proposed allocations contained in the EFDLP against reasonable alternatives.
- 6.3 Putting aside the inability of the EFDLP to meet full, objectively assessed housing need as required by para. 47 of the NPPF which we will consider in more detail in Section 7.0 of these representations, the housing strategy underpinning the delivery of 11,400 new homes under draft Policy SP2 is considered fundamentally unsound and unable to satisfy the ‘justified’ test of soundness as the most appropriate strategy when considered against the reasonable alternatives and, critically, based on proportionate evidence.

Housing Strategy – Reliance on Completions from Harlow

- 6.4 The EFDLP identifies Harlow as one of the most sustainable settlements within the HMA, drawing upon its strategic position on the London, Stansted, Cambridge corridor as a significant contributor to its importance. Despite this, as can be seen from Figure 21 of the 2015 SHMA, Harlow experiences significantly lower than average house prices and slower rates of house price growth than the majority of the HMA. Current average house prices in Harlow range between £186,000 - £276,000 whilst almost all immediately adjacent areas, including Epping Forest District, show average prices of £332,000 or more.
- 6.5 To satisfy the ‘effective’ test of soundness, the EFDLP must demonstrate that the quantum of new homes, both in total and when considered on an annualised basis, can be delivered by the market taking into account the comparatively depressed market conditions in and around Harlow. For example, if one has regard to the appendix 2 housing trajectory contained in the December 2017 Housing Implementation Strategy (HIS), the Council are projecting that from 2021/22 there will be significant new homes delivered on the three ‘garden town communities’ located to the south, west and east of Harlow on land falling within EFD.
- 6.6 There are numerous years when these three ‘garden town communities’ are cumulatively projected to deliver 400 dpa which represents circa 75% of total supply based on the published OAN of 518 dpa. The Council must demonstrate that Harlow, as a localised housing market area, is able to deliver this annualised number of new homes. This is particularly important not only because it represents a significant proportion of EFD’s own OAN, but because Harlow

will also be expected to accommodate a further 5,600 new homes delivered on land falling within Harlow District and East Herts District which are projected to be delivered during a similar period. There is a real risk that one of the weakest performing local housing market areas within the HMA in respect of average house prices and house price growth is unable to absorb such significant numbers of new homes within what is a relatively localised market without risking market saturation and a subsequent shortfall in required housing completions. Demand for housing in Harlow is proportionally much weaker than elsewhere in the HMA.

Housing Strategy – Harlow Infrastructure

- 6.7 Figure 3 of the 2017 MoU on Highways and Transportation Infrastructure for the West Essex / East Hertfordshire HMA identifies a total of 16,100 new homes to be delivered in and around Harlow over the Plan period. The 2016 SA of strategic spatial options for the HMA identifies on pg. 25 that based on housing growth of 14,000 in and around Harlow, “... *transport modelling indicated a 35-40% increase in trips on the network by 2033*”. For Harlow to accommodate this level of growth without generating adverse impacts, conflicting with para. 32 of the NPPF, the SA advises the following:

- a major improvement to Junction 7 of the M11 is **essential** to deliver growth;
- a major improvement to Junction 7a of the M11 is **essential** to deliver growth;
- a major improvement to Junction 8 of the M11 is **essential** to deliver growth;
- early delivery of a second crossing over the River Stort is **essential** to deliver growth.

- 6.8 The SA concludes that “*in terms of the level of development that can be accommodated in and around Harlow, the transport modelling undertaken to date indicates that growth of between 14,000 and 17,000 new homes in and around Harlow could be accommodated provided that key mitigation measures are delivered **during the Plan period***” (pg. 25).

- 6.9 More information on the delivery of these essential highway improvements is included in the 2017 MoU covering highways and transport infrastructure within the HMA. There are two principal concerns having reviewed the MoU:

(1) **Timing** – The MoU recognises at A2.2 that “*the M11 Junction 7 interchange is nearing capacity, which is constraining access to and from the M11. This in turn is constraining Harlow town’s growth opportunities. Highways England and Essex County Council are investigating solutions and are working together to develop improvements to Junction 7, and a proposal for a new Junction 7A*”. The MoU acknowledges at A2.3 that “*Highways England is at the very early stages of developing these proposals and once they have been refined, the scheme will go out to consultation*”. Part B of the 2017 Infrastructure Delivery Plan (IDP) suggests that improvements to Jct 7 of the M11 will not be delivered until 2025-30 whilst the delivery of a left turn slip road from Jct 7a of the M11 will not be delivered until 2031-33. By 2025, which is the very earliest that improvement works to Jct 7 of the M11 are anticipated to start let alone completed, the 2017 HIS housing trajectory is anticipating 1,350 completions in Harlow on land falling within EFD alone. Even if works do commence by 2025, which does represent a significant timescale risk given the acknowledged early stages of feasibility which have not

even been subject to public consultation, there are projected to have been 1,350 completions in Harlow within EFD starting from 2021/22. Given the clear advice contained within the SA that these improvement works are **essential** to delivering growth, we would question whether the EFDLP is in accordance with the NPPF by adding vehicles associated with 1,350 new homes onto the highway network prior to any improvements to Jct 7 of the M11 being completed, resulting in a significant adverse impact in conflict with para. 32 of the NPPF;

(2) **Funding** – Improvements to Jct 7 of the M11, which are identified within the SA as being **essential** to delivering growth, are costed within Part B of the 2017 IDP at £29 million. None of this funding has currently been secured. Without committed funding, the EFDLP cannot be considered to satisfy the ‘effective’ test of soundness as the quantum of new housing identified in and around Harlow may not be deliverable if essential highway improvements do not receive the necessary funding. Whilst the IDP acknowledges that funding may be obtained from the Road Investment Strategy 2, if this is unavailable, the full £29 million cost would need to be borne by developers which raises concerns regarding viability as considered below.

Housing Strategy – Viability

- 6.10 As recognised within the SA, given the level of development allocated at Harlow, equating to circa 16,100 dwellings having regard to the 2017 MoU covering delivery of OAN within the HMA, significant pressure will be placed upon existing infrastructure including highways, public transport, social and community facilities and infrastructure. For the EFDLP to be found sound, it must be shown to be ‘effective’, meaning deliverable over its period and ‘consistent with national policy’, ensuring that new development does not result in adverse impacts that significantly and demonstrably outweigh the benefits.
- 6.11 We have previously raised concerns in respect of the comparatively depressed average house prices and house price increases associated with Harlow compared with the remainder of the HMA and whether the market can absorb the cumulative and continuous annual level of housing growth projected within the 2017 HIS housing trajectory. These market challenges may be exacerbated by the financial burden placed on future development in Harlow to assist with funding significant infrastructure improvements required for the town to accommodate the scale of housing growth envisaged without adverse impacts arising. Whilst the Council has commissioned a Stage 2 ‘Viability Study’ (2017), this concludes for strategic sites that whilst the proposed Harlow allocations are ‘very likely’ to be viable, “... *albeit (and as is always necessarily the case) with the achievable planning obligations packages needing detailed resolution in due course*”. It is imperative to the soundness of the Plan that various viability scenarios are tested for development proposed at Harlow if, for example, a significant cost such as the £29 million M11 Jct 7 works are added to the overall planning obligation package.

Housing Strategy – Sustainability

- 6.12 The ‘vision’ of the EFDLP on pg. 19 gives significant support to “*development needs will be met in the most sustainable locations*” with “*access to places by public transport, walking and cycling will be promoted*”. Despite this strong rhetoric, a significant number of proposed allocations fail to support this wider ‘vision’. We identify two common themes:

- (1) **Urban Extensions** – The EFDLP proposes significant housing development on the edge of existing settlements, most notably Harlow, on the basis that such settlements are sustainable, offering a good range of shops, services and sustainable transport opportunities. However, as perhaps most easily demonstrated having regard to Harlow, with Map 2.1 of the EFDLP being helpful, these urban extensions are located a significant distance from those shops, services and public transport modes that make the settlement a sustainable location for growth. One of the principal reasons for Harlow being identified as suitable for significant growth relates to its strategic position on the London, Stansted, Cambridge corridor. However, the proposed allocation of land at Latton Priory for 1,050 new homes is located no less than three miles from the railway station which is comparable to many of the other proposed allocations around the town. The distance future residents would need to travel to sustainably access the railway station and town centre completely undermines the overriding principle of locating such significant housing growth at Harlow and overlooks alternative spatial options, such as at Roydon, where housing could be introduced immediately adjacent to a railway station which is not only on the strategically important London, Stansted, Cambridge line, but also allows access into Harlow in less than five minutes – less time than it would take to drive from Latton Priory to Harlow town centre. Locating new housing on the edge of Harlow a significant distance from shops, services and public transport modes will simply exacerbate use of the private car, leading to unsustainable forms of development, and adding further pressure to the local and strategic highway network;
- (2) **Isolated Development** – Despite the District benefitting from a settlement, Roydon, that is served by a mainline railway station on the London, Harlow, Stansted, Cambridge corridor, the EFDLP proposes to introduce significant development into settlements which do not benefit from a railway station and would be wholly reliant on the use of the private car. Examples include the 1,050 new homes to be introduced at North Weald Bassett, the 590 new homes to be introduced at Ongar and perhaps most unsustainably of all, the 172 new homes to be delivered at Thornwood which does not even benefit from the most basic of services. This will likewise exacerbate an unsustainable pattern of development in the District, increasing reliance on the use of the private car and being in direct conflict with the underlying ‘vision’ of the Plan and para. 84 of the NPPF.

- 6.13 The conflict between the overriding Plan ‘vision’ and numerous proposed allocations is recognised within the 2017 SA which acknowledges “... *it should be noted that North Weald Bassett is less well linked ... and Ongar is a rural settlement where car dependency is likely to be entrenched and the need to travel long distances by car is anticipated*” (para. 9.41). Whilst the Plan talks about improving public transport and non-car modes, it simultaneously proposes numerous allocations that will exacerbate existing levels of car dependency in unsustainable settlements. Taking the case of Thornwood as an example, the commitment of the settlement ‘vision’ to improve services, transport infrastructure and amenities is clearly limited by the delivery of only 172 new homes which as a quantum is not going to deliver a material improvement in the sustainability of the village.

- 6.14 This unsustainable spatial strategy also has wider implications for the supporting evidence base. Taking the SA as an example, many of the objectives relating to air quality, carbon emissions and biodiversity impacts are considered mitigatable by “... *distributing development to locations where car dependency and the need to travel long distances by car are minimised (with ‘modal shift’ supported) ...*” (para. 9.53). Numerous proposed allocations do not deliver on the EFDLP ‘vision’ to locate development in the most sustainable locations, undermining the conclusions of the SA and ultimately the achievement of sustainable development.
- 6.15 It is evident that the ‘vision’ of the EFDLP to promote the use of sustainable transport modes and to locate development in the most accessible locations is nothing more than hyperbole. Instead, the Plan has sought to introduce new homes either on the edge of existing settlements, remote from the shops, services and public transport modes that make those settlements sustainable locations for growth, or in villages that are not served by any notable form of public transport. This is despite the presence of a settlement, Roydon, which benefits from a mainline station and is currently only being considered for very minor growth. The EFDLP does not appear to have properly assessed the ability of Roydon as the only settlement with a mainline station to contribute to the achievement of sustainable development as a fundamental objective of the NPPF. If adopted, the current housing strategy would exacerbate unsustainable patterns of development detrimental to the environmental, social and economic strands of the NPPF.

Housing Strategy – Achieving the Plan Vision

- 6.16 As explained above, the EFDLP sets out a core ‘vision’ on pg. 19 which is intended to inform the selection of allocated development sites. There are four other examples where the EFDLP ‘vision’ has not been carried through into selecting sites for allocation:
- (1) ***Supporting the Lee Valley Regional Park*** – Pg. 18 of the EFDLP establishes a vision for the LVRP which includes “... *full utilisation of the unique land and water assets ...*” and “*to be an accessible and permeable, integrated visitor attraction ...*”. There is little evidence of how the proposed allocations can contribute to meeting these core objectives. It is particularly disappointing that the offer made by Dandara Ltd to ‘gift’ a significant western portion of land at Temple Farm for leisure and recreation uses associated with the LVRP has not been given consideration. As shown on the Masterplan provided at Appendix 2, there is a significant opportunity to increase accessibility to the LVRP alongside improvements to the offer of the Park, from a leisure, recreation and nature conservation perspective. This has not been considered during the site selection process failing to assist the EFDLP with achieving its vision surrounding the future of the LVRP – particularly accessibility and optimising the leisure and recreation opportunities offered by underutilised land assets within the park;
 - (2) ***Supporting the LSCC Vision*** – Pg. 16 of the EFDLP reinforces the importance to the District of the London, Stansted, Cambridge Corridor (LSCC) with the HMA Authorities aiming to deliver sustainable growth that supports its economic ambitions. This includes delivering housing in locations which benefit from good access to the LSCC, particularly by public transport, to support the growing economy in a sustainable manner. However, the EFDLP

proposes virtually nil growth in the one settlement of Roydon which benefits from a mainline station located on the LSCC and is well positioned to deliver new homes which benefit from sustainable access to the range of job opportunities the corridor offers;

- (3) **Vision for Roydon** – The vision for Roydon is provided on pg. 155 of the EFDLP and states that the village will utilise its key strengths such as the mainline railway station and the LVRP. It is difficult to understand how the subsequent allocations for approximately 62 new homes, largely to the south of the village furthest from the railway station, utilise and build-upon these key strengths. The Plan is failing to achieve this vision for Roydon. Para. 5.125 suggests that the Plan aims to “... *focus development in the most sustainable locations within the settlement ...*” which is fundamentally unrealised by the proposed allocations which are some distance from the railway station as the main asset of the village. Clearly the allocation of land to the west of Roydon at Temple Farm would accord with the ‘vision’ for Roydon by promoting use of the mainline railway station by future residents and improving both accessibility to, and use of, the LVRP;
- (4) **Settlement Visions** – It is unclear how the ‘visions’ for each settlement have been developed and how these relate to the overall District ‘vision’ established by the Plan. For example, despite Roydon benefitting from the only mainline railway station in the District and providing opportunities to build upon the settlements accessibility to the LVRP, LSCC and Harlow, the ‘vision’ on pg. 154 focuses on “... *maintaining the existing settlement pattern ...*”. In contrast, the ‘vision’ for Thornwood, which is a wholly unsuitable and unsustainable location for growth, embraces the opportunity for the settlement to “... *become more self-sustaining ...*”. It is unclear how the 172 homes designated at Thornwood can assist with making the settlement more sustainable. It seems perverse that an inherently unsustainable settlement in Thornwood is allocated nearly three times the homes proposed at Roydon as one of the most sustainable locations in the District.

- 6.17 To ensure that the core ‘visions’ for the EFDLP are achieved, visions that are consistent and compatible with national policy, it is imperative that they actually inform and guide the emerging allocations. Land located to the west of Roydon at Temple Farm not only provides an opportunity to improve accessibility to, and the overall offer of, the LVRP but also to deliver homes immediately adjacent to a mainline railway station which serves the strategically important LSCC which can only continue to function and grow if supported by new development and particularly new housing.

Housing Strategy – Loss of Public Open Space

- 6.18 Para. 74 of the NPPF is explicit that existing open spaces should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be **surplus to requirements**; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of **quantity and quality** in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 6.19 The EFDLP proposes the loss of significant areas of existing urban open spaces including two in Loughton. This is loosely justified by the Council with reference to the 2016 ‘*Open Space and Standards*’ Topic Paper which states that “*there are no identified current deficiencies in the quantum of open space in the settlement*”, with proposed development, “*retaining a minimum of 25% of the site for high quality amenity space for local residents*”. These public spaces are located in established, densely populated residential areas and are well used for a variety of activities including leisure, recreation and play. They are often the only open space open to residents who may not be able to travel to the open countryside surrounding the settlement.
- 6.20 Whilst the Council may have applied a quantitative assessment looking at the amount of public open space available in a particular settlement per head of population, this fundamentally misapplies and misunderstands the criteria set out in NPPF para. 6.16. The test is not to protect existing open spaces unless a settlement is quantitatively overprovided for, but rather to protect existing open spaces unless the land is **surplus to requirements**. This is a very different assessment and would require the Council to demonstrate that these well used, valued public open spaces are surplus to requirements. It is also unclear whether additional demand for such spaces arising from planned housing growth has been factored into this calculation. Such spaces are a precious and finite resource in heavily developed settlements and should be afforded the highest level of protection.
- 6.21 This undue focus on urban open spaces is a result of the ‘land preference hierarchy’ applied during the site selection process. As shown on pg. 26 of the December 2017 ‘*Report on Site Selection*’, the Council applied a subjective preference for development on urban open spaces when assessing the suitability of sites submitted to them for evaluation. It is not considered that giving sequential preference to the development of urban open spaces is in accordance with the NPPF and has skewed the site selection process towards considering valuable, finite, urban green spaces for development.



Figure 10 Jessel Green as Existing (www.google.co.uk/maps)



Figure 11: Jessel Green as Proposed

Housing Strategy – Loss of Social and Community Facilities

- 6.22 The NPPF advises at para. 70 that when Local Authorities are preparing Local Plans, they should *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”*. As with public open spaces, there are numerous examples within the EFDLP of the Council proposing to redevelop sites for housing currently used as a sports centre (EPP.R5), college (LOU.R9), library (LOU.R7), community centre (WAL.R5), fire station (WAL.R4) and swimming pool (WAL.R6).
- 6.23 There is little information contained within the supporting evidence to explain whether the facilities are to be lost in totality, whether they are to be reprovided alongside mixed-use development, whether they are to be relocated elsewhere or whether services are to be amalgamated. One notable example is the loss of Epping Sports Centre to North Weald Bassett. Such a proposal would see Epping left with no sports centre and the facility relocated from a settlement which benefits from excellent public transport links, including the London Underground, to one which has no mainline or underground station. Any users of the facility from outside North Weald Bassett, such as Epping, which is an inherently larger settlement with more demand for the service, would rely on the use of the private car.
- 6.24 The Council must provide clear information to explain whether the facilities are proposed to be lost from the settlement in totality and if so, the justification for this given the requirement of para. 70 of the NPPF to *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”*.

Housing Strategy – Reliance on Public Sector Land and Assets

- 6.25 As explained above, there are numerous proposed allocations on land currently within public sector ownership and use. To be found sound, the EFDLP is required to be ‘effective’ and deliverable over its period. Cross-referencing the proposed allocations with the 2016 SLAA and the Arup *‘Site Selection Reports’*, we would raise a number of concerns regarding deliverability:

Availability – there are various sites which are in an existing use which the SLAA recognises would need to be relocated to deliver the housing numbers identified. As an example, the Epping Sports Centre site (EPP.R5) is assessed on pg. 189 of the SLAA as *“... need to be reprovided elsewhere, but site could become available if that occurred”* whilst for the Loughton library site (LOU.R7), pg. 258 explains *“the site is potentially available in the future*

as it is currently operational". Whilst it is recognised that existing public services and community facilities can be rationalised and relocated to facilitate development, this process is inherently challenging due to the process surrounding public and user consultation; public sector disposal and associated timescales;

Deliverability – There are sites proposed for allocation, with Borders Lane Playing Field and the old Epping Forest College site being examples, where it is acknowledged within Appendix B1.6.4 that there are restrictive covenants pertaining to the land which limits its use to, in these cases, educational only. The sites cannot currently be considered deliverable for new housing as there is legal uncertainty associated with the lifting of such covenants in the future;

Achievability – There is an inherent risk associated with the deliverability of a housing strategy that is so reliant upon public sector land, the majority of which accommodates extant uses that will be required to expand to meet a rising population resulting from housing growth. Whilst public land does commonly come forward for development, this can be subject to significant delays associated with the cessation and relocation of the extant use; confirming disposal; procurement; and securing a development partner. As an example, almost every Central line station car park is proposed to be redeveloped for new housing with car parking reprovided in a basement. Putting aside disruption this will cause to users of the service and viability concerns regarding basement excavation, it is considered challenging for TfL, to manage the redevelopment of each of their station car parks in EFD almost simultaneously.

7.0 Meeting Full Housing Need

7.1 Para. 47 of the NPPF requires Local Authorities to ensure that their Local Plan “... *meets the full, objectively assessed needs for **market and affordable housing** in the housing market area ...*” as far as is consistent with the policies included in the NPPF. There are two specific points to consider in paragraph 47 – (i) the NPPF does not simply require Local Authorities to meet objectively assessed housing need but crucially, **full** objectively assessed housing need, and (ii) the Local Authority should seek to meet **full** objectively assessed need for **both market and affordable housing**.

7.2 For the EFDLP to be in accordance with the NPPF, it must include a housing target can meet the District’s **full**, objectively assessed need for **both** market and affordable housing.

Establishing Full, Objectively Assessed Housing Need

7.3 To establish the full, objectively assessed need for market and affordable housing in EFD, the Council commissioned Opinion Research Services (ORS), working alongside other Authorities falling within the West Essex and East Hertfordshire HMA, who published their ‘*West Essex and East Hertfordshire Strategic Housing Market Assessment*’ in September 2015 (SHMA). This original SHMA was then updated in August 2016 and July 2017.

7.4 The 2015 SHMA applied the 2012-based demographic starting point for the HMA of 49,638 households adjusted downwards following the application of a 10-year migration trend to give a revised figure of 36,899 which equates to 38,382 dwellings. The OAN was then calculated at 46,058 or 2,094 dpa. The 2016 SHMA update established a new demographic starting point of 50,697 households applying the 2014-based baseline which was similarly adjusted downwards following the application of a 10-year migration trend to give a revised figure of 43,759 which equates to 45,507 dwellings. The 2016 OAN was given as 54,608 or 2,482 dpa being a 388 unit annual increase over the original 2015 version.

7.5 Figure 8 of the 2016 update then translates the HMA-wide OAN figure for each of the four constituent Local Authorities which, for EFD, equates to a total housing need of 13,278 dwellings being 604 per annum (rounded). Compared with the original 2015 SHMA, this represents an OAN increase for EFD of 1,978 new homes being an additional 90 dwellings per annum.

7.6 The most recent 2017 SHMA update, like the 2016 iteration, uses the 2014-based demographic baseline of 50,697 households adjusted downwards following the application of a 10-year migration trend to give a revised figure of 43,759 which equates to 45,507 dwellings. The 2017 OAN is given as 51,700 dwellings or 2,350 dpa. This represents an OAN for EFD of 12,573 dwellings being 572 per annum which is a reduction of 32 dpa compared with the 2016 update despite both using the same 2014-based household projections.

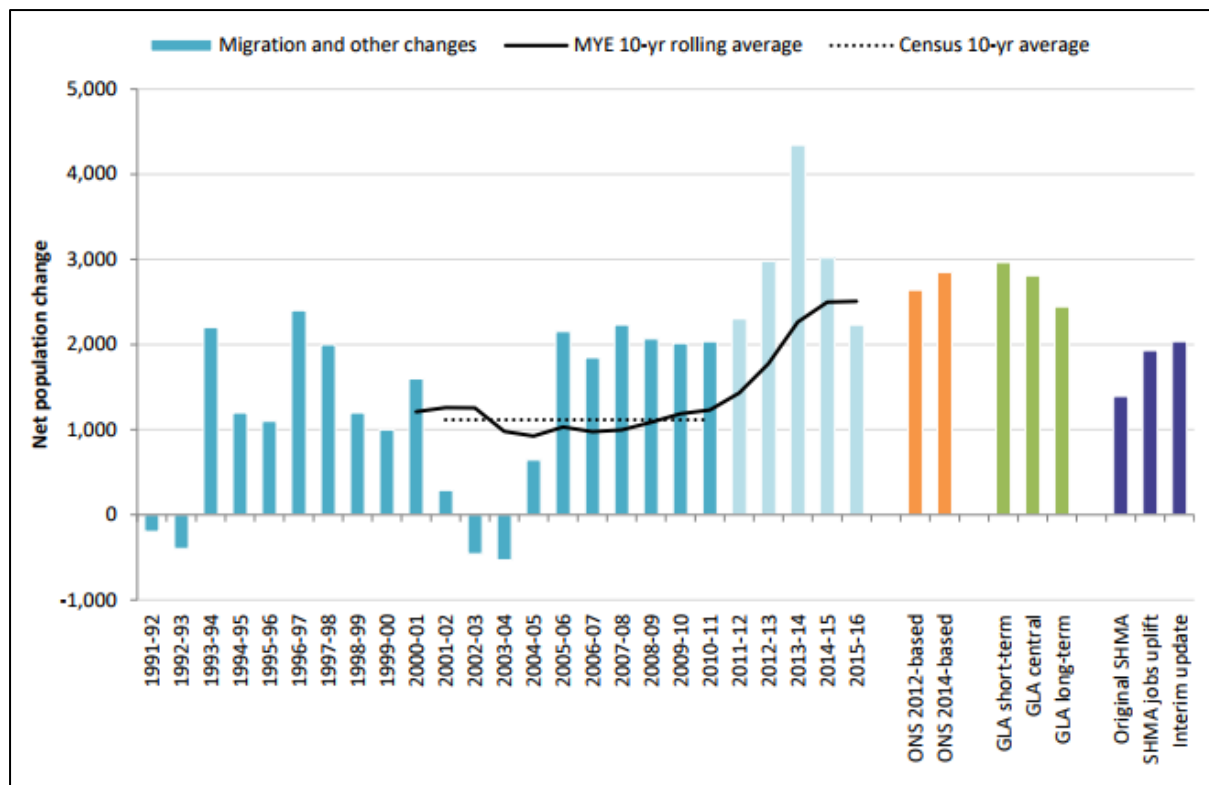
7.7 We will demonstrate that there are various aspects of the methodology underpinning the SHMA which we consider to be unsound.

Demographic Projections

- 7.8 In accordance with PPG, the SHMA uses household projections published by the CLG as a starting point for estimating future housing need in EFD and across the HMA (para. 015, ref ID: 2a-015-20140306). The 2014-based CLG household projections are considered to represent the most up-to-date evidence base and are those referred to within the SHMA 2016 and 2017 updates. However, the PPG goes on to make three important points with respect to the use of household projections published by the CLG:
- (i) The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing (para. 015, ref ID: 2a-015-20140306);
 - (ii) Plan makers may consider sensitivity testing, specific to their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates (para. 017, ref ID: 2a-017-20140306);
 - (iii) The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings including house prices, rates of development and affordability (para. 019, ref ID: 2a-019-20140306).
- 7.9 The 2016 SHMA update explains that the 2014-based SNPP and household projections, compared with the 2012-based iteration, both show a higher level of projected growth across the HMA. Overall, population growth across the 22 year Plan period is projected to increase by 7.8% from 97,504 to 105,103. A similar trend is shown for household growth which is projected to increase by 2.1% from 49,638 to 50,697. The demographic starting point for the assessment of OAN is the 2014-based household projection of 50,697 household growth over the period 2011-33 which for EFC equates to 14,374 (2017 update, pg 5). When converted into dwellings, this equates to 52,728 for the HMA and 15,049 for Epping Forest.
- 7.10 All iterations of the SHMA note that the CLG household projections, both 2012 and 2014, are based on short-term migration trends derived from the preceding 5-year period. ORS argue that such short-term trends are 'very unstable' and it is therefore more appropriate to adopt a longer base period when establishing migration trends. In response, the 2015 SHMA (2001-2011), 2016 update (2005-2015) and 2017 update (2006-2016) apply 10-year migration trends to the baseline CLG household projections.
- 7.11 Figure 7 of the 2016 update demonstrates that when an adjustment is made to the 2014-based demographic baseline for a 10 year rather than 5-year migration trend, a significant reduction of – 6,938 households results across the HMA (representing a 14% fall). This reduction is significantly more pronounced for EFD where the application of a 10-year migration trend to the 2014 demographic baseline leads to a reduction of -3,806 households (representing a 26% fall). Dandara Ltd has concerns regarding the justification provided for this significant adjustment:

(1) *Population Trends*

- 7.12 The 2012 and 2014-based household projections both project higher rates of annual net migration – as the principal determinant of population change - than past trends, averaging 2,640 and 2,848 persons per annum respectively across the HMA. As shown in Figure 2 of the 2017 SHMA update, annual net migration projected by the 2014 demographic baseline represents close to the halfway point of the GLA 2016-based short (5-year period) and central (10-year period) term trends of 2,965 per annum and 2,809 per annum respectively. This reference to the 2016-based GLA projection is important as the Inspector examining the Further Alterations to the London Plan confirmed that the projections applied would be a material consideration for Local Plans being prepared across the wider south-east.
- 7.13 Figure 1 of the 2017 update demonstrates that over the ten-year MYE period 2006-16, there was an average annual increase in net population of 2,510. Over the shorter five-year MYE period 2011-16, this increased to an average annual change in net population of 2,970. Looking at the 10-year migration period applied by the SHMA, there are two specific trends to take into account:
- (i) As recognised at para. 17 of the 2016 SHMA update, annual net population growth between the period 2005/06 and 2011/12 has averaged around 2,100 persons “... so it is likely that the long-term trend will also increase over time and stabilise at an annual increase of around 2,100 persons as a consequence”. However, this period importantly spans the recession of 2008/09 when levels of internal and international migration are likely to have been, at least partly, suppressed by falling economic productivity and associated jobs growth and availability. The average net population growth during the period 2005/06 to 2011/12 should be viewed in this context;
 - (ii) Over the five-year period 2011-16, there has been an increase in net population growth which, balancing the single peak of circa 4,300 persons in 2013/14 with the two circa 2,250 person years in 2011/12 and 2015/16, gives average net population growth of 2,970 which is representative of the ‘mid’ years of 2012-13 and 2014-15.
- 7.14 Having regard to Figure 2 of the 2017 SHMA update there is a broad level of annual net migration change consistency between the 2012 and 2014 demographic baselines and the GLA 2016-based projections for the short and central term trends. This is demonstrated in Figure 3 of the 2017 update which is reproduced below and shows that the ONS and GLA projections sit comfortably within the latest five-year MYE range and crucially do not exceed levels of net population change experienced over the three year period 2012-2015. Conversely, the 2015 SHMA and 2016 update, applying 10-year migration trends, fall below the annual net population change for all of the most recent five year periods and at least two of the years from 2005/06 to 2010/11.



2017 SHMA Update, Figure 3

7.15 What is increasingly clear from the 2016 and 2017 SHMA updates is that the 2012 and 2014-based projections, which project increasing migration levels, actually represent a proven trend of population growth across the HMA from 2005/06 onwards:

- Rates of population growth from 2005/06 onwards have averaged 2,100 persons per annum which is an increase of 1,000 persons per annum compared with the 1991-2011 period average;
- For the period 2011-14, there was an overall increase in population which averaged 3,200 persons per year which represents a further circa 1,000 persons per annum increase compared with the period 2005/06 onwards;
- ONS MYEs, including up to mid-2015, suggest that across the HMA over the period 2005-2015 an annual average population increase of 2,500 persons per annum was experienced.

7.16 As shown in Figure 5 of the 2016 SHMA update, population growth across the HMA has increased significantly and consistently from 2005-06 onwards. It is therefore considered that in this context, and taking into account the objective of para. 47 of the NPPF to boost significantly the supply of housing, there is no justification to apply a significant downward adjustment to the CLG 2014-based projections applying longer term 10-year migration trends. Applying a 10-year migration trend to the 2014-based CLG household projections captures a period of significant recession that is not representative of population change experienced since 2011-12 and does not represent a period when population growth, migration rates or housing completions were compatible with the NPPF objective of boosting housing supply.

- 7.17 It is not considered that there is sufficient justification to divert from the 5-year migration trends which underpin the 2014-based demographic baseline. These are consistent with the MYE five-year rolling average, even excluding the 2013/14 peak, align with the GLA short and central trend scenarios as a material consideration and recognise the impact of the 2008/09 recession. **It is therefore considered that the 2014-based demographic starting point of 50,697 (52,729) should not be adjusted** in line with PPG advice that *“the household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions”* (para: 017, ref ID: 2a-017-20140306).

(2) UPC

- 7.18 The 2015 SHMA and subsequent updates place great emphasis on changes made to mid-year estimate (MYE) data for population change following corrections applied post publication of the 2011 Census. The SHMA notes that the highest number of adjustments made to the MYEs were during the latter years of the pre-Census period 2008-11 which suggests that *“... the original component of change data for the most recent years was the least reliable across the area as a whole”* (para. 3.18). The ONS is clear that no adjustment was made to the 2012 and 2014-based projections as it could not be demonstrated that UPC measured a bias in the trend data that will continue in the future.
- 7.19 The SHMA should have interrogated the discrepancies between the 2008-11 MYEs and the subsequent 2011 Census data to understand where the differences in forecasting occurred and how this could then be applied to latter MYEs. Instead, the SHMA has simply applied a 10-year migration trend which is significantly influenced by recessionary years and does not recognise that significant increases in annual population growth are representative of the HMA with an annual average of circa 1,100 person growth over the period 2001-11; circa 2,100 over the period 2005-15; and projected to rise to 2,848 within the 2014-based household and GLA trend projections.

(3) EFDC Adjustment

- 7.20 Whilst the 10-year migration trend adjustment to the 2014-based demographic starting point results in a -6,938 reduction from the demographic starting point for the HMA, this reduction is significantly more pronounced for EFD. Applying 10-year migration trends to the 2014-based demographic starting point for EFD results in a reduction in household growth from 14,374 to 10,568. This represents a reduction, simply by substituting 5-year with 10-year migration trends, of -3,806 being 28%. To put this into perspective, the reduction in household growth applied for the other three HMA authorities ranges from -246 to -1,547.
- 7.21 It is imperative that the SHMA considers why the application of 10-year migration trends for EFD has such a significant impact upon household growth projections. The adjustment for EFD is over double that for the next nearest HMA Authority, being East Herts, which has a higher demographic starting point. The net population change for EFD during the period 2011-16 is shown as significantly higher than during the preceding five-year period and it is important that the SHMA interrogates the reasons for this, including previous UPC trends.

- 7.22 EFD is an Authority, due to geographic proximity and the presence of London Underground stations, which is heavily influenced by migration and commuting trends associated with Greater London. It is necessary to consider whether, given the severity of the adjustment, it is appropriate to apply 10-year migration trends to the District. It is suggested that due to the disproportionate impact of the economic recession and the cost / ease of commuting to the capital higher migration trends projected by MYEs from 2011 onwards, as applied by the 2014-based demographic baseline, represent a new norm for EFD. A failure to independently interrogate migration trend assumptions for EFD risks severely underestimating recent levels of migration to the District which will further undermine affordability, rates of household formation, over-crowding and economic growth.

Household Formation Rates

- 7.23 Both the 2015 SHMA and subsequent updates apply positive adjustments to the demographic baseline in response to concealed families and homeless households. Whilst this adjustment is supported in principle, the SHMA also identifies across the HMA, but more particularly for EFD, a repeating pattern of rising house prices and rental levels compared with lower quartile earnings. Para. 5.60 of the 2015 SHMA explains that house prices in EFD have typically been very similar to London prices with Figure 73 demonstrating that the ratio of lower quartile house prices to lower quartile earnings sits at around 11.0 which is only marginally below that of Greater London.
- 7.24 In such cases, where there is demonstrable evidence of rising house prices and worsening affordability, the PPG is very clear that *“the household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing”* (para. 015, ref ID: 2a-015-20140306).
- 7.25 Whilst para. 3.27 of the 2017 SHMA update explains *“... household formation rates for those aged under 35 would be no lower than the equivalent rates recorded in 2001”*, this is based on the application of 10-year migration trends and risks projecting lower levels of annual population change forward across the Plan period than applied by the 2014-based demographic baseline. This would simply mean that new homes that could assist with redressing household formation rates would be occupied by national or international migrants for which insufficient homes have been provided. The same is true for market signals, if you take the suggestion of para. 3.26 of the 2017 SHMA update that overall, the OAN figure for the HMA allows for a population gain equivalent to the 2014-based demographic baseline, this assumes a nil adjustment for market signals. It is imperative that the demographic baseline, appropriate adjustments, household formation rates, economic growth and market signals are considered collectively.

Affordable Housing

- 7.26 Para. 47 of the NPPF makes it clear that Local Authorities should ensure their Local Plan meets *“... the full, objectively assessed needs for market **and** affordable housing in the housing market area”*. The PPG provides clear advice in respect of how affordable housing need should

be considered in terms of Plan preparation stating, *“The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the Local Plan should be considered where it could help deliver the required number of affordable homes”* (ref. ID: 2a-029-20140306).

- 7.27 Para. 4.42 of the 2015 SHMA states that the number of housing benefit claimants in the HMA increased from 18,227 in 2001/02 to 26,134 in 2012/13. Figure 21 of the 2017 ‘SHMA – Affordable Housing Update’ concludes that for EFD, there is a current unmet need for 1,187 affordable homes with a total need for 2,851 over the period 2011-33. This gives a total affordable housing need proportionate to 35% of total OAN.
- 7.28 The recommendation of the SHMA is that an uplift in the housing target is only being applied in direct response to need arising from concealed families and homeless households linked to an adjustment for household formation rates. We would offer the following observations in respect of affordable housing:
- (i) The SHMA excludes all those households that currently rely on the Private Rental Sector (PRS) for their affordable accommodation, supplemented by the Local Housing Allowance (LHA). Para. 4.107 of the SHMA makes it clear that *“... many tenants that rent from a private landlord can only afford their housing costs as they receive housing benefit. These households aren’t counted towards the need for affordable housing ...”*. Whilst it is accepted that PRS does, and will continue to, play an important role in affordable housing provision, it does represent an inherently unstable tenure due to the continued availability of funding mechanisms such as the LHA; the role of private landlords and the tenure being available as market housing; the insecurity of the tenure if a landlord decides to re-let or sell the property; and the aspirations of people to own their own home. This is particularly telling given that para. 4.110 concludes that *“if no households were to receive housing benefit support in the private rented sector, more than half of the growth in household numbers would need affordable housing. This would need a total of 19,700 affordable homes to be provided over the 22 year period 2011-33”*. It is strongly recommended that the Council considers whether an adjustment to the housing target should be made to increase affordable housing delivery and reduce reliance on the PRS sector. This is considered especially important in an Authority such as EFD where lack of supply and affordability in the owner-occupied sector pushes market demand into the PRS sector which, due to finite supply, then pushes up rents and directly competes with those relying on the tenure for affordable housing;
 - (ii) The 2017 update indicates that the HMA is unable to meet full, objectively assessed need for affordable housing without an upward adjustment to the overall housing target. A clear example is Harlow where the need for 3,098 affordable homes over the period 2011-33, represents 61% of the overall identified housing need. The SHMA, prepared jointly by the four constituent Authorities, should therefore be considering whether an uplift in the housing target, including for Authorities adjacent to Harlow such as EFD, could assist in meeting full, or closer to full, affordable housing need. It is considered that there is a

- particular opportunity for EFD to assist Harlow in meeting a proportion of its unmet affordable housing need which currently represents an unachievable 61% of total need;
- (iii) Whilst Figure 21 of the 2017 update considers affordable housing need as a proportion of overall housing need, it does not consider whether planning policy is able to deliver the proportion of affordable housing identified. For example, whilst affordable housing as 35% of total housing need could appear achievable through planning policy as a proportion of affordable housing sought on market housing sites, this does not take into consideration that a large proportion of new homes will be delivered on sites comprising 10 units or less and would not thus be required to deliver affordable housing or that some major schemes may have reduced affordable housing due to viability issues associated with infrastructure delivery or benefitting from permitted development rights (n.b. this is highly likely for EFD given that the Local Plan allocates a disproportionate number of sites with extant, value deriving land uses). The SHMA should therefore consider past completion evidence to provide an estimate of the proportion of affordable housing that could be delivered through the planning system and whether an uplift to total OAN could assist in meeting full, objectively assessed need;
 - (iv) Whilst the SHMA is correct in ensuring that double-counting does not take place when one affordable home is vacated to allow for occupation by an alternative household in affordable housing need, the Council should satisfy itself that this assumption allows for some flexibility where affordable housing is vacated but is not available for reoccupation due to it being unsuitable for habitation.

Economic Growth

- 7.29 The PPG advises that *“Plan makers should make an assessment of the likely change in job numbers based on past trends and/or economic forecasts as appropriate and also having regard to the growth of the working age population in the housing market area”* (ref. ID: 2a-018-20140306).
- 7.30 The original 2015 SHMA concluded that based on various evidence base documents, including EEFM outputs (East of England Forecasting Model), the HMA is likely to yield 41,700 extra jobs over the period 2011-33. This increase equated to a need for a further 5,600 dwellings to be provided which were added to the baseline demographic projections as shown in Figure 75.
- 7.31 The 2016 SHMA update then concludes at para. 34 that *“... the higher migration rates now assumed already yield an increase of 39,100 economically active persons resident in the HMA, which aligns with the number of workers needed for the jobs growth previously identified – so an uplift for jobs would now only be required if the forecast jobs growth was also higher”*.
- 7.32 We consider that this is a fundamental error as the migration rates applied in the 2016 SHMA update are significantly below the 2014-based demographic starting point. Whilst there may be a sufficient increase in the number of active persons residing in the HMA to fulfil planned jobs growth, if this is based upon depressed levels of migration applying a 10-year rather than 5-year trend, there is a risk that insufficient numbers of new homes are available for future employees of the HMA who are looking to take-on new jobs due to sustained levels of migration experienced over the past five years, much of which is driven by physical and public transport connectivity to London.

- 7.33 The SHMA should recognise that adjustments to the demographic baseline due to migration trends, market signals and economic growth are mutually exclusive as each is proposed in response to very different indicators. If a downward adjustment is being made to the 2014 demographic baseline which is partly rebalanced by an uplift for market signals, it is imperative to recognise that there will be a significant shortfall of new homes as neither migration trends, homes required for new jobs or new homes in response to market signals are being addressed fully, leading to potential further worsening of affordability, unsustainable commuting patterns and suppressed rates of household formation.

Market Signals

- 7.34 PPG advises that *“the housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings”* (para: 019, ref ID: 2a-019-20140306). It then goes on to set out six indicators being land prices, house prices, rents, affordability, rates of development and overcrowding. As set out from pg. 89 of the 2015 SHMA, there is a significant variation in market signals across the HMA, particularly in respect of EFD:

House Prices - As shown in Figure 71, houses prices in the HMA are significantly above the national average and *“... have tended to track Greater London prices ...”* (para. 5.60). There are however significant variations with house prices in Harlow being much closer to the national average whereas house prices in EFD are typically very close to the Greater London average, occasionally exceeding them;

Rents – Figure 74 shows that average monthly rents across the HMA in 2013/14 were £911 compared with a national average of £720. This is an increase of 45% since 2008 and represents significant worsening affordability of rental properties;

Affordability – As shown in Figure 73, the lower quartile affordability multiplier for the HMA increased from 6.3 in 2001 to 10 in 2013. Again, there are significant variation across the HMA with Uttlesford and EFD being significantly less affordable and much close to Greater London;

- 7.35 The 2015 SHMA concludes that *“on the basis of the Market Signals, we can conclude that conditions across the HMA suggest that the level of Objectively Assessed Need for the HMA should be **higher than suggested by household projections in isolation**”* (para. 5.71). In response, both the 2015 SHMA and 2016 update applied a 20% uplift in response to market signals which was supported in principle by Dandara Ltd in our representations to the 2016 consultation draft Local Plan.
- 7.36 The Government has recently completed consultation on a paper entitled *‘Planning for the Right Homes in the Right Places: Consultation Proposals’* (2017). The paper explains that to simplify the process, the calculation of OAN will comprise official household growth projections as the baseline; an adjustment to take account of market signals based on a percentage increase to the baseline OAN subject to the ratio of house prices to earnings; and a potential cap to the overall figure.

- 7.37 Whilst the standard approach to calculating housing need has yet to be formally published, the consultation draft suggests that this would increase the OAN for EFDC to 923 dpa. This is relevant for two specific reasons:
- (a) The significant difference between the OAN set out in the EFDC SHMA and the Government's standard housing calculation methodology, 518 dpa in the EFDLP versus 923 dpa, focuses specifically on the unaffordability of EFD and the significant differential between house prices and earnings;
- (b) EFDC has publicly committed to submitting the EFDLP to the Secretary of State for examination before the 31st March when the standard housing calculation methodology may apply as set out in the 12th October 2017 Report to Cabinet.
- 7.38 Para. 4.3 of the 2017 SHMA update confirms that *"the FOAN includes an uplift of 6,200 dwellings in addition to the household projection-based estimate of housing need of 45,500 dwellings. This represents an uplift of 14% on the housing need number suggested by household projections ..."*. The 2017 iteration of the SHMA thus recommends that any uplift associated with market signals, alongside other factors such as adjustment for suppressed household formation rates, is reduced from the earlier 20% to a collective 14%. This update to the SHMA is in direct conflict to the findings of the Government's standard housing calculation methodology consultation which suggests that market signals and affordability in EFD justify a significant uplift to the demographic baseline.
- 7.39 Pgs. 20-23 of the 2017 SHMA update concede that *"evidently, the housing market signals demonstrate continued affordability pressures in the HMA and there may be argument to maintain the 20% uplift previously proposed by the original SHMA ..."* (para. 3.24). However, the update argues that the 9,100 dwelling increase that would result from a 20% adjustment would be 'difficult to justify' in the context of the implications for net migration and average household sizes (n.b. a conclusion not reached in the 2016 update). It is concluded that an increase of 6,200, representing a 14% uplift, is recommended giving an overall housing need of 51,700 dwellings for the period 2011-33.
- 7.40 The justification would appear to be that an uplift of 14% would accommodate levels of migration consistent with those assumed by the GLA 2016-based household projections at circa 2,809 persons per annum. However, the GLA trend models simply represent an alternative method of calculating the demographic baseline and the advice of the PPG still stands that *"the household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing"* (para: 015, ref ID: 2a-015-20140306).
- 7.41 The 2017 SHMA update appears to justify a 14% market signals increase, as opposed to previous 2015 and 2016 adjustments, based upon delivering an annual net population increase similar to that underpinning the GLA 2016-based household projections. However, as explained by the PPG, such household projection based estimates do not consider localised factors such as lack of past delivery, affordability and household formation rates which collectively comprise market signals.

- 7.42 There is clear evidence that the HMA, but more specifically EFD, experiences significant market pressures which are identical in many respects to Greater London. As an absolute minimum, the SHMA should consider market signals at a Local Authority level to assess whether chronic affordability and access to housing being experienced by EFD justifies a retained 20% uplift as suggested by the 2015 and 2016 SHMA iterations. This is especially important for Epping Forest given that the demographic starting point being applied is not based on the GLA 2016-based household projections but an adjusted 10-year migration trend for the 2014-based household projections which results in 3,806 dwellings less than the unadjusted demographic starting point. **It is therefore considered that a 20% upward adjustment for market signals should be reapplied.**

OAN Conclusions

- 7.43 Table 2.1 of the EFDLP establishes an OAN for the HMA of 51,100 new homes over the period 2011-33 of which 11,400 will be delivered in EFD. The housing target set out in Policy SP2 of the EFDLP is fundamentally unsound as it fails to meet full, objectively assessed housing need as required by para. 47 of the NPPF. It cannot therefore be considered as either 'positively prepared' or 'consistent with national policy' for the following reasons:
- It is not considered justified to apply a 10-year migration trend adjustment to the 2014-based demographic starting point. As demonstrated in Figure 3 of the 2017 SHMA update, there is a level of consistency between the ONS 2012 and 2014-based scenarios; GLA central and short-term scenarios; and the MYE 5-year rolling average (Figure 1) that suggest an unadjusted net annual migration level of circa 2,800, as per the 2014-based baseline, should be applied;
 - The SHMA focuses on adjustments made to the 2014-based demographic baseline on a HMA wide basis. This approach fails to consider the justification and implication of reducing the demographic starting point for EFD by – 3,806 dwellings or 26% - and how this reduction should then feed into considerations regarding market signals;
 - The original 2015 SHMA and 2016 update consistently recommended a 20% uplift to the demographic starting point based on a careful assessment of market signals. Given the significant affordability and housing accessibility challenges accruing to the HMA, and particularly to EFD, it is not considered justified to limit this uplift within the 2017 update to 14% solely because the level of net migration at this level is comparable to the 2016-based GLA short term trend. The GLA demographic model remains, like the CLG household projections, a baseline and should be adjusted if, as in the case of EFD, there are significant market signals which suggest intervention.
- 7.44 It is therefore considered that the demographic starting point for the EFDLP should sit between the GLA 2016-based short-term trend projection of 50,144 dwellings and the 2014-based CLG household projection of 52,728. This baseline figure should then be subject to an adjustment to take account of local circumstances; suppressed household formation; and a 20% uplift for market signals. It is imperative that each adjustment is considered at a Local Authority level given, for example, the significantly different market signals between EFD on the one hand and Harlow on the other and that an adjustment for one purpose, such as to

accommodate new jobs, is not off-set due to an adjustment for another purpose, such as market signals, which effectively dilutes the effectiveness and achievability of both.

8.0 HMA Memorandum of Understanding and Duty to Cooperate

8.1 Para. 178 of the NPPF makes it clear that Local Authorities have a duty to cooperate on planning issues that cross administrative boundaries, particularly in respect of the NPPF ‘strategic priorities’ set out in para. 156 which includes housing. Para. 179 advises that “*Local Planning Authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and are clearly reflected in individual Local Plans*”. It reiterates that “*Joint working should enable Local Planning Authorities to work together to meet development requirements which cannot wholly be met within their own areas ...*”.

8.2 The PPG recognises that the duty to cooperate is not a duty to agree but “... *Local Planning Authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination*”. The PPG goes on to state that Local Planning Authorities will “... *need to bear in mind that the cooperation should produce **effective and deliverable policies** on strategic cross boundary matters*” (para. 001, ref ID: 9-001-20140306).

8.3 As previously discussed, ORS published a joint SHMA for West Essex and East Hertfordshire Authorities in 2015 prior to the publication of updates in 2016 and 2017. The original 2015 SHMA includes a section that looks to define a housing market area (HMA) acknowledging the inherent difficulties and challenges of doing so. There are three outcomes of this HMA assessment work which are relevant to Duty to Cooperate considerations:

(1) **West Essex and East Hertfordshire HMA**

8.4 The 2015 SHMA concludes at 2.73 that “... *we would recommend to the West Essex and East Hertfordshire Councils that East Hertfordshire, Epping Forest, Harlow and Uttlesford represent the most appropriate ‘best fit’ for West Essex and East Hertfordshire HMA*”. The Local Authorities which comprise the West Essex and East Hertfordshire HMA have subsequently worked together to consider strategic matters, such as housing delivery, as they are required to do under Section 33A(4) of the 2004 Planning and Compulsory Purchase Act.

8.5 Para. 2.4 of the December 2017 HIS explains that in March 2017, **critically after the publication of the August 2016 SHMA update**, the constituent HMA Authorities signed a MoU which assessed the sustainability of strategic spatial options for meeting the overall OAN within the HMA. The HIS expands:

“The MoU included, amongst other things, an endorsement of an OAHN figure of 51,100 dwellings across the whole HMA. This is higher than the 46,100 figure identified in the 2015 SHMA as the Councils agreed to take into account the likelihood of a possible increase in OAHN as a result of new demographic data i.e. the 2014-based population projections, published after the 2015 SHMA”.

8.6 It is difficult to understand why, when the MoU was signed in March 2017, the constituent Authorities were reportedly considering the ‘likelihood of a possible increase in OAHN’ when the 2014-based household projections which replaced the 2012-based iteration had been published and assessed within the August 2016 SHMA update. This figure of 51,100, which

predated the SHMA update published in July 2017, established a 'working' OAN for the HMA of 51,100 and for EFD of 11,400. This 11,400 remains the housing figure contained in the EFDLP at Policy SP2.

- 8.7 As explained in Section 7.0 above, Figure 7 of the 2016 SHMA update identified an OAN for the HMA of 54,608 being 3,508 dwellings above the 'working' MoU assumption. For EFD, the OAN contained in the 2016 SHMA update equated to 13,278 being 1,878 dwellings above the 'working' MoU assumptions.
- 8.8 A further iteration of the SHMA was then published in 2017 entitled '*Establishing the Full Objectively Assessed Need*'. **It remains unclear why a further iteration of the SHMA was published given that the 2014-based demographic baseline remained unchanged.** The conclusions of the 2017 SHMA update was that the OAN for the HMA was 51,700 dwellings, conveniently only 600 dwellings in excess of the MoU 'working' assumption but a significant fall of 2,908 dwellings compared with the 2016 update. For EFD, the 2017 update established an OAN of 12,573 which represents a 705 dwelling reduction from the 2016 update.
- 8.9 As explained above, the 2016 and 2017 SHMA updates both use the same demographic starting point being the 2014-based household projections adjusted downwards via the application of a 10-year rather than 5-year migration trend. The only difference relates to adjustments to the demographic baseline, with the 2016 SHMA update applying an uplift for suppressed household formation plus 20% to address market signals. In contrast, the 2017 SHMA update appears to apply an unevidenced 14% uplift, not defined, to address a combination of suppressed household formation, market signals and migration pressures.
- 8.10 We have significant concerns that the SHMA evidence base has been 'engineered' to align with an MoU 'working' OAN assumption which was signed in March 2017. One would have expected, following the publication of the 2016 SHMA update which identified a OAN of 54,608 derived from a 2014-based demographic baseline, the constituent Authorities to have gone back to their 'spatial optioneering' work to consider the delivery and distribution of this updated figure. Instead, a further, seemingly unnecessary, 2017 iteration of the SHMA was published which appears to have the sole objective of legitimising the MoU 'working' assumption by downgrading the percentage market signals adjustment.
- 8.11 The 2016 '*Housing Background Paper*' does however explain that the constituent HMA Authorities were unable to deliver sufficient new homes to meet the 2016 SHMA update combined OAN of 54,608. The paper references infrastructure constraints, alongside environmental and policy designations, to justify the position that "... *the maximum quantum of growth for the Plan period is 51,000 homes for the HMA*" (para. 1.9) being 3,608 dwellings short of full OAN.
- 8.12 The Background Paper, drawing upon the draft MoU entitled '*Distribution of Objectively Assessed Need across the West Essex / East Hertfordshire HMA*' (2016), concludes that the maximum quantum of housing growth able to be accommodated within the HMA without significant conflicts arising with the NPPF is 51,000 dwellings which for EFD equates to 11,400. It references the AECOM 2016 Sustainability Appraisal (SA) for the West Essex / East Herts HMA as the key evidence base document which justifies the HMA, and each constituent Local

Authority, not seeking to deliver full, objectively assessed housing need due to identified 'policy on' constraints. Para. 4.1 of the SA explains that the Co-operation for Sustainable Development Member Board (the Co-op Member Board) considered six options for accommodating new housing development across the HMA comprising housing growth ranging from circa 48,300 to 56,250 dwellings alongside variations on the numbers of new homes to be delivered in and around Harlow town. The Co-op Member Board subsequently reported to AECOM that their preferred spatial option was to deliver 51,000 new homes across the HMA of which 11,400 were to be delivered in EFD (n.b. this figure has informed Policy SP2 of the EFDLP).

8.13 The SA then assesses the Co-op Member Board 'preferred spatial option' alongside six alternatives. These alternatives include only one option, being 'Option F', which considers the ability to deliver housing numbers at or in excess of the OAN identified for the HMA within the 2016 SHMA update. The SA concludes that *"the [preferred] spatial option was identified as the most sustainable choice for the HMA"* (para. 4.3). We do not consider that the assessment undertaken by the SA is either independent nor sufficiently robust and has been pre-judged by the clear preference of the commissioning Authorities that the 'preferred spatial option' is considered *"the furthest the Authorities consider that they can reasonably go in delivering the most recent advice from ORS regarding housing need"* (SA pg. 34).

8.14 When concluding that the preferred spatial option of 51,000 new homes across the HMA represents the most sustainable choice, the SA gives four principal reasons at para 4.3:

(1) The SA recognises that whilst the 51,000 new homes able to be delivered under the 'preferred spatial option' is lower than the OAN identified within the 2016 SHMA update, it *"... nonetheless represents good progress towards this higher figure"* which *"... indicates that the four HMA Authorities are positively seeking opportunities to meet the development needs of their areas"*. This is a clear misinterpretation of NPPF para. 47 which requires Local Authorities to use their evidence base to ensure that their Local Plans meet the full, objectively assessed needs for market and affordable housing in the HMA, not to make 'good progress' towards meeting it. The SA should acknowledge that the 'preferred spatial option' is unable to meet full OAN and would require an accompanying detailed assessment to demonstrate that the adverse impacts of meeting a higher housing target would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (NPPF para. 14). The SA has failed to undertake this assessment and to demonstrate that a higher housing figure capable of achieving the OAN is unable to be sustainably delivered;

(2) The SA states that Harlow represents the most sustainable location within the HMA at which to concentrate development due to its role as a sub-regional centre for employment; its Enterprise Zone status; the need to rejuvenate the town centre; the opportunity to capitalise on its transport connections (for example, good rail links to London, Stansted Airport and Cambridge); its important location on the London – Stansted – Cambridge corridor; and the wider economic growth aspirations for the town. Whilst Dandara Ltd do not disagree with this, we are concerned that the seven housing delivery options considered by the SA primarily differ from each other based on the number of new homes to be delivered in and around

Harlow. As an example, for EFD, the only difference between the assessed 'preferred spatial option' and 'option F', which delivers in excess of OAN, comprises, with the exception of a small increase in the number of homes proposed to be delivered in Loughton / Buckhurst Hill, increases in the number of new dwellings delivered in and around Harlow. The SA does not consider any alternative distribution of housing, such as increasing numbers at the larger villages, which could contribute to meeting OAN without impacting upon identified infrastructure constraints to growth associated with Harlow;

(3) The SA explains that transport modelling undertaken to date demonstrates that growth of between 14,000 and 17,000 new homes can be accommodated in and around Harlow provided identified mitigation measures are delivered. Whilst this evidence base potentially represents a constraint as defined within para. 14 of the NPPF whereby the adverse impacts associated with housing numbers in excess of 17,000 in and around Harlow would outweigh the benefits, the SA does not adequately assess alternative spatial options able to deliver full OAN away from the strategic infrastructure constraints associated with growth in and around Harlow;

(4) The SA recognises that sufficient suitable strategic sites are available in and around Harlow to deliver the figure of circa 16,100 new homes identified for the town within the 'preferred spatial option'. It is however the case that the 'preferred spatial option' is unable to meet full OAN as required by the NPPF due partly to the SA using infrastructure constraints associated with Harlow as justification for limiting housing growth across the HMA as a whole without considering alternative spatial distribution options.

8.15 Policy SP2 of the EFDLP looks to deliver 11,400 new homes over the period 2011-33 which is 1,978 dwellings short of the OAN identified within Figure 8 of the 2016 SHMA update. The 2016 '*Housing Background Paper*' acknowledged this OAN shortfall and attempted to justify it on the basis that identified infrastructure constraints, alongside environmental and policy designations, would result in conflicts with paras. 14 and 47 of the NPPF should full OAN be met (n.b. with reference to the AECOM SA). There are significant deficiencies within the SA which fundamentally undermine the conclusion that the HMA is unable to meet full, objectively assessed housing need as required by the NPPF:

- There are serious question marks regarding the independence of the SA which makes it clear in section 4.1 that they were provided with a clear 'preferred spatial option' by the commissioning Authorities capable of delivering 51,100 new homes across the HMA. The SA appears to have been pre-judged based on an earlier resolution, presumably not informed by any SA testing, by the Co-Op Member Board that 51,100 new homes represents the maximum deliverable housing target across the HMA;

- Despite the SA recognising that the 'preferred spatial option' is unable to meet full OAN as identified by the 2016 SHMA update, there is no consideration within the SA or the draft MoU of how this unmet housing need will be addressed. The NPPF is clear that to be found sound, the EFDLP should be 'positively prepared' being able to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring Authorities. No evidence has been provided by the four constituent members of the HMA that they have sought to engage with neighbouring Authorities under the Duty to

Cooperate to accommodate unmet housing need originating from the HMA which was circa 3,508 (August 2016 SHMA OAN of 54,608 – SA Option of 51,100);

- As we will go on to demonstrate in more detail, the undue focus of the SA on delivering housing on land in and around Harlow has excluded consideration of alternative locations for housing which, from a spatial perspective, benefit from many of the strategic benefits of Harlow. Roydon is an example of a location in EFD which is currently proposed to accommodate only 62 new homes despite the presence of the District's only mainline railway station which provides access to the core services and employment opportunities provided, not only by the adjacent Harlow, but also by the railway line forming a key link in the London – Harlow – Stansted – Cambridge corridor. By unduly focusing on Harlow, the SA has painted a picture of a HMA unable to meet OAN due to strategic infrastructure constraints when in reality, there are sustainable and unconstrained locations for growth, such as Roydon, which have simply not been properly assessed;

- As explained in detail in previous sections of these representations, there has been a fundamental error made by EFDC when assessing the delivery of new housing on land to the west of Roydon under ref. SR 0303-R. The Council cannot at the current time therefore claim that they are unable to meet full OAN as they have sites which they have rejected without due consideration of detailed evidence provided to them as part of their 'call for sites' exercise and which are located in fundamentally sustainable parts of the District.

8.16 To be found sound, the EFDLP must be shown to be 'positively prepared', capable of meeting full, objectively assessed development requirements and 'effective', capable of being deliverable over its period and based on effective joint working on cross-boundary strategic priorities. Putting aside the significant concerns raised regarding the SHMA methodology in Section 7.0 of these representations and concerns regarding the objectivity of the revised OAN provided by the 2017 SHMA update, compared with the 2016 iteration both of which are founded on the 2014-based household projections, the HMA is still failing to deliver full, objectively assessed housing need across its area and is therefore unable to satisfy the 'positively prepared' test of soundness and is in direct conflict with para. 47 of the NPPF. Para. 179 of the NPPF advises that *"joint working should enable Local Planning Authorities to work together to meet development requirements which cannot wholly be met within their own areas"*.

8.17 Whilst 'on paper' the HMA is only experiencing a relatively small shortfall in OAN of 610 dwellings being the difference between the 2017 SHMA update OAN and the MoU agreed distribution of OAHN, it is considered that this shortfall, and thus conflict with para. 47 of the NPPF is significantly more pronounced. **Even putting aside our significant concerns regarding the underlying SHMA methodology**, and particularly the use of 10-year migration trends, we consider that there is as a minimum shortfall in dwellings:

- Of 3,508 across the HMA, applying the OAN conclusions of the 2016 SHMA update in Figure 7 (54,608) compared with the 'working' MoU assumption (51,100);
- Of 1,878 for EFD being the difference between the OAN conclusions of the 2016 SHMA update in Figure 8 (13,278) and the 'working' MoU assumption (11,400).

- 8.18 If the wider HMA was meeting full objectively assessed housing need as required by para. 47 of the NPPF, it may be possible to agree via the MoU for EFD to proportion a percentage of its housing need to neighbouring Authorities. However, notwithstanding fundamental concerns regarding the SHMA methodology explained in Section 7.0, the HMA is a minimum of between 610 and 3,508 dwellings short of full OAN.
- 8.19 The 11,400 housing target for EFD is 1,173 dwellings short of the OAN identified in Figure 5 of the 2017 SHMA update and 1,878 dwellings short of the OAN identified in Figure 8 of the 2016 SHMA update. Whilst housing need can be reapportioned throughout the HMA in line with discussions under the Duty to Cooperate, such reapportionment can only take place if the HMA as a whole is meeting full OAN which is not the case here. **Put simply, EFD cannot claim that part of its individual OAN is being met by partner Authorities within the wider HMA unless that 'global' housing target is meeting full OAN.**

(2) Relationships Beyond the HMA

- 8.20 Linked to the above, we have already referred to para. 2.75 of the 2015 SHMA which recognises that functional commuting and migration relationships exist between Authorities outside the HMA. In the case of EFD, this includes particularly strong links with Broxbourne, Chelmsford and other Essex Authorities. To comply with the 'effective' test of soundness, as well as NPPF and PPG guidance, EFD should demonstrate that they have actively engaged with other non-HMA Authorities with which they have an established relationship to ensure that they are able to meet their own objectively assessed housing needs or whether they may require assistance from neighbouring Authorities. At present, the EFDLP is suggesting that the District and wider HMA is unable to meet full OAN and therefore as an absolute minimum, the Council are required to demonstrate that they have engaged with neighbouring Authorities, including those outside the HMA, to discuss the possibility of them accommodating a proportion of this unmet need.

(3) Relationship with the Greater London Authority

- 8.21 The 2015 SHMA acknowledges the role of London within the defined HMA from both a commuting and migration perspective. It recognises that *"... there are clearly some parts of Epping Forest and Uttlesford where the largest flows are to Greater London"* (para. 2.32) with *"the modelling analysis has clearly shown that the commuting 'pull' from Central London is often stronger than from more local employment centres"* (para. 2.33). The SHMA concludes that *"the area of West Essex and East Hertfordshire is strongly linked to London through commuting and migration patterns"* (para. 2.71) with the clear recommendation that *"all four Authorities will need to maintain dialogue with each other and the Boroughs to the north and east of London, as well as with the Mayor of London through the Greater London Authority"* (para. 2.75).
- 8.22 The PPG advises that *"the Duty to Cooperate applies in London where Boroughs, alongside Local Planning Authorities in the rest of England, are required to cooperate with other Local Planning Authorities, County Councils, and prescribed public bodies"*. The London Plan (Spatial Development Strategy for London Consolidated with Alterations from 2011) adopted in March 2016 establishes a housing target of at least 42,000 new homes per annum over the period

2015-25. However, the January 2014 ‘*London Strategic Housing Market Assessment*’ identifies a housing need of between 49,000 to 62,000 homes a year – producing an annual shortfall of between 7,000 and 20,000 homes.

- 8.23 There is thus a clear unmet housing need identified within London with the 2015 SHMA identifying a demonstrable link between commuting patterns and migration flows between Greater London and West Essex and East Hertfordshire. Evidence should be provided by the constituent HMA Authorities to demonstrate that they have positively and proactively engaged with the Greater London Authority under the Duty to Cooperate to establish whether any unmet OAN could be accommodated within West Essex and East Hertfordshire given the functional links that exist.

Duty to Cooperate Conclusion

- 8.24 The NPPF and PPG are clear that when Inspectors are considering whether a Local Authority has discharged their Duty to Cooperate obligations, they must consider whether such engagement has resulted in the delivery of effective and deliverable policies on strategic cross boundary matters. The evidence base acknowledges that EFD sits within an established HMA which collectively is unable to meet full, objectively assessed housing need. In addition, there is also unmet housing need originating in Greater London with which the HMA has an established economic and migratory relationship.
- 8.25 In respect of land to the west of Roydon at Temple Farm, these representations have clearly shown that the rejection of the site by the Council was fundamentally flawed due to the consideration of out-of-date information derived from the historic 2012 SHLAA. The EFDLP has not therefore soundly considered the potential of the site to accommodate development in any detail, with it being impossible at present to understand why the site has been excluded due to the appendices to the 2017 Report on Site Selection not being available. It is therefore considered that the Council has not satisfactorily demonstrated that additional housing could not be accommodated within the District to address unmet need derived from within the HMA and from Greater London.
- 8.26 At present, the EFDLP is not considered to be sound as it has not been positively prepared with an absence of effective and deliverable policies to address unmet housing need within the HMA. The evidence base does not justify why a higher housing delivery figure could not be accommodated within EFD and as the PPG advises:

*“The Duty to Cooperate requires Authorities to work effectively on strategic planning matters that cross their administrative boundaries. The Duty to Cooperate is not a duty to agree and Local Planning Authorities are not obliged to accept the unmet needs of other planning authorities **if they have robust evidence that this would be inconsistent with the policies set out in the National Planning Policy Framework**, for example policies on Green Belt, or other environmental constraints”* (para. 021, ref ID: 9-021-20140410).

9.0 Five Year Housing Land Supply

9.1 Para. 47 of the NPPF states that Local Authorities should “*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land*”. The PPG advises that “*the examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption ...*” (Para. 033, Ref ID: 3-033-20150327).

9.2 The Plan period runs for 22 years from 2011-33. Notwithstanding concerns raised elsewhere in these representations regarding the methodology underpinning the SHMA, if the EFDLP is adopted in its current form the Council would be required to deliver 11,400 new homes being 518 dpa x 22.

Five Year Housing Land Supply – Accumulated Shortfall

9.3 Over the first six years of the Plan period, the housing trajectory included at Appendix 1 of the December 2017 ‘*Housing Implementation Strategy*’ (HIS) confirms that the Council delivered the following:

2011/12 = 288 (- 230 shortfall)

2012/13 = 89 (- 429 shortfall)

2013/14 = 299 (- 219 shortfall)

2014/15 = 230 (- 288 shortfall)

2015/16 = 267 (- 251 shortfall)

2016/17 = 157 (- 361 shortfall)

Total = - 1,778 (2011-17 being six years)

9.4 Over the first six years of the Plan period, there was a shortfall in housing completions of – 1,778 units. The housing trajectory projects that this shortfall will increase by a further – 217 units during the monitoring year 2017/18 bringing the cumulative shortfall over the first seven years of the Plan to – 1,995. The PPG is clear that “*Local Planning Authorities should aim to deal with any undersupply within the first five years of the Plan period where possible (i.e. Sedgefield methodology). Where this cannot be met in the first five years, Local Planning Authorities will need to work with neighbouring authorities under the Duty to Cooperate*” (para. 035, ref ID: 3-035-20140306). The Council appear to acknowledge this by recognising that “*... there has been a need to recognise that the overall level of delivery in the early years of the Local Plan period has been less than the 518 new homes per annum needed to meet the housing requirement*” (EFDLP, para. 2.59).

9.5 To accord with the guidance set out in the PPG, the – 1,778 shortfall accrued over the first six years of the Plan period should be added to the five year housing land supply requirement

(518 x 5) to give a baseline housing requirement over the period 2017/22 of **4,368** (874 dpa). This will ensure that the Plan is positively prepared to ensure a five year housing land supply is reinstated following adoption of the Plan. The EFDLP has identified no infrastructure or environmental constraints to delivering this higher housing number during the years following adoption especially as this would involve the allocation of a greater number of small and medium sized sites which do not generally have the infrastructure and deliverability challenges of strategic-scale allocations such as those at Harlow.

Five Year Housing Land Supply – Applying Buffer

- 9.6 The NPPF states at para. 47 that to boost significantly the supply of housing Local Authorities should “... *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, Local Planning Authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land*”.
- 9.7 We consider that the application of a 20% buffer is justified based on the available information which demonstrates that the Council has not delivered sufficient housing to deliver 518 dpa over the first seven years of the Plan period. It should be remembered that the purpose of this 20% is to provide a more realistic prospect of achieving planned supply in a District which has consistently failed to do so during the first seven years of the Plan period.
- 9.8 Having regard to the PPG we therefore consider that it is appropriate to apply a 20% buffer to the five year housing land supply calculation due to evidence of a record of persistent under-delivery of housing. However, we will only apply this 20% buffer to the baseline 2,590 five year housing land supply target (518 x 5) and not the accumulated six year shortfall. The Council is therefore considered to have a five year housing land supply requirement as follows:
- 518 x 5 = 2,590 units over period 2017/18 to 2021/22;
 - 2,590 x 20% buffer = 3,108;
 - 3,108 plus accumulated shortfall of – 1,778 = 4,886;
 - Total 5 YHLS target = **4,886 (977 dpa)**.
- 9.9 The PPG advises that any accrued housing shortfall during the early part of the Plan period should be made-up as soon as possible within the first five years (Sedgefield methodology). This is for the simple reason that historic housing shortfall represents homes that should have been built and occupied to meet objectively assessed need and their failure of delivery is having immediate impacts on affordability, household formation, overcrowding and the ability of employers to fill vacancies.
- 9.10 The HIS explains that despite the advice in the PPG, the Council will argue that this shortfall should be spread over the Plan period due to the extent of Green Belt coverage across EFD

acting as a constraint to increasing housing delivery over the shorter term (Liverpool methodology). It is important to note that the Local Plan is the correct process for reviewing Green Belt boundaries and therefore the Council has an opportunity to identify additional small and medium scale sites that could be taken out of the Green Belt to proactively address historic under-supply. Land at Temple Farm, Roydon is an example of a sustainably located site that can accommodate new housing to be delivered in the next five years without impacting upon the purposes of the EFD Green Belt.

- 9.11 If the eventual Local Plan Inspector is minded to agree with the use of the Liverpool methodology, against the advice of the PPG, the five year housing land supply calculation would be as follows:

- $518 \times 5 = 2,590$ units;
- **1,778** shortfall from period 2011/16;
- **1,778** shortfall divided by remaining 16 years of the Plan period = 111 dpa (rounded);
- Total 5 YHLS target = $2,590 + 555 (111 \times 5) = 3,145$ plus 20% = **3,774**.

Five Year Housing Land Supply – Projected Completions

- 9.12 Projected housing completions are shown within the housing trajectory included in Appendix 2 of the December 2017 HIS. Over the next five year period 2017/18 to 2021/11, the Council considers that it can deliver the following new homes:

2017/18 = 301;
 2018/19 = 696;
 2019/20 = 636;
 2020/21 = 825;
 2021/22 = 1,028.

Total supply over the period 2017/22 = **3,486**.

Five Year Housing Land Supply – Position

- 9.13 As calculated above, the Council requires the delivery of either **4,886 (Sedgefield) or 3,774 (Liverpool) new homes** over the period 2017/18 to 2021/22 to ensure the reinstatement of a five year housing land supply in accordance with para. 47 of the NPPF. However, identified supply over the same period equates to a maximum 3,486 new homes. This results in a shortfall in housing land supply over the next five year period of either **– 1,400 or – 288** depending upon whether the Sedgefield or Liverpool methodology is used to calculate past shortfall.
- 9.14 The EFDLP is not currently in accordance with para. 47 of the NPPF as, following adoption, it would be unable to reinstate a five year housing land supply resulting in a shortfall of between

– 288 (4.6 years) or – 1,400 homes (3.6 years). This shortfall is evident without even interrogating the assumptions underpinning the Council’s projected completion data which have been expanded upon in more detail in Section 6.0 of these representations and include:

- Significant new homes being projected to come forward on land adjacent to Harlow from as early as 2021/22 despite strategic highway improvements necessary to support such growth either not being committed or expected to be completed much later than the projected housing;
- The cumulative number of new homes being projected to come forward on land adjacent to Harlow and whether the market can accommodate up to 400 new homes per annum in one location plus houses being delivered elsewhere within and adjacent to Harlow outside EFD;
- The ability for numerous sites currently in public sector use to be delivered within the next five year period due to challenges surrounding extant uses, service relocation, procurement issues, resourcing issues and eventual disposal common to public sector land and assets;
- The over-reliance on housing delivery from larger-scale, strategic allocations, including on land surrounding Harlow, when average completion levels over the past six years have equated to 222 dpa compared to the projected 697 dpa over the next five years which will require supply coming from a diverse range of small, medium and large sites.

- 9.15 We have demonstrated elsewhere in these representations that there are alternative sites, such as land to the west of Roydon at Temple Farm, which are small / medium sized in scale, able to be delivered within five years following adoption of the Plan and have yet to be properly assessed for allocation within the evidence base underpinning the EFDLP.
- 9.16 However, if the Council consider they are unable to reinstate a five year housing land supply following adoption of the Plan due to, for example, Green Belt sensitivity issues, the PPG is clear that *“where this cannot be met in the first five years, Local Planning Authorities will need to work with neighbouring authorities under the Duty to Cooperate”*. The Council have provided no evidence to date to demonstrate that they have sought to engage with other Authorities, both within and outside the HMA, to discuss the possibility of them accommodating unmet need arising from EFDC during the early to middle part of the new Local Plan period to ensure a five year housing land supply is maintained. The emerging Plan cannot therefore be considered to satisfy the ‘positively prepared’ or ‘justified’ test of soundness as set out in para. 182 of the NPPF.